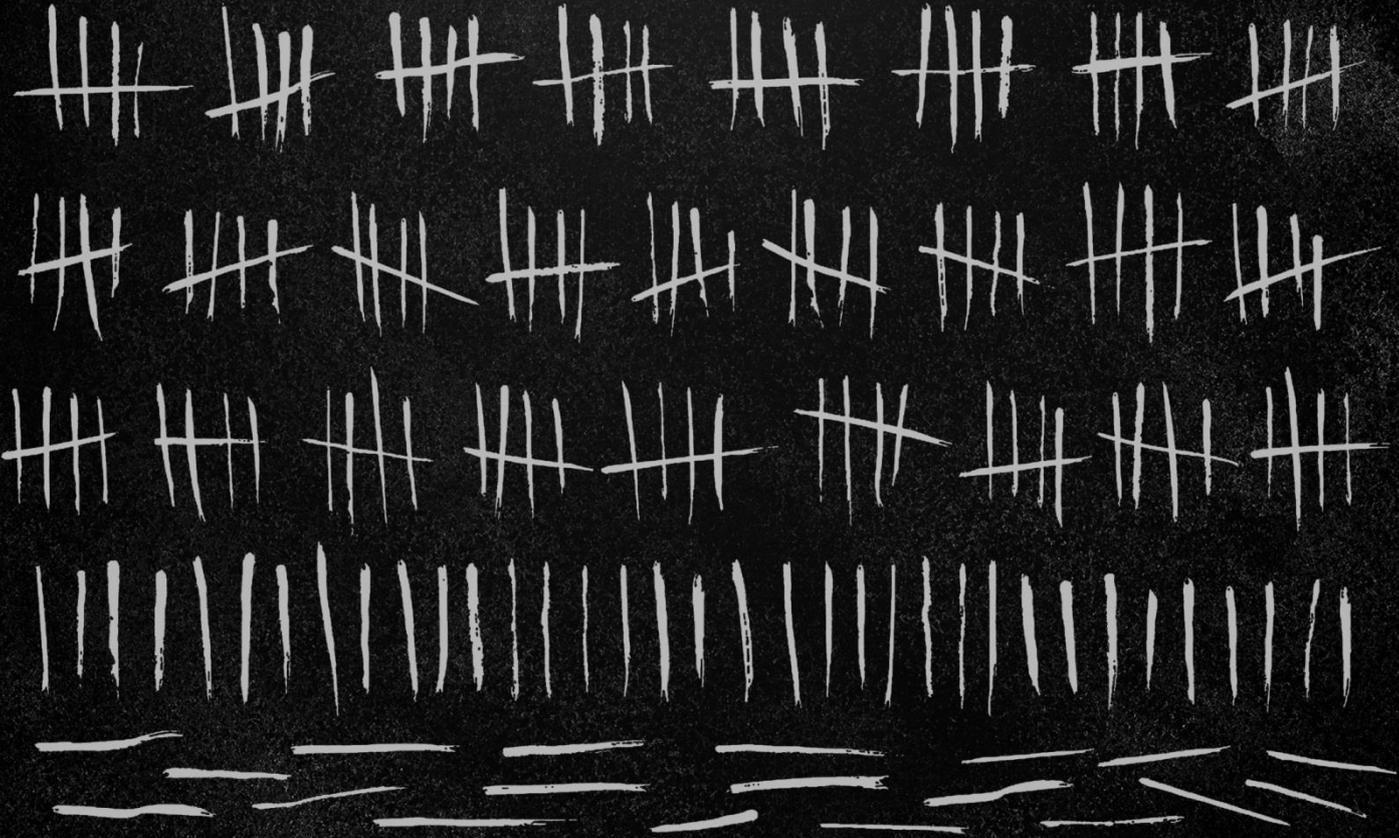
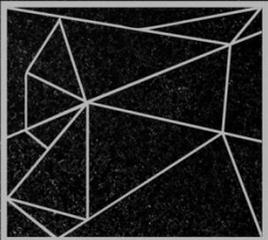


The Present Absentees...
We Will not Stop Searching nor Will We Lose Hope



30 Aug 2023

سوريون
من أجل
الحقيقة
والعدالة
Syrians
For Truth
& Justice



The Present Absentees... We Will not Stop Searching nor Will We Lose Hope

Revealing the fate and whereabouts of all the forcibly disappeared persons is the path to sustainable peace in Syria, a way to achieve transitional justice, and a means of reparation and remedy



Background:

More than twelve years after the outbreak of protests and the subsequent armed conflict in Syria, Syrians are still suffering from the practice of enforced disappearance committed by all the authorities as a means of intimidating their opponents, in light of the absence of the rule of law and the spread of impunity. This crime was not only committed against Syrians after the 2011 uprising but was extensively used by successive Syrian governments to impose full control over all aspects of public life and citizens. Arbitrary detention and enforced disappearance associated with it were also one of the root causes, motives, and reasons for the continuation of the conflict. These violations were among the main grievances that sparked the protests in 2011 which called for the release of political detainees as one of the main demands of the movement.

According to the Human Rights Committee¹ enforced disappearance constitutes a unique and integrated series of acts and omissions representing a grave threat to life. The deprivation of liberty, followed by a refusal to acknowledge that deprivation of liberty or by concealment of the fate of the disappeared person, in effect removes that person from the protection of the law and places his or her life at serious and constant risk, for which the State is accountable. It thus results in a violation of the right to life as well as other rights recognized in the Covenant (in particular, Article 7 on the prohibition of torture or cruel, inhuman, or degrading treatment or punishment, Article 9 on liberty and security of person, and Article 16 on the right to recognition as a person before the law).

The Human Rights Committee also states that States must take adequate measures to prevent the enforced disappearance of individuals and conduct an effective and speedy inquiry to establish the fate and whereabouts of persons who may have been subject to enforced disappearance. Moreover, States should ensure that the enforced disappearance of persons is punished with appropriate criminal sanctions and introduce prompt and effective procedures for cases of disappearance to be investigated thoroughly by independent and impartial bodies that operate, as a rule, within the ordinary criminal justice system. They should bring to justice the perpetrators of such acts and omissions and ensure that victims of enforced disappearance and their relatives are informed about the outcome of the investigation and are provided with full reparation. States should also provide families of victims of disappeared persons with the means to regularize their legal status in relation to the disappeared persons after an appropriate period.

During the past years of conflict and violence in Syria, only little progress has been made –at the international level– in the file of the forcibly disappeared. Moreover, families are still struggling to know the fate and whereabouts of their loved ones. Recently, in June, the United Nations General Assembly adopted a historic resolution to establish an independent international institution concerned with missing persons in Syria² to reveal the fate of the disappeared and their whereabouts and to support the right of the families to know the truth. This decision was a culmination of the efforts of victims' groups (VGs) and civil society

¹ International Covenant on Civil and Political Rights. General comment No. 36. CCPR/C/GC/36. Art. 58. 3 September 2019. Accessed on 27 August 2023. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/261/15/PDF/G1926115.pdf?OpenElement>

² United Nations General Assembly. A/RES/77/30 on 5 July 2023. Accessed on 27 August 2023. <https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F77%2F30&Language=E&DeviceType=Desktop&LangRequested=False>





organizations (CSOs) that worked diligently to urge the member states of the United Nations (UN) to vote in favor of establishing the Independent Institution.³

It is worth mentioning that Syria has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance.⁴ Furthermore, Syrian law does not include any explicit reference to enforced disappearance. However, the first paragraph of Article No. 33 of the Syrian Constitution states that **“Freedom shall be a sacred right and the state shall guarantee the personal freedom of citizens and preserve their dignity and security”**.⁵

On the other hand, the Syrian government has established bodies with authority to deal with the issue of missing persons, in particular the Office on Missing Persons of the Ministry of Justice, the General Committee for Forensic Medicine, the Syrian Identification Centre, and the Directorate for Martyrs and Wounded and Missing People, which provides support and services to families of soldiers and members of the security forces. The government is intentionally prolonging the suffering of tens of thousands of families of those forcibly disappeared. Rather than investigate the crimes committed in its detention facilities, the government continues to withhold information. This has had, and continues to have, a devastating impact on families.⁶

Syrians for Truth and Justice (STJ) has published several reports on enforced disappearances and missing persons in Syria. The latest report was an “Input to the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances’ Joint Statement on the Notion of Short-Term Enforced Disappearance” which presented the contexts of its occurrence, its legal framework, and the practices that may lead to it.⁷

In this report, STJ seeks to shed light on the suffering of Syrians whose loved ones are subjected to the crime of enforced disappearance. It also focuses on understanding what the families of the victims are hoping to achieve through the new Independent Institution on Missing Persons in Syria.

For this purpose, STJ interviewed **21** family members/victims of enforced disappearance, most of whom are still deprived of their right to know the truth about the fate of their relatives. STJ emphasizes that this number is only a very small part of the cases spread all over Syria, and it is only an attempt to shed light on the families’ suffering and hope.

³ Civil Society Organizations Urge UN Member States to Vote in Favor of Independent Institution on Missing Persons in Syria. Syrians for Truth and Justice. 25 June 2023. Accessed on 27 August 2023. <https://stj-sy.org/en/civil-society-organizations-urge-un-member-states-to-vote-in-favor-of-independent-institution-on-missing-persons-in-syria/>

⁴ International Convention for the Protection of All Persons from Enforced Disappearance. United Nations. Accessed on 27 August 2023. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>

⁵ The Syrian Constitution. Decree No. 94 of 2012. Syrian e-Gov Web Portal. Accessed on 27 August 2023. <https://egov.sy/page/en/137/0/Constitution.html>

⁶ United Nations General Assembly. A/HRC/46/55 on 11 March 2021. Accessed on 27 August 2023. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/059/73/PDF/G2105973.pdf?OpenElement>

⁷ Syria: Input to the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances’ Joint Statement on the Notion of Short-Term Enforced Disappearance. Syrians for Truth and Justice. 24 July 2023. Accessed on 27 August 2023. <https://stj-sy.org/en/syria-input-to-the-committee-on-enforced-disappearances-and-the-working-group-on-enforced-or-involuntary-disappearances-joint-statement-on-the-notion-of-short-term-enforced-disappearance/>





In order to reflect the reality as closely as possible, STJ interviewed the families of victims who had disappeared in various Syrian regions: 5 disappeared in the areas controlled by the Syrian government, 4 in the areas of the Autonomous Administration of North and East Syria (AANES), 3 in the areas of the Islamic State of Iraq and the Levant (ISIS), 2 in the areas controlled by Hayat Tahrir al-Sham (HTS)/Jabhat al-Nusra (al-Nusra), and 2 were subjected to enforced disappearance by the Syrian National Army/opposition (SNA) controlled by Turkey. Finally, STJ spoke to 5 families who did not know for sure who was behind the disappearance of their beloved ones.

STJ conducted interviews with the families of the victims residing inside Syria, in the period between late June 2023 and mid-August 2023. While five of them were interviewed in person, the rest were met remotely via the internet using secure and encrypted methods.

Also, STJ devoted part of the report to the opinion of its legal expert who spoke about the most important tasks that the new independent institution should focus on, explained the importance of effective participation of the victims and families of the disappeared, and mentioned the challenges that might hinder the institution's work.

Finally, due to the sensitivity of this case and the witnesses' fear of revealing their identity, the real names were replaced with pseudonyms. Moreover, STJ did not include any details that might expose victims and families to danger.

Arbitrary Detention is a Paved Way to Enforced Disappearance:

The number of disappearances in the Syrian conflict is estimated at tens of thousands. The government has been responsible for the vast majority of them. People who are detained by the government or other non-state parties are routinely subjected to enforced disappearance or held incommunicado, with families unable to get information about their whereabouts. Moreover, evidence indicates that the government (and other parties) accurately registers its detainees, but instead of investigating crimes committed in detention facilities, it continues to withhold information from family members, which leads to prolonging the suffering of families, especially those headed by women.⁸ The Independent International Commission of Inquiry on the Syrian Arab Republic (CoI) states that "Given the extent of enforced disappearances in the Syrian Arab Republic, the issues of detainees represent a national trauma that will affect Syrian society for decades to come".⁹ The disappeared and their families are exposed to violations of international humanitarian law and human rights. Very few have actual access to official detention facilities, and no one has access to unofficial or secret detention centers where many cases of enforced disappearance occur.

According to the witnesses/victims interviewed by STJ, when someone is arrested, families suffer trying to know where they are taken, especially because the arrest in itself is arbitrary. STJ believes that the most prominent reason behind this is that security services (whether affiliated with the Syrian government or non-state parties) exercise the power of arrest

⁸ Syria's Missing and Disappeared: Is There a Way Forward? The Independent International Commission of Inquiry on the Syrian Arab Republic. 17 June 2022. Accessed on 27 August 2023. https://www.ohchr.org/sites/default/files/2022-06/PolicyPaperSyriasMissingAndDisappeared_17June2022_EN.pdf

⁹ United Nations General Assembly. A/HRC/46/55 on 11 March 2021. Accessed on 27 August 2023. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/059/73/PDF/G2105973.pdf?OpenElement>





without due legal process, as arrests take place without a legal warrant or a legal basis to justify the deprivation of liberty.

In August 2022, “Abdullah” from Idlib governorate, was subjected to enforced disappearance by HTS, which lasted for around two months. He told STJ that:

“Members of HTS arrested me at the Sarmada checkpoint and took me to an unknown destination. They asked if I had any relations with the Syrian regime, the Global Coalition against Daesh, ISIS, or the SNA. They accused me of collaborating with all parties at once, as if I had to choose a party to be its agent to stop the torture. They also interrogated my wife for 24 hours. When my family went to the court affiliated with HTS to ask about me, they were told that no arrest warrant was issued against me. When they went to the offices of the security services, my presence was completely denied. Then, after two and a half months, my family was informed that I would be tried in court after a few days. Later, the judge listened to my statement and released me after signing a paper pledging not to criticize the commission or incite against it”.

In 2014, “Muhammad” from Raqqa governorate, was also subjected to enforced disappearance by the Syrian government. According to his brother, Muhammad was arrested by the al-Sitteen checkpoint (60th checkpoint) in the city of Homs. One of the people who were with the victim told Muhamad’s brother that the members of the checkpoints said **“Muhammad, we have been waiting for you since the morning”**. After nine years, Muhammad’s family still does not know anything about his fate, despite its attempts to find him in several security branches affiliated with the Syrian government, such as the Palestine Branch, Sednaya Military Prison, and the Military Police Branch in the Qaboun neighborhood in Damascus. The detainee’s family heard that he was in Sednaya Prison, but they had no proof of his condition or any details about his charges. Muhammad’s brother narrated:

“Five years ago, we met a young man who saw my brother in Sednaya Prison. He informed us that Muhammad’s health condition was good and that he was accused of committing terrorist acts, which is a charge leveled against all those arrested for being associated with the opposition. My brother has been working in Lebanon since 2000, and he came to Syria to spend a vacation with his family”.

“Karam” from Raqqa governorate, was also residing outside Syria (in Qatar) and disappeared during one of his visits in 2014. STJ interviewed his son:

“We asked about my father in all regions and searched most of the prisons and security points of ISIS. Also, we checked all the areas that he used to visit. However, we did not find any information. Later, we heard from a source that my father was being held by ISIS in a prison in Raqqa and that he was later moved between different prisons. Practically, we are not sure of anything, and we do not understand the reason for his arrest while he does not even live in Syria”.

The enforced disappearance is associated with unlawful arrest. Mainly, because of the lack of necessary oversight and coordination between the security services (of the government or other parties), and as a result of the latter’s impunity and non-compliance with the laws. Moreover, detainees are usually transferred between different facilities which are difficult to track as families are not informed of these changes. Further, detainees do not have lawyers to defend their rights and know their whereabouts, especially that many detention facilities





are secret prisons. In many cases documented by STJ, detainees were transferred between several detention facilities without informing the family or allowing the detainee to communicate with their relatives which led to their disappearance.

In 2019, “Haval” from Ras al-Ain/Sri Kane, was one of the victims of enforced disappearance committed by the Syrian Democratic Forces (SDF). He moved between several detention facilities. His wife narrated:

“After the attack of the Turkish Forces and the SNA on the city of Ras al-Ain in October 2019, we were displaced like the majority of the city's residents. We went to the city of al-Hasakah where we lived in a house with four families. Days after our displacement, my husband returned –without his brother's knowledge– to the areas of clashes in an attempt to help one of our acquaintances return to Ras al-Ain. On his way back, a patrol of the People's Defense Units (YPG) arrested him. We searched for my husband and asked our acquaintances from leaders and members of SDF and AANES. We learned that he was transferred to Qamishli and to Derik in later periods. About two years later, we met a leader of the SDF in al-Hasakah countryside to ask for help. We were promised to follow up on my husband's case and to release him. Then we heard that Haval was being held by the National Security Bureau, but the latter denied that at first, then admitted it without disclosing the charges. My husband does not belong to any political party. A year and a half ago we heard that he had been transferred to a prison in the city of Qamishli. Then in August 2023, we learned that he was transferred to a prison in Derik”.

In addition, it is worth noting that enforced disappearance in Syria also affects those who are referred by the Public Prosecution to the Terrorism Court (established by the Syrian state by Law No. 22 of 2012).¹⁰ They remain for long months or years in the cellars of the security services in a violation of Legislative Decree No. 55 of 2011¹¹ which stipulates that the period of custody of the suspect should not exceed seven days, subject to renewal, provided that the period of detention does not exceed sixty days.¹²

“Omar” from Raqqa governorate, disappeared in 2014 by the Syrian government forces. The victim's brother told STJ the following:

“My brother was arrested in a hotel in Damascus. Two years after his disappearance, a young man from Aleppo visited us and said that he had met Omar while they were being transferred from the State Security Branch to the Terrorism Court in Damascus after a long wait for their transfer. We asked about Omar everywhere, in the State Security Branch and the Military Police Branch in the Qaboun neighborhood of Damascus but we were unable to know anything about his whereabouts. We did not know if he was alive or dead but two years ago, we were able to obtain an ‘individual status record’ for him, which gave us hope that he was alive”.

¹⁰ Law No. 22 of 2012. The website of the Syrian Parliament. Accessed on 25 August 2023.

<http://www.parliament.gov.sy/arabic/index.php?node=201&nid=4304&ref=tree&>

¹¹ Law No. 55 of 2011. The website of the Syrian Parliament. Accessed on 25 August 2023.

<http://www.parliament.gov.sy/arabic/index.php?node=201&nid=4443&ref=tree>

¹² Counter-Terrorism Court in Syria: a Tool for War Crimes. April 2015. Accessed on 25 August 2023.

<https://www.vdc-sy.info/index.php/en/reports/1430186775>





Enforced Disappearance may Occur at any Stage of Detention:

Several families shared their inability to feel secure that they would not lose their detained relatives even if they knew where they were being held. The reason behind this is that many families knew the location of the detainees at first, but they soon lost them without any trace.

STJ spoke to the brother of “Ahmed” from Raqqa governorate, who was subjected to enforced disappearance in 2015 by the Syrian government forces. He said:

“In March 2015, while my brother was transporting a load of cotton to the city of Latakia, he and others were stopped at a military checkpoint known as the al-Asdiqaa (friends) checkpoint, one kilometer before al-Khanasir town. The men were accused of transporting members and weapons for ISIS. My brother was arrested along with six other men. Later, we learned that they were detained by the National Defense Forces in al-Mazzeh neighborhood in Damascus, then they were transferred to the Military Police Branch in the Qaboun neighborhood. After four months, a mediator helped me to meet unofficially with my brother for ten minutes, and we were not allowed to talk about anything but the family and relatives. Later, my brother was transferred to Sednaya Military Prison, where I visited him officially in March 2016. He was in good health”.

The witness added that despite his frequent visits to the Military Police and the Military Judiciary of the Syrian government in Damascus, no one informed him of the charge against his brother. He said that some influential “brokers” told him that his brother had been sentenced to life imprisonment, but there was no proof of that. The witness added:

“I used to visit the Military Judiciary and the Military Police every six months hoping to obtain any information about my brother and aiming to apply for a permission to visit him, but they always had excuses; They sometimes asked me to report to the Military Security or the National Office, or they claimed that they did not have a detainee with that name. Sometimes they ordered me not to ask about my brother again. In one of my visits to the Military Police Branch in the Qaboun neighborhood, they told me that my brother had died and that I had to go to Tishreen Military Hospital. However, these were all allegations without evidence”.

“Hazem” from Raqqa governorate, was a sheep farmer. He disappeared by ISIS in 2014, according to the testimony of the victim’s brother:

“My brother was arrested by ISIS members who took him and his car before the eyes of his wife and children. We did not know his whereabouts or why he was arrested. Whenever we asked, no one admitted his detention, or they started making up different stories. Sometimes they said that he was collaborating with the Syrian regime, and at other times they said that he was working with the Free Syrian Army (FSA). They also claimed that he was an agent of AANES. They had no proof of any of these accusations. Later, I learned that my brother was transferred to one of the security locations in the city of Raqqa and moved between several prisons of ISIS there. Every time we heard about the potential location of my brother, we went there asking, but in vain. We heard many rumors about my brother's whereabouts from people we did not know because they were always masked and scared of being exposed. On one of these occasions, an ISIS member visited us saying that he met my brother in Sad al-Furat Prison (the Euphrates Dam Prison) in the city of Tabqa, and





that my brother asked him to inform us of his whereabouts for the sake of our sick mother. In 2015, we learned from one of the sources that ISIS had sentenced Hazem to ten years in prison and to release him, he needed the recommendation of someone from ISIS. Since then, we have not heard anything about the fate of my brother”.

No One in Syria is Exempt from the Risk of Enforced Disappearance:

The Syrian government and other parties to the conflict do not hesitate to arrest anyone they suspect poses a threat to them or belongs to their opposition, and detain people based on malicious reports or illegal reasons. It does not matter if a detainee is sick, minor, or old.

“Rawad” from al-Hasakah governorate and residing in Qamishli, disappeared in 2015 and his family does not know anything about his fate until now. STJ spoke with Rawad's brother, who told us that Rawad suffered from schizophrenia, and that he sometimes lost his balance and logical judgment and tried to leave the house alone, until the day came when he left and did not return.

“When we noticed the deterioration of my brother’s condition, we took him to the doctor who prescribed medicine that calmed him down. Unfortunately, in 2015, we suffered from the lack of medicines in the country. We were unable to find it in Syria or to secure a replacement from neighboring countries. Therefore, Rawad’s health deteriorated again. One night, my brother sneaked out of the house and traveled from Qamishli to Damascus. We realized that after we lost hope of finding him in the city’s hospitals. We went to the bus station and asked the drivers if they saw my brother. One of them recognized him and told us that he got off the bus in al-Abbasiyyin Square in Damascus when the bus stopped at a checkpoint. He added that the passengers got off the bus until the inspection was over and he did not realize that my brother did not get on the bus again. Rawad’s ID card remained with the driver. Next morning, my father traveled to Damascus and reported my brother’s disappearance to the al-Abbasiyyin police station. He noticed a large deployment of the Syrian army at checkpoints in and around Damascus and he was sure that no one could walk there without passing a checkpoint, so it was most likely that Rawad was arrested in one of the regime’s detention centers. Since then, we have been asking about my brother in the security branches trying to find information about his whereabouts through brokers, but to no avail. My brother is sick. He did not support or belong to any political party, nor did he interfere in any political activity”.

The situation is not better for those who concluded a “security settlement” with the Syrian government, which is supposed to mean that the charges against them are dropped, and they are no longer wanted by the authorities. It is like a green card that allows them to resume their normal lives. However, some of the families that we interviewed expressed their lack of confidence in the government not to detain and forcibly conceal persons who make this settlement. STJ spoke with one of the relatives of “Raed” who narrated:

“Raed was a physics teacher. In 2013, when the Syrian opposition took control of Jeroud, Raed was informed that he was wanted by the Air Force Branch. In 2016, he was dismissed from his job and his salary was suspended. After the Syrian government took control of Jeroud in April 2018, Raed reconciled with the security branches in the reconciliation tent settled at the entrance of the city. In the presence of several intelligence officers representing the security branches, he was told that





he had been wanted only to talk about his relative who worked for al-Nusra and that there were no charges against him. They confirmed that this settlement should drop all the charges. Raed started preparing himself to return to work. He went to the security branches over a period of six months, and answered all the questions that were asked until he got a paper that he could get his job back. He submitted this permission to the Ministry of Education”.

The witness added:

“When Raed tried to obtain a travel passport, he was arrested in the Immigration and Passports Department in Damascus, and he was taken to an unknown destination. We tried to find out his whereabouts until we learned that he was initially detained in the Information Branch and then handed over to the Foreign Security Branch. Also, we heard from one of the released detainees that he was in Sednaya Prison and his health condition was very bad”.

Raed’s family was unable to communicate with the victim or to know his health condition after all the rumors that they heard.

According to what the witnesses/victims said, anyone can be arrested for malicious, personal, or retaliatory reasons, regardless of who is carrying out the arrest. Moreover, the search for the truth can put the whole family in great danger.

For example, the victim “Hamad” disappeared after witnessing a theft committed by members of the Sultan Murad faction (affiliated with the SNA). Hamad is from the Afrin region in Aleppo countryside and was last seen in early 2021. According to his brother:

“Several armed masked men, driving cars without a license plate, stormed my brother’s workplace in Afrin. They called him by name then took him to an unknown destination. We believe that the kidnappers are members of the Sultan Murad faction because my brother had quarreled with them one week before his disappearance. He saw them stealing pyrene¹³ from his workplace. We heard many stories about Hamad’s location including that he was in a prison in the town of Kafr Jannah in the countryside of Aleppo, and that he was in al-Maasara Prison in the countryside of Azaz. Also, other sources said that he was being held by Turkish intelligence. Until today, we are uncertain about his whereabouts”.

The Recruitment and Enforced Disappearance of Minors:

During the years of conflict, enforced disappearance was not limited to adults. In fact, many (male and female) minors disappeared. This was mainly associated with child recruitment which was practiced by all parties to the conflict¹⁴ and recently spread in northeastern Syria.¹⁵

¹³ Pyrene: a flammable substance.

¹⁴ Syria’s Warring Parties Continue to Use Child Soldiers in 2018. Syrians for Truth and Justice. 11 February 2019. Accessed on 28 August 2023. <https://stj-sy.org/en/1180/>

¹⁵ Northeastern Syria: Complaints about Child Soldiers Falling on the Autonomous Administration’s Deaf Ears. Syrians for Truth and Justice. 13 January 2022. Accessed on 28 August 2023. <https://stj->





Among the families interviewed by the STJ was the mother of “Rawan” from al-Hasakah governorate (born in 2006), who was recruited in 2018 by the Revolutionary Youth of the AANES. The mother narrated:

“My daughter left the house one afternoon and did not return. We searched for her everywhere until we learned that she was meeting some members of the Revolutionary Youth in the neighborhood. We visited all the military centers of the SDF, the center of the Revolutionary Youth in Qamishli, al-Hasakah, and Derik, and the recruitment centers of the Self-Defense forces. However, no one acknowledged her presence. Five years later, my son was stopped at a checkpoint because he had to follow the Self-Defense Duty. So, I went to the recruitment center in al-Hasakah governorate, and there I was told that my son could postpone his recruitment because his sister was a member of the Women's Protection Units. Moreover, this was confirmed by the public relations office of the SDF. I hope I can communicate with my daughter, hear her voice, and know she is fine”.

Moreover, STJ interviewed the father of “Amer” from Qamishli (born in 2004), who was also recruited in 2018 by the Revolutionary Youth, and his family did not know anything about his fate until the time of preparing the report. The victim's father said:

“I had a fight with Amer, and he left the house. I tried to follow the taxi that he took but I was not able to reach him on time. I saw the taxi driver alone in the car and I asked him about my son. He said that he had dropped him off in front of the recruitment division of the AANES in the western neighborhood of the city. I asked about Amer in the division, and their answer was that they refused to accept him due to his young age and that he went to the nearby office of Asayish. I went to the latter, but they told me that my son went to the Asayish office in the al-Sinaa neighborhood. I did not hear anything about my son after that”.

Amer's father recounted that he visited the “Revolutionary Youth” in the city of Qamishli several times, but he did not find his son there:

“We searched for him for six days. I met members of the same group and told them that my son is young and sick. I asked them to return him and take the older one instead, but to no avail. On the sixth day, my son called us using a Syrian number and said that he was going to participate in a course for six months. His mother tried to persuade him to come back but he ended the call. We tried to contact him dozens of times and after about an hour a stranger answered and warned us not to call again”.

In another case, STJ spoke with the mother of “Lawand” from al-Hasakah governorate (born in 1999). Lawand joined the YPG when he was 13 years old and then was subjected to disappearance in 2015:

“My son disappeared in a battle between the YPG and ISIS. In this battle, several members of the YPG were killed in the western countryside of Ras al-Ain. However, the YPG did not find any evidence related to the disappearance of my son. He was sixteen at the time. A year and a half after Lawand's disappearance, the YPG declared him a martyr. Nevertheless, we are still waiting for my son's return because we did not find his body, we did not bury him, and there is no evidence to prove that he was killed. In fact, we have received conflicting news from multiple sources over the years.

sy.org/en/northeastern-syria-complaints-about-child-soldiers-falling-on-the-autonomous-administrations-deaf-ears/





Some said that he was in Sednaya Prison held by the regime, others said that he was in a Turkish prison, and one of the sources informed us that he was captured in the battle with nine other members by ISIS and that he was imprisoned in Raqqa. I do not know the truth. I do not know if my little boy is alive”.

The Hardest Part is Unknowing if They are Alive:

Flaws in the Syrian legal and institutional framework create additional challenges for the relatives of missing persons to the search for and discovery of the fate and whereabouts of their loved ones and to the demand for accountability, such as legislation granting immunity to law enforcement officers (like decrees No. 14 of 1969 and No. 64 of 2008) and the review of the legality of the deprivation of liberty of those detained by government officials within proceedings without judicial guarantees.

Moreover, the recently adopted Legislative Decree No. 7 of 2022 on amnesty for terrorism-related crimes¹⁶ illustrates some of the institutional weaknesses. The Decree had resulted in the release of a few hundred detainees, even though no lists had been provided, and reportedly led to the release of persons who had previously been the subject of death notifications communicated to their families.¹⁷

In the interviews with victims’ families, many stated that the worst thing about disappearances was the **uncertainty** of whether their loved ones were alive. STJ spoke with the wife of “Abed” from Raqqa governorate, who was subjected to enforced disappearance in 2013:

“My husband was arrested in one of the headquarters of al-Nusra where he went to ask about his detained friend. Since that day we have lost track of him. We asked al-Nusra, Ahrar al-Sham, and ISIS, but everyone denied his arrest. Three years ago, we read his name in a list that was published on a Facebook page. The post said that he was field executed by the Syrian regime forces. We also heard that he was imprisoned by the regime after al-Nusra handed him over. There was no evidence or proof that he was killed. Today, we do not know for sure if he is alive or dead. The only thing that we can do is wait”.

In a similar context, “Adnan” from Raqqa governorate, was disappeared by ISIS. STJ talked to his brother who narrated:

“My brother was against the ideology of ISIS, and he always expressed this opinion. ISIS tried to convince him to join the group but he refused, which had resulted in his frequent arrest. In September 2016, ISIS members arrested Adnan then he disappeared. After fifteen days, members of ISIS police (Hisbah) visited me and said that my brother had been executed. When I heard the news, I could not help myself

¹⁶ Legislative Decree No. 7 of 2022. The website of the Syrian Parliament. Accessed on 28 August 2023.

<http://www.parliament.gov.sy/arabic/index.php?node=5516&cat=22968&>

¹⁷ United Nations, General Assembly. A/76/890 on 02 August 2022.

<https://undocs.org/Home/Mobile?FinalSymbol=A%2F76%2F890&Language=E&DeviceType=Desktop&LangRequested=False>





and I fell to the ground unable to understand what they said. When I asked them about the reason, they claimed that Adnan was collaborating with the Syrian regime, the Global Coalition against Daesh, and the Peshmerga. We were not allowed to set up a funeral for him. I went to ISIS Bureau of Justice and Grievances several times demanding any evidence of the execution of the death sentence, but they did not comfort my heart with any proof confirming his life or death”.

The brother added:

“All the charges against my brother were inconceivable. My brother was a teacher who used to spend his days between school, mosque, and house. My father was afraid that if I continued with the visits and questions, they would arrest me as well. In my heart I still believe that my brother is not executed and that he is alive. We did not see his execution, they did not give us his belongings or his identity card, and we did not receive any proof of his death”.

Moreover, STJ interviewed the sister of “Tariq” from al-Hasakah governorate. He disappeared in 2019 during the Turkish invasion of the city of Ras al-Ain/Sri Kane.

“The last thing my brother said to me was that he went to the city of Tell Abyad. Later, I learned that Tell Abyad was occupied, and my brother disappeared. Two years later, the SDF informed us that Tariq was killed along with others in the Turkish air strikes on the countryside of Ras al-Ain. We do not believe that my brother was killed but we think he was arrested by the SNA”.

“Salman” from Ras al-Ain/Sri Kane, also disappeared in 2019 during the Turkish invasion of the city. According to the victim's brother:

“The last contact I had with my brother was three days after the Turkish attack. He told me that he would stay in his house on the road to al-Hasakah and would not leave it unless he felt great danger. Seven days after the beginning of the attack, a stranger called me claiming that he was from the FSA and that Salman was detained by him. He said that my brother was being tortured and demanded one hundred thousand dollars for his release. I asked for an audio or video recording of my brother, but it turned out later that the stranger contacted my sister, my brother, and several other contacts on Salman's phone asking for money. We learned through one of the mediations that the stranger found my brother's phone and his motorcycle in al-Sinaa neighborhood in Ras al-Ain, but he did not have my brother. He was taking advantage of Salman's disappearance to take our money. Our suffering continued. About a year after his disappearance, we learned that my brother was seen near Ras al-Ain crossing as members of the SNA factions handed him over to the Turkish army in order to transfer him to Turkey. Salman was blindfolded and injured in one of his feet”.

The witness added:

“One year ago, I was visited by two of my brother's friends who used to live next to him. They told me that they were with my brother on the third day of the Turkish attack, when he received a call from a member of the FSA asking him to go to al-Sinaa neighborhood, which was under their control at the time, to get his shop's equipment out of there. My brother went to the neighborhood despite his friends' objections and their fear that it might be a trap. Then they were not able to reach him anymore. This





is the last thing we know about Salman. Today we have no clue whether he is alive or not”.

We Waited but They Did not Return:

Victims of enforced disappearance are not limited to persons who are forcibly disappeared, but also their families. Families of disappeared persons suffer from unknowing what happened to their sons and daughters, their place of detention, or how they are being treated. They live in the pain of waiting as a result of not knowing what happened. In many cases of enforced disappearance, victims disappear when they are alone and therefore, their families cannot understand what exactly happened, where the victim disappeared, and the reason behind their disappearance. Complete blindness leaves the families of the victims in complete darkness.

“Murad” from Hama governorate was one of the victims subjected to enforced disappearance in 2015, and his family does not know who arrested him. According to the victim's brother:

“My brother worked as a journalist for one of the opposition factions. In the summer of 2015, he disappeared in the Jisr al-Shughur area, which was under the control of HTS and the Turkistan Islamic Party (TIP). We did not know who was behind his disappearance, but my brother previously told me that he had received threats because he published criticism of the HTS and the TIP on his Facebook account. We asked about Murad at several security branches of the HTS and the TIP. We also paid money to many mediators and influential people to obtain information about him, but to no avail. In 2021, I heard that Murad was being held in a prison of HTS in Idlib governorate. My brother has two daughters who did not enjoy the presence of a father and lived a life of deprivation and misery since his absence. Their suffering continued daily during the past eight years”.

“Hamed” from al-Hasakah governorate, was subjected to enforced disappearance in 2017 while he was on his way home after attending a funeral ceremony in the village of Mezre in al-Hasakah. The victim's wife spoke about this to STJ:

“Hamed left the funeral around 04:00 pm returning to his house but he disappeared on the way. One of the residents of our village noticed that my husband's car was parked suspiciously in the road between our village and the village of Mezre, so he informed my brother. When we went to check the car, we found a vehicle of the Asayish forces there and one of its members started Hamid's car. Since then, we believe that my husband was arrested by the AANES, the Anti-Terrorism Force in particular, because they arrested him in 2016 for a period of 17 days and did not acknowledge it. We searched for Hamed everywhere; We went to all security branches of the AANES including the Asayish institutions in the cities of Qamishli, Derik, and Amuda, as well as Jerkin Prison, Alaya Prison, and other detention centers. I also met one of the leaders of the Democratic Union Party who promised to reveal the fate of my husband, but he did not. Until now we do not know where Hamed is, what happened to him, or who took him from us on his way home”.





How Can the Independent Institution on Missing Persons Help Victims of Enforced Disappearance?

The decision to establish the Independent Institution on Missing Persons in Syria stipulates that the latter shall ensure the full and meaningful participation and representation of victims, survivors, and the families of missing persons and that it shall engage with women's organizations and other CSOs in a regular and sustained manner. Also, the Institution shall apply a victim- and survivor-centered approach, shall be inclusive of families, shall be guided by the principles of independence, impartiality, and non-discrimination.

STJ realizes the importance of the right to truth, the participation of victims and families, and the need for the Institution to work in a way that guarantees the role of the families in designing and implementing measures related to the search for victims, as well as to consider the families' needs to access justice, hold perpetrators accountable, and acknowledge and redress victims' suffering. Therefore, during the preparation of this report, STJ asked the families what they know about the Institution, what they expect from it, and what they hope to achieve.

Most of the witnesses/victims interviewed by STJ, did not hear about the decision to establish the Institution or its mission. When we asked the victims' families about their hopes, they all agreed that they wanted the Institution to help them find their missing relatives and reveal their fate. They emphasized that they are ready to cooperate with the Institution as long as there is hope to reach the truth.

Here are some of the statements of the victims' families as an example:

"I did not hear of a new institution on missing persons, but my family and I are ready to cooperate with it when established. If it cannot release the disappeared detainees, at least it is important that it helps us know where they are and what their fate is. We hope that the institution helps us reach the truth about my brother's disappearance - Omar's brother".

"I ask the institution to help us find out if my brother is alive or dead and to know his whereabouts or any information about him... We want salvation from this endless torment - Murad's brother".

"All I wish and want from this institution is to know the whereabouts of the disappeared persons and to allow us to visit them. We also want the disappeared to have a fair trial and not to be wrongly jailed so that we do not lose them again - Ahmed's brother".

"We are ready to report to the team of the new institution because we hope it can help us reveal the fate of my husband, the father of my children. My children are growing up and there are operations to recruit minors by the Revolutionary Youth of the AANES, and I need to protect my children from them. Perhaps this is not a part of the institution's mandate, but





this problem is very challenging. I had to send my child to the Kurdistan region of Iraq to protect him from recruitment and disappearance - Hamid's wife".

"I hope the new institution can help me know the whereabouts of my daughter. All I want is to contact her and to know she is fine - Rawan's mother".

"I did not hear about the institution, but we are ready to cooperate with it. We hope it helps us reveal the fate of my brother and all the detainees who disappeared - Muhammad's brother".

"I hope that the institution can reveal the fate of my brother and bring him back to us. His ten children live in a very difficult financial situation in the absence of their breadwinner - Salman's brother".

"I only want to know his fate. I hope the new institution can help us reveal it - Lawand's mother".

"I have never heard of a new international institution on missing persons in Syria. We will cooperate with it hoping it can reveal the fate of my son. All we want is for him to return home or at least to call us - Amer's father".

"I hope that the new institution will contribute to putting pressure on the SNA factions to reveal the fate of my brother - Hamad's brother".

"I had never heard of the establishment of an institution on the missing persons in Syria. We want it to find out what happened to my disappeared brother because we know nothing about him until today - Raed's brother".

"I hope that the institution can help the families of the forcibly disappeared in finding their sons and daughters and reveal the truth about the fate of the missing persons in Syria - Rawad's brother".





Beside talking to the families of victims, STJ spoke with its legal expert about the most important things that the Institution should take into consideration regarding the forcibly disappeared persons in Syria.

He stated that the institution should focus on revealing the fate of missing persons who disappeared by all parties to the Syrian conflict, regardless of the identity and affiliation of the forcibly disappeared and the perpetrator. The legal expert emphasized the importance of cooperating with Syrian CSOs that document violations, especially enforced disappearances, and requesting them to share updated lists of documented victims. It is also essential to establish a professional database and avoid repetition or any disinformation reported by non-neutral CSOs.

According to the legal expert, the Institution cannot perform its work optimally if families of the victims are not involved in the search because the families are the most eager to reveal the fate of their missing relatives, and they may have information that helps the Institution achieve its goal. Without the families of the victims, the Institution cannot learn the names of the disappeared and the details of their disappearance.

To ensure the effectiveness of this participation, an office or committee should be created within the Institution to communicate with the families. Moreover, the committee shall allocate phone numbers and e-mail addresses to guarantee the families access to the Institution. Communication should be possible in Arabic and Kurdish, especially for the people of northeastern Syria. The Institution should refrain from discriminating between the families of the victims on any basis (especially ethnic or regional).

The legal expert indicated that one of the most difficult challenges that the Institution may face is the non-cooperation of the authorities that committed the enforced disappearance, especially that all parties to the conflict have secret prisons. Moreover, there are several detention facilities belonging to the Syrian security services that are not monitored by the civil judiciary and enjoy immunity from prosecution under unfair legislation enacted by the Syrian government with the aim of protecting these agencies and enabling them to escape punishment.

According to the legal expert, the most effective way to deal with the aforementioned challenges is for the Secretary General to indicate –in his next report– the necessity of concluding memorandums of understanding or agreements between the internal actors in Syria (the Syrian government and the de facto authorities) on the one hand, and the International Institution on the other, so that these agreements allow the latter to enter all detention facilities (even the secret ones).

The expert added that the aforementioned agreements must bear obligation and in the event of non-compliance, the UN must impose certain penalties on the party that violates its obligations. Moreover, periodic reports should be issued showing the parties that were contacted and their degree of cooperation with the Institution.

The international institution can also come up with specific recommendations to activate its work in searching for the missing and forcibly disappeared persons, such as recommending the abolition of legislation that create a fertile environment for enforced disappearances, like Decree No. 14 of 1969 which provides for establishing the State Security Department and Decree No. 69 of 2008 which confers immunity against prosecution to political security, police, and customs officials for crimes committed while on duty.





Finally, the legal expert stressed the importance of urging the Syrian State to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, as well as the need to establish a DNA laboratory and benefit from the experience of Bosnia and Herzegovina (The International Commission on Missing Persons), especially that several mass graves were documented in Syria during the past years of conflict.

Recommendations:

The Syrian government:

- Comply with its obligations under international law and ratify the International Convention for the Protection of all Persons from Enforced Disappearance.
- Review its legislation and abolish the articles that grant immunity to security branches and put all prisons and detention facilities under the control and supervision of the regular judiciary.

The Syrian government and other parties to the conflict:

- Immediate release of arbitrarily detained persons and immediate cessation of arbitrary arrest and incommunicado detention. Moreover, allow all detainees to communicate with their families and attorneys who shall duly defend them.
- Allow independent and humanitarian organizations (such as the International Committee of the Red Cross) to access detention facilities, especially those run by the security services, and ensure that the basic conditions that guarantee the health of detainees are met.
- Hand over lists of all detainees to the relevant actors to help reveal the fate and whereabouts of missing persons.
- Hold perpetrators of violations committed against detainees accountable and conduct impartial investigations into cases of enforced disappearance and deaths in detention facilities.
- Support the implementation of the decision to establish the International Institution on Missing Persons, support the Institution in carrying out its work, and respond to its inquiries.

The Syrian civil society:

- Cooperate together to support the work of the International Institution.
- Establish a unified database to avoid repetition and disinformation.
- Help to acquaint Syrians with the Institution, to guide them to the best ways of communication and reporting, and to highlight the importance of cooperating with it to uncover the whereabouts of the disappeared and missing persons in Syria.
- Follow-up the Institution's periodic reports, advocate the important points they introduce, and highlight their deficiencies, if any.

The Independent Institution on Missing Persons in Syria:

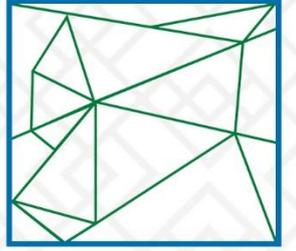
- Focus on the right to truth and on the participation of victims and families, ensuring that they have a central role in the design and implementation of tracing measures, access to safe and effective communication channels, and the option to keep their information confidential.





- Give priority to the communication with the Syrians to introduce the Institution's work and mandate, especially during the first phase of work.
 - Publish semi-annual reports on the Institution's activities which include a review of the practices of enforced disappearance in the various regions of Syria, an indication of the progress made by the Institution during the period covered by the report, and the extent of cooperation of relevant authorities.
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About Us:

Syrians for Truth and Justice (STJ) is a nonprofit, nongovernmental organization monitoring human rights violations in Syria. Founded in 2015, STJ has been based in France since 2019.

STJ is an impartial and independent Syrian human rights organization operating across Syria. Our network of field researchers monitor and report human rights violations occurring on the ground in Syria, while our international team of human rights experts, lawyers, and journalists gather evidence, examine emerging patterns of violations, and analyze how violations break domestic Syrian and international law.

We are committed to documenting violations of human rights committed by all parties in the Syrian conflict and elevating the voices of all Syrians victimized by human rights violations, regardless of their ethnicity, religion, political affiliation, class, and/or gender. Our commitment to human rights monitoring is founded on the idea that professional human rights documentation meeting international standards is the first step to uncovering the truth and achieving justice in Syria.



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