



The Black Box

Enforced Disappearance in Syria:
A Forgotten Ongoing Crime

Syrian Commission for Transitional Justice
Interim Syrian Government

*Syrian Commission for
Transitional Justice*

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Introduction

Whether they wearing civilian clothes or a uniform, or they were putting masks on or with their face revealed.

Someone appears in a specific and they take him with their weapons either secretly or in public. They point their weapons at the chest or head and force the one they are meaning to capture to do whatever they want without any reaction that would get him killed.

Usually, these men hide their identity and doesn't say who they are working for. They start to drag anyone they want to a car or cars that are usually pre-prepared. The car goes and the tragedy begins.

It starts... and no one know when it will end...

A lot of possibilities, many predictions. However, the suffering is bigger than everything, and wider than any other crime. It starts with the victims and doesn't end with a broken mother, a scared son, a devastated father, or wounded brother.

They are all victims of one crime... unknown perpetrator... and unknown punishment...

Enforced-disappearance, an ongoing crime that started in the past and going into the future passing from here.

No one predicted that this crime will have this deep impact on the Syrian case. There still a major mystery about the details which was why we are trying to



highlight this crime that had a big impact on many countries that experienced what Syria is experiencing today. When we stand before the victims, we are standing also before their families who are carrying on their backs many miseries and tragedies that might overwhelm them to explode like any timed bomb without knowing how much it can destroy which is a major obstacle that prevents us from making the harmonious united Syria we seek.

Many solutions has been proposed to the enforced-disappearance issue across the world. Enforced-disappearance is one of the files that a post-conflict states must address as one of the transitional justice process components whether it was a political transition or a military one.

This black box we are about to open through this pages contains many victims of an atrocity that all international conventions agreed on criminalizing it.

The statistics included in this report are according to qualified documentation centers'. These centers didn't address enforced-disappearance as a separate crime, however, analyzing and classifying we reached this conclusion.

The following pages, which will go through this phenomenon extensively, is a message addressed to the International Community and the public opinion aiming to support our issue and press to solve it.

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Enforced Disappearance on Paper

Enforced disappearance is one of the most serious violations of human rights and is considered an international crime. Enforced disappearance deprives the victim of all of his/her rights as he/she falls under the mercy of his/her captors, outside the protection of the law. An enforced disappearance reflects, in itself, a denial of an individual's humanity.

Enforced disappearance represents a serious challenge to the principle of human rights. Enforced disappearance is a negation of a person's right to life and have an identity. Additionally, it takes away the victim's human traits. Furthermore, it incites its perpetrators to abuse power which enables them to commit horrible crimes through undermining the law and the system and deeming them valueless.

The perpetrators escaping prosecution is one of the main factors of the existence of such practice. In order to fight and end enforced disappearance, the international community has taken legal steps to establish the concept of enforced disappearance.

Enforced Disappearance and international documents

The international community was not familiar with the concept of enforced disappearance until the 1970s, during which the phenomenon became prominent in



Latin America. Previously, the enforcedly disappeared were simply referred to as “missing”.

1975 was the first year the United Nations addressed the issue. The General Assembly of the United Nations issued a statement in 1978 to pave the way to establish a “Working Group on Enforced or Involuntary Disappearances.” The group was in fact established via a resolution passed by the UN Human Rights Committee in 1980. The group is still functional to date and has carried out several field-missions in states that evidently were involved in perpetrating enforced disappearances. The group was a communication tool for the families of the enforcedly disappeared and also contributed to establishing the “Declaration on the Protection of All Persons from Enforced Disappearance,” which the UN General Assembly adopted in accordance with Resolution 47/133 on December 18, 1992. This resolution represented, despite not being associated with effective executive force, a ground to establish the concepts and principles of enforced disappearance. It also led to the international treaty announced on December 20, 2006, which classified enforced disappearance as a crime against humanity, broadened the scope of responsibility for it, worked on fighting its continuation, included it in the list of crimes that can involve extradition between states, addressed in a detailed manner the issues of personal information, records, and access rights, established the right to form organizations and associations, and formed a “committee on enforced-disappearance” to which states send reports about the measures taken to carry out their obligations under the treaty.

Usually, perpetrators of enforced disappearance hide and erase all evidence making it considerably difficult for the victims or their families to prove that the crime took place. According to the international documents, enforced disappearance is: “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.”

The International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly on December 20, 2006, is the first document to explicitly prohibit enforced disappearance. Enforced



disappearance was formerly seen as a violation of some human rights such as freedom from torture and the right to life. Nevertheless, enforced disappearance is beyond all that given it involves specific aspects, namely depriving the victims' families of knowing any information about the victim. The convention recognizes this aspect as it sees enforced disappearance itself as a violation of a right. Additionally, the convention covers new binding rules that haven't been established in any previous human rights convention.

According to the [Rome Statute of the International Criminal Court](#), which came into force on July 1, 2002, (and before it, the Geneva Conventions) when committed as part of a widespread or systematic attack directed at any civilian population, a "forced disappearance" qualifies as a [crime against humanity](#) and, thus, is not subject to a [statute of limitations](#). Furthermore, it gives victims' families the right to seek reparations and to demand the truth about the disappearance of their loved ones.

According to the international texts, all states must take all necessary legal measures in order to ensure to trial any person, under its authority, suspected to be involved in enforced disappearance practices. The following are some of the most notable obligations:

- 1- Take all the necessary legislative, administrative, and legal measures to prevent and end enforced disappearance practices.
- 2- Provide accurate information about the detainees, the location in which they are detained, and their lawyers.
- 3- Train employees to respect enforced disappearance orders.
- 4- To ensure trialing any persons suspected to be involved in enforced disappearance practices.

Forced disappearance is considered to be a serious human rights violation.

Forced disappearance violates the following human rights:

Civil and political rights:

Right for recognition as a person before the law



Liberty and personal security

Freedom from torture and degrading treatment

Right to life, in cases where the enforced-disappeared person is killed

Right to an identity

Right to a fair trial

Right to an effective remedy including reparation and compensation

Right to know the truth about the circumstances of an enforced disappearance

Economic, social, and cultural rights of the victims and their families:

Right to protect and assist the family

Right to an adequate standard of living

Right to health care

Right to education

Enforced disappearance and Syrian law

When we talk about legal documents, we strive to classify an issue into black and white terms. However, whiteness doesn't always mean pureness and clarity -- the new human rights compatible laws in the Syrian law code have no effect on the behavior of the Syrian government.

White Pages...

The permanent Syrian constitution of 1973 and the new constitution of 2011 state the following:

“Freedom shall be a sacred right and the state shall guarantee the personal freedom of citizens and preserve their dignity and security;”

“The rule of law shall be the basis of governance in the state”



“No one may be investigated or arrested, except under an order or decision issued by the competent judicial authority,”

“No one may be tortured or treated in a humiliating manner, and the law shall define the punishment for those who do so;”

“The right to conduct litigation and remedies, review, and the defense before the judiciary shall be protected by the law”

This, for some reason, doesn't apply to extrajudicial detention, disregarding the detainee's right to appear before a judge, isolating and physically and mentally torturing the victim, and preventing him from contacting his family and letting them know his fate.

The Code of Criminal Procedure relatively guarantees the detainee's right to know why he is being detained according to Article 69. Additionally, it protects the detainee from being isolated from the outside world according to Article 72 of the same constitution.

Decree No. 5 of 1952 grants the accused of treason and espionage the right to seek the assistance of an attorney for interrogation.

According to Articles 108 and 109 of the Syrian Criminal Procedure Code, an arrest warrant must be shown upon the arrest, and the reasons of the issuance of the arrest warrant must be mentioned as well. Also, Article 104 and 105 of the same document states that a detainee must be interrogated with or appear before the public prosecution within 24 hours from the moment of the arrest, otherwise the responsible persons are deemed guilty in accordance with the Syrian Penal Code.

According to Article 72, a detainee can call his attorney at any time even if the investigating judge does not allow it. Furthermore, Articles 242 and 252 prohibit keeping a detainee in undesignated places and state that it is the citizens' duty to report such cases of misconduct.

The Syrian Penal Code criminalizes the practices that would delay a detainee's or a prisoner's appearance before a competent judge and it punishes the practice with imprisonment of up to one year. This punishment includes any workers who refuses to show the prison records or places of detention where the detainee should be appearing before a judge according to Article 359 of the Syrian Penal Code.



Additionally, using an official title to perpetrate these crimes is deemed an aggravating circumstance by the Syrian legislative body.

According to the legislative decree 20, issued on April 3, 2013, on the crime of kidnapping persons and the penalty thereof, the first Article of the decrees states that any individual **“who kidnaps a person, taking away his freedom, for political, material, or vengeful purposes, based on sectarian reasons, or under the hopes of getting a ransom”** shall be punished with hard labor for life.

This is similar to the definition of kidnapping or enforced disappearance.

Despite the above, the Syrian regime has overwhelmed all these white pages with its practices and the exceptional laws it issued.

Black Pages....

The state of emergency, which, realistically, has been in effect since 1963 and resulted in the complete disregard of Syrian law, security forces taking over various aspects of life, and the judicial authority losing its independence, has made enforced disappearance a familiar incident that is not subject to any legal restriction. This violates the Seventh Article of the aforementioned declaration on enforced-disappearance:

“No circumstances of any kind, whether it were related to a war threat, state of war, internal political instability, or any other exceptional conditions shall be used as a pretext to justify enforced disappearance practices.”

This can be summarized by referring to Article 4 of the Emergency Law which grants the head of the government or his deputy absolute powers in case the requirements of the law were not met.

The “Protecting the Revolution Law” was issued in accordance with the legislative decree no. 6 of 1965. This law punishes anyone who promotes any anti-socialism practices, whether physical, verbal, in writing or through any other means of expression, with punishments that might amount to execution. This is a blatant violation of the human rights rules that guarantee freedom of expression (such as Article 19 of the Universal Declaration of Human Rights), not to mention that this could be considered intellectual terrorism.



This law was used to eliminate the sprouting of any opposition movements under the protection of the law.

The law of field military courts was issued in accordance with legislative decree no. 109 of the year 1967. This law grants the power to issue a judgment in cases within its jurisdiction during a time of war, or during any military operations that the minister of defense decides to refer to the court.

These courts were used later to eliminate the opposition, particularly those targeted during and after the infamous Hama massacre. For more information on this topic, see the report “Sanwat Al-Khaouf” (Years of Fear) that was published in 2009 and extensively addresses this and other incidents.

Establishing a state security court in accordance with the decree no. 47 of the year 1968 to replace the exceptional military courts that were cancelled. The law gives the aforementioned court all the power of the cancelled court in addition to including civil cases within its jurisdiction which was the main reason to establish it.

According to Article 16 of the legislative order no. 16 of the year 1969 that the state security administration was established in accordance with states:

“Any worker who is working for the administration shall not be prosecuted for the crimes he perpetrated while he is carrying out their specific assignment unless the administrator orders otherwise.”

This is a blatant violation of the constitution and rights granted to the citizen in addition to Article 9 of the Universal Declaration of Human Rights:

“Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.”

Furthermore, the Declaration on the Protection of All Persons from Enforced Disappearance states that:

“The victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. In the event of the death of the victim as a



result of an act of enforced disappearance, their dependents shall also be entitled to compensation.”

This impunity was even enhanced more as Article 4 of the decree no. 549 of the year 1969 gave immunity to any employee affiliated to the state security administration from prosecution for any crimes they may perpetrate while practicing their job. The impunity was completed when the decree no. 64 of the year 2008 was issued. The decree referred the decision of prosecuting policemen and state security and customs employees to the general command, the army, and the armed forces, despite the fact that the aforementioned apparatuses are administratively affiliated to the ministry of interior.

It should be noted that, until now, we haven't received any information about any lawsuits being filed against the security apparatuses in Syria that perpetrated enforced disappearance practices against civilian due to the fact that the family of the enforcedly disappeared person, or the victim, might fear any retaliatory action, especially considering what the prisoner went through while he was imprisoned (torture and harassment) or because they don't trust the justice of the Syrian judiciary considering the overwhelming influence of the security apparatus on the Syrian judiciary, which is very common and known in Syria today.

Membership in the Syrian Brotherhood became a capital offence in Syria in 1980 (under Emergency Law 49) despite the calls of the Syrian parliament that this law was inconsistent with the constitution. This law has lived on to become an evidence of the events of the “years of fear” in the 1980s in which most of the enforced disappearance cases took place.

This law was the most notable legal and legislative background for the arrests and enforced disappearance cases that remained written on the walls of the unknown.

Enforced Disappearance... The Past, Present, and Future

This section is not an attempt to show fluency and the ability to wield words. It simply explains this crime.



This crime that records in every passing minute new examples and practices.

This crime, unless it stopped properly and decisively, will continue to end more and more people's future and kill their dreams.

Enforced disappearance prior to the Syrian revolution

On paper

The contradiction found between the Syrian law code, which shows respect for the Syrian citizen and his internationally-protected rights, and those that deprive the citizen of his most basic right is the general pattern that reflects the relation between the actual practices and the letter of the law as it was detailed earlier.

On the ground

As the Syrian government completely ignores these principles, the Syrian citizen is usually arrested by one of the security branches from his workplace or home, or upon his arrival to the airport from another country, in a manner that doesn't let him object, call his family, or seek legal assistance. Usually, the arrested and his family are not told who the arresting branch is or why he was arrested. In some cases, a security branch summons the detainee and then he doesn't come back. When his family asks the branch that summoned him or the branch where they think he is being detained, they deny that they have him in their custody.

This manner, itself, is considered inhumane in that it affects the detainee and his family significantly. Nevertheless, what comes after is even more difficult.

The lack of any kind of supervision over the security apparatus' practices and undermining the role of judiciary in these cases grant the security authorities unrestricted permission to treat the detainee inhumanely as they insult and torture him using various methods to get whatever information they want from him.

Facts, statistics, and numbers

Recently, an international comprehensive report was published by Syrian activists and researchers about the issue of forcibly-disappeared persons in Syria. The 134-page report, entitled "Years of Fear – Truth and Justice for the Enforced Disappearances in Syria," was published in cooperation with the Transitional



Justice in the Arab World Project and highlighted the political circumstances that led to the emergence of this phenomenon, the legal challenges, and the issue's progress at the United Nations.

The report notes that of all the enforced disappearance cases in Syria, only 24 cases were reported to the United Nations Special Rapporteur on Enforced Disappearance Cases prior to 2007.

Compared to many other chronic human rights issues, enforced disappearance has particularly become a national catastrophe as it victimized thousands and directly affected more than one million Syrian citizens who they were deprived of their political rights and civil rights – not to mention the psychological, social, and economic devastation that has been going on for more than 30 years. The report is based on the research of psychological and social experts who have dealt with the issue closely and examined dozens of cases.

The report concludes that enforced disappearance is a national tragedy that touches on the humanitarian aspects as well as legal and human rights aspects. Thousands of families still don't know the fates of their loved ones. An unknown fate is the toughest challenge for the families because the renewed hope of seeing their beloved ones once more reflects a deep psychological suffering and the ongoing waiting consumes their minds considerably.

The report follows the enforced disappearance cases and its humanitarian, legal, and political paths from the perspective of "transitional justice" throughout three decades (1979-1999) as a national issue that touches on human rights primarily, and secondly democratic change. The report attempts to find a way to highlight the issue in order to make the public take it more seriously. Furthermore, the report proposes ways to turn this national chronic tragedy into a solvable issue, from national, international, and humanitarian standpoints, through revealing the truth (the fate of the forcibly-disappeared persons) and finding ways to achieve justice.

According to the report, Hafez Al-Assad's attempts to completely seize power after the military coup in October 1970 using sectarian practices created a climate that facilitated the growth of fundamentalism and escalated the political-Islamic protests (organized primarily by the Syrian Muslim Brotherhood) which reached its climax in Al-Medaf'ia massacre in July 1979 which led to a semi civil-war in



which tens of thousands of civilians were killed and dozens of massacre were perpetrated in many major Syrian cities the most atrocious of which was the Hama massacre, where about 15,000-35,000 were killed.

During these years of fear, security forces arrested more than 100,000 prisoners -- all while Hafez Al-Assad continuously insisted in front of the media that there were no political prisoners at all. These atrocities were told by survivors, most of whom spent more than ten years in jail. Mustafa Talas (former head of the military courts) admitted that the massacre took place in an interview with Der Spiegel, a weekly news magazine, in 2005.

Since the Tadmour massacre in 1980, the political prisoners have been kept away from the outside world and tortured and executed systemically. The reports notes that even though the phenomenon of enforced disappearance started with the Baath party seizing power, it became a widespread and systematic process during the Hafez Al-Assad era that started in 1980.

While the victims of the governmental enforced disappearance cases were Muslim Brotherhood members, communists, and members of Palestinian organizations, in addition to Lebanese and Jordanian citizens and some Iraqis. Most of the victims were from the Muslim Brotherhood and ordinary people who were held hostage based on suspicions and family relations. Some cases involved the forced disappearance of entire families.

Additionally, the report notes that the political conflict over power in Syria has created a ground for the seizers of power to perpetrate widespread enforced-disappearance crimes which were all legalized by the Emergency Law 8 March, 1963, Law no. 1980 that sentence any Muslim Brotherhood's members to death retroactively, the legislative decree no. 32 on 1 July, 1980 that included internal disturbance in the jurisdiction of the military courts, decree no. 14 of the year 1969 that states that any intelligence-affiliated workers are not to be pursued over the crimes they perpetrate while they were doing their jobs. The reports suggests also that the President (Commander-in-Chief of Armed Forces and martial ruler) and the Minister of Defense and then whoever comes after in the administrative structure who supervised military courts.



Furthermore, the report notes that the disappeared person's relatives, until the fourth degree, can't get security approval and hence they are not allowed to have any government jobs a government job requires and many private jobs require security approval. Therefore, about 1,000,000 people have been suffering from systematic governmental discrimination since 1980. Notably enough, this issue hasn't been brought up in any national or international Human Rights report ever despite the fact that this discrimination affects 4.3%. Moreover, no cases have been reported to the Human Rights Council or the United National. And because they are suffering in silence, most of the Syrian can't feel their suffering. Also, the authorities has sentenced anyone proven to have helped them to death in accordance with law no. 49 which sentence any one charged with affiliating to the Muslim Brotherhood to death.

According to psychology experts, the victims of enforced-disappearance (which are the disappeared person and his direct relatives according to the definition) suffer from many psychological problems as a result of attaching their lives for so many years to the return of their beloved ones who doesn't come back often. The most notable problems are: "psychological disorders". Most of the burden falls on the women and wives particularly who suffer from the pressures of the conservative Syrian community and find themselves suddenly facing the responsibility of their families, a responsibility they weren't probably prepared to handle and of course they can't be employed at the state's institutions because they are married to forcibly-disappeared political prisoners. This causes, in most of the cases, depression and often contributes majorly to a disintegrated family, deprivation of education, and child labor.

The report sees that enforced-disappearance has become a disturbing phenomenon at the end of 90's with horrifying news about mass executions inside the political prisons has leaked, only a few prisoners getting out, and the government insisting that there are no more political prisoners. The report notes how the Syrian and international Human Rights groups didn't pay enough attention to this phenomenon. While the repots owes this lack of attention to the lack of the national Human Rights groups' experience given that it was newly-formed, the report highlights the unusual lack of attention by the international organization if we excluded the 1990 Human Rights Watch's report about Syria which recorded accurately the violations and inhumane treatment inside the Syrian prisons.



The report noticed after studying the U.N.'s documents in Human Rights Council on enforced-disappearance that out of 50,000 reported cases, only 24 cases have been reported from Syria despite that there are more than 17,000. The report believes that this was due to the fact that Syrians don't know how to report. Furthermore, no lawsuits have been filed except for a lawsuit filed by the lawyer Haitham Al-Maleh against major-generals Al-Khatib and Tlas. Nevertheless, the lawsuit has been rejected.

The reports says that the statistics are mostly approximated and discusses the counting mechanism to conclude that it was approximated. However, the report notes that 17,000 is a realistic number and very close to the actual number especially considering the lists that included the names of thousands of victims and was published by the London-based Syrian Human Rights Committee.

Finally, it should be noted that enforced-disappearance issue in Syria has affected even non-Syrian as there are Lebanese, Palestinians, and Jordanians that are being forcibly-disappeared. After the Syrian army's withdrawal from Lebanon in 2005, the Lebanese government formed a Lebanese-Syrian committee to look into the disappeared persons cases. The government was led by the court of appeal prosecutor in Beirut. The committee received a list of names of the Lebanese detainees in the regular prisons but didn't include who are being detained in the military prisons. The case is still open at least in the hearts of their mothers and families there.

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Enforced-disappearance during the Syrian revolution

“There are reasonable grounds to believe that enforced disappearances were committed by Government forces, as part of widespread and systematic attack against the civilian population, and therefore amount to crime against humanity.”



Stating that “Enforced disappearances are perpetrated as part of a widespread campaign of terror against the civilian population.”

These were the words of the U.N. report on enforced-disappearance cases in Syria in light of the popular movement that broke out on 15 March, 2011.

Actually, government forces was responsible for all the enforced-disappearance crimes before the emergence of some extremist factions last year. These faction followed the same methodology in terrorizing people, it was like the same practices was from the same source even if the perpetrator party is different. We are not accusing anyone of treason, we are only describing a crime that doesn't follow any religion or rules.

The protests started in Syria and before it was the extrajudicial detentions that went on even after the Syrian revolution begun to become an evidence of the perpetrator's brutality **no matter** what was his alignment. The Syrian regime is the first faction to adopt this strategy in order to achieve the following goals:

- **Silencing the opposition and ending the demonstrations...** through capturing the influential individuals in the local communities.
- **Punishing the voices that went out to demand their rights...** and shed a light on the Human Rights violations in this land that the Human Rights organization neglected.
- **Promote the idea of fear...** and remain silent in front of all these violations that you might witness or be a victim of.
- **Resorting to forcibly-disappear individuals from the other side...** to deform the truth where this crime is one of the most difficult crimes to be proven or identify its perpetrator.

The following is an examination of the reality of enforced-disappearance in Syria after the beginning of the Syrian revolution in March 2011.

On paper



The Syrian regime has claimed consistently especially after the beginning of the Syrian revolution that it is improving the rules that protect Human Rights by adopting a new constitution that added new rights. Nevertheless, the rights, whether it were old or new, are being violated through the Syrian regime's response to the revolution.

Furthermore, the Syrian regime ended the state of emergency and dissolved the State Security Court. However, it issued new decrees to insure that the security apparatus can still function without restrictions even after the cancellation of the state of emergency. These decrees supported the legislation of enforced-disappearance especially in regard to "terrorism" and the decree no. 55 that was issued in April 2011 to add a paragraph to the article 17 of the Syrian penal code that authorized officers to keep defendants for 60 days maximally in which the detainee will be isolated from the outside world and under the mercy of security forces and, thus, under the threat of having his right violated. Often, the period of time exceeds 60 days or the detainee gets killed under torture or due to the inhumane living conditions inside security branches without informing his family of his death which can be seen in the following statistics.

On the ground

Away from the bright dreams and crimson hopes, and away from the Jasmin, people's dreams are shattered just because they happened to be Syrians in the years of fear.

Only in Syria, you can be taken from the road like a bag of potatoes according to a member of the People Council at the beginning of the Syrian revolution... you can also see openly the contradict between the theory and the practice on many different levels...

- Despite the notably promising articles of the new constitution especially in regard to the constitutionally-protected rights, the reality is horrible where new person is killed extrajudicial every 15 minutes according to the following statistics and numbers.
- The legislative decree no. 20, issued on 3 April, 2014, on kidnapping persons and its punishment referred to the non-governmental armed groups



that were kidnapping and didn't mean at all government forces and its affiliated militias that are directly responsible for thousands of enforced-disappearance cases. The biggest question for the victims' families is who was the kidnapper especially if the kidnapping was under mysterious circumstances given that security forces and its affiliated personnel don't wear uniform that can reveal their identity and, usually, they refuse to say if they have the kidnapper, reveal his fate, or inform his family.

- Cancelling the state of emergency was a popular demand at the beginning of the Syrian revolution. However, the Syrian regime passed the terrorism law a few days after it ended the state of emergency so it still can justify its systemic oppressive practices.
- Dissolving the State Security Court haven't resulted in the independence of judiciary, ending the inhuman treatment, and insuring a fair trial especially before the exceptional terrorism court.

With the collapse of the judicial authority and its uselessness to stop the enforced-disappearance cases, this authority failed to hold the perpetrators of this crime accountable which enhanced the immunity circle and resulted in more extrajudicial killings and arbitrary arrests. The judicial authority has also neglected supervising the detention centers in a manner that would enable many victims' fate to be revealed. Furthermore, the judicial authority didn't follow the necessary legal procedures including issuing arrest warrants and bringing detainees before a judge quickly enough which would have enabled many victims' fates to be revealed.

Statistics and Numbers

It's really difficult for me to talk about a human, who has the same rights as me, the same hopes as me, and has people who love and care for him, as a number...

But in order to reveal the identity of the perpetrator, I am going, unfortunately, to do that

Since the beginning of the Syrian revolution, enforced-disappearance crimes has increased significantly as the working team on enforced or involuntary



disappearance cases has expressed its concern over the increase of these crimes on several occasions.

This phenomenon has grown linearly over the past two years where tens of thousands of Syrian has fallen victims of the crime. Thousands of Syrian has been captured before they were killed or forgotten in the security branches and other secret detention centers without admitting that there are detainees or informing the victims' families about them. This crime has affected all the segments of the Syrian community including youths, children, women, and elderlies in addition to relief workers and oppositionists or their relatives as an attempt to press on them to surrender themselves.

When looking into the numbers of forcibly-disappeared persons after the beginning of the Syrian revolution we are going to need two criteria

Confirmed statistic

Probable statistic

However, the following statistics estimates the actual values to its minimum where there is a strong possibility that the actual number is higher considering that documenting at this stage is considerably difficult as it involves too many risks.

The first statistic, referred to as the confirmed statistic, can be evaluated using the following tow equations:

Unidentified victims + missing persons – matching probability 100%

Unidentified victims + missing persons – matching probability 0%

The second statistic is the probable statistic which covers that detainees whose imprisonment conditions put them likely outside the protection of the laws and also they are likely to be killed. The equation for the second statistic is:

The maximum value of the first statistic + detainees

The minimum value of the first statistic + detainees

Unidentified victims + detainees + missing persons – matching probability 100%

Unidentified victims + detainees + missing persons – matching probability 0%



Therefore...

To evaluate the equation, we need to measure the factors. In order to obtain the most accurate numbers we are using the statistics of two different documentation team that will be referred to from now on as the first group (Violation Documentation center in Syria (VDC)) and the second group (Syrian Center for Statistics and Research).

Both of those centers didn't have special statistics for enforced-disappearance. Thus, we will analyze their statements and obtain numbers from the violations they described and classified as follows:

First: unidentified victims

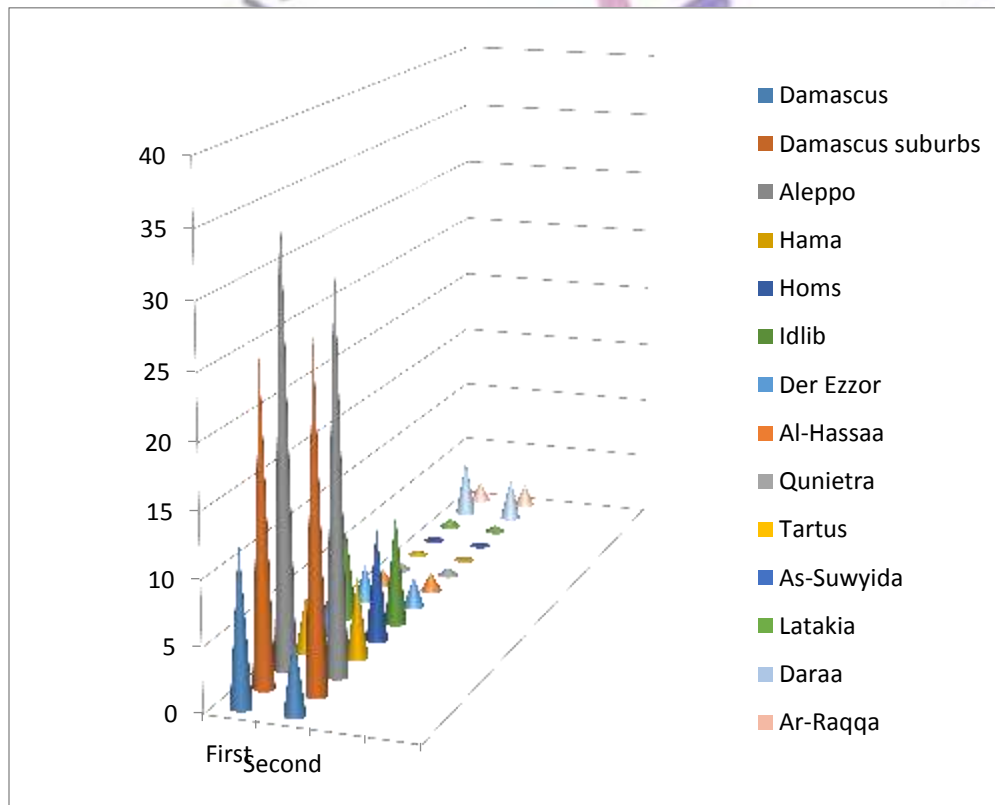
The number of unidentified victims that have fallen from the beginning of the Syrian revolution until 27 July, 2014 is 6569 out of 100984 including three male children and no women or female children according to the first group, while the second group documented, in the same period of time, 12664 unidentified victims out of 92751 victims.

The following table shows the number of unidentified victims

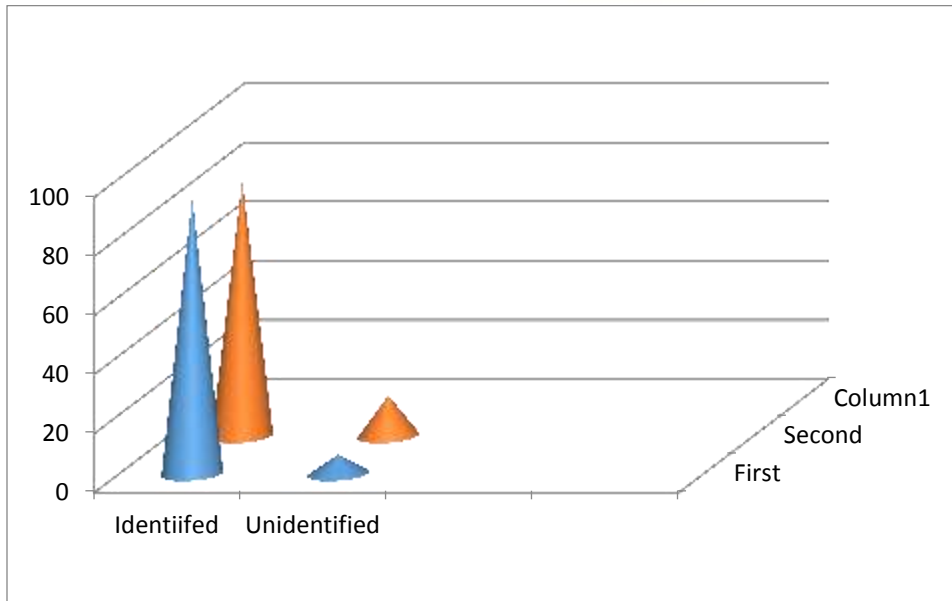
Unidentified victims		
Governorate	The First Group VDC	The Second Group Syrian Center for Statistics and Research
Damascus	816	781
Damascus suburbs	1630	3372
Aleppo	2323	3954
Hama	301	809
Homs	183	1147
Idlib	475	1125
Der Ezzor	194	311
Al-Hassaka	84	193
Qunietra	37	75

Tartus	18	15
As-Suwyida	9	8
Latakia	50	68
Daraa	312	432
Ar-Raqqa	107	226
Total	6567	11715

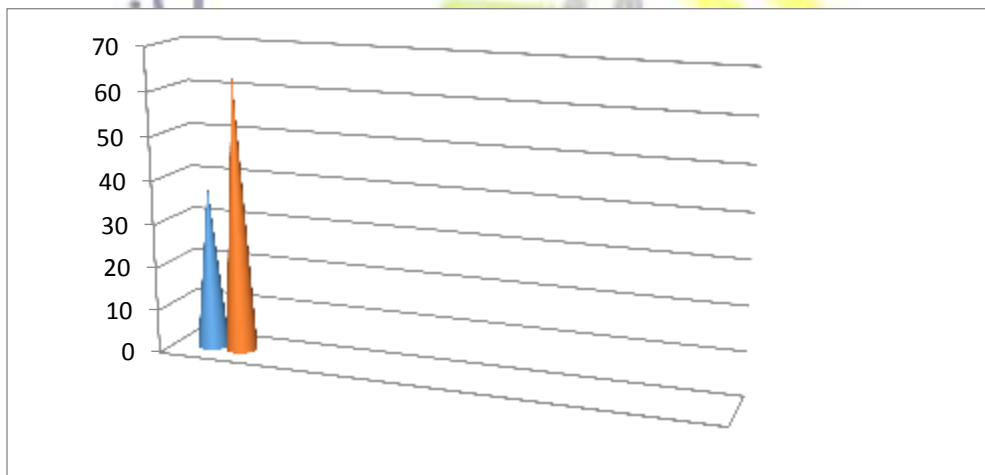
The following graph indicates the percentages of unidentified victims based on their original governorates:



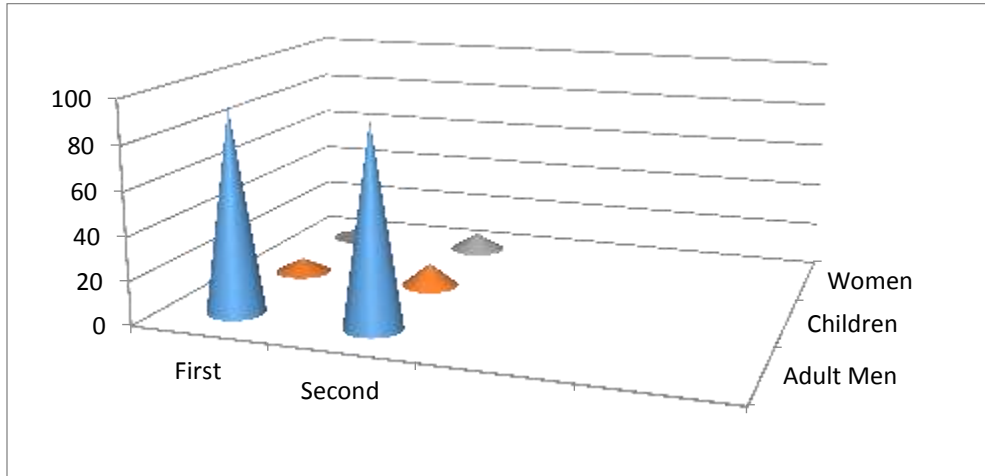
The percentage of unidentified victims out of the total number of victims is shown in the following graph:



The number of unidentified victims who were killed either under torture or were field-executed is 2375. The following graph shows their percentage (Blue)



The following graph classifies the victims according to gender and age. The first group documented 100984 victims including 432 children and 16 women while the second group documented 92751 victims including 9856 children and 7539 women:



According to this statistics, 76 victims get killed every day including eight women and seven children

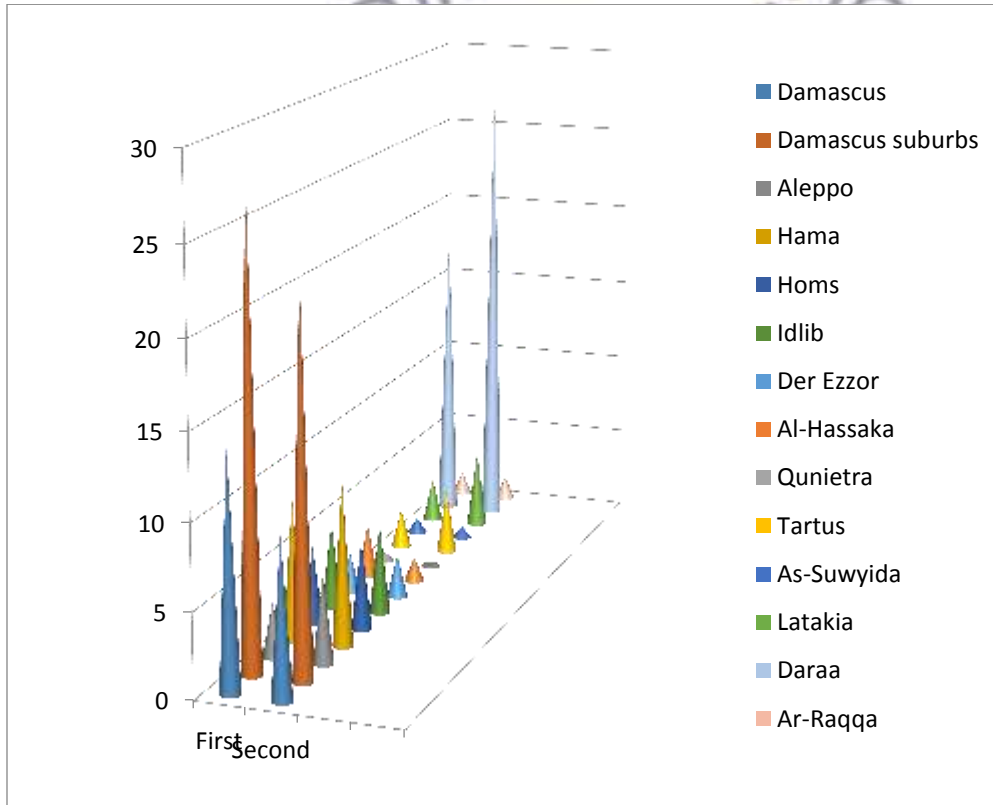
Detainees

The following table shows the number of detainee who were arrested from the beginning of the Syrian revolution until 27 July, 2014'

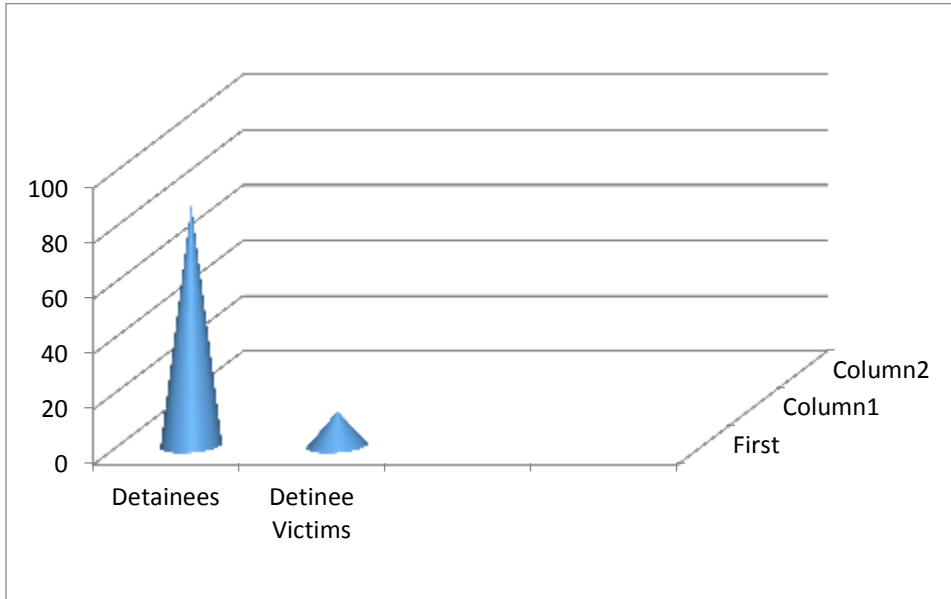
Detainees		
Governorate	The First Group VDC	The Second Group Syrian Center for Researches and Statistics
Damascus	7440	2105
Damascus suburb	15050	5110
Aleppo	1778	1158
Hama	4498	2201
Homs	2491	1180
Idlib	2717	1204
Der Ezzor	1270	585
Al-Hassaka	724	337
Qunietra	265	9

Tartus	1287	875
As-Suwyida	502	157
Latakia	1421	1055
Daraa	9567	6063
Ar-Raqqa	765	309
Total	53796	22348

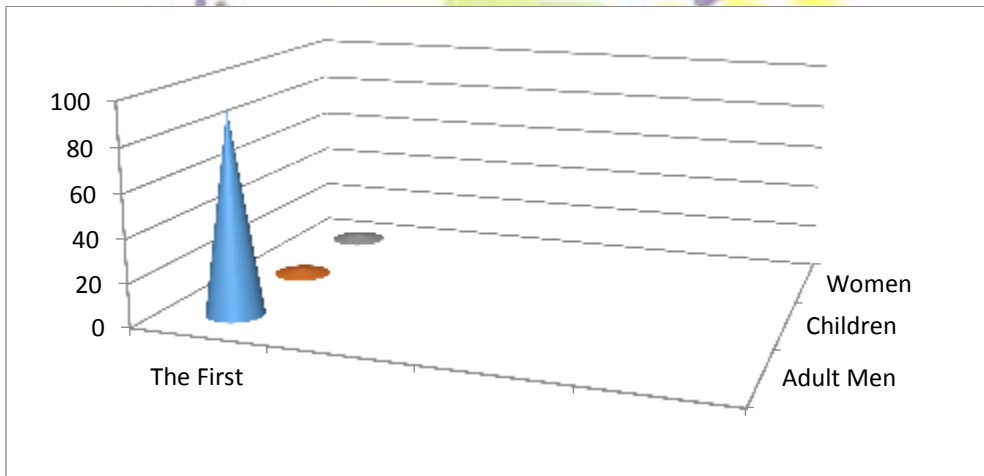
The following graph indicates the percentage of detainees based on their original governorates



6722 detainees were killed out of 53796. The percentage of detainees who were killed out of the total number of detainees is shown in the following graph:



The following graph classifies the detainees according to gender and age where 53796 detainees have been documented including 1348 children and 1511 women



According to these numbers, 18 people are arrested every day including one woman for every three days and one children for every four days.

Missing



Looking at the number of missing persons that has been documented, the little amount of reported cases can be noticed which reflects the lack of confidence in the working groups.

The first group documented 2207 missing persons while the second group documented 1294 missing persons from the beginning of the Syrian revolution to the date of this report.





Results and its relation to enforced-disappearance

According to the shown statistics, the number of forcibly-disappeared persons is as follows:

The first rule: confirmed minimum value

According to VDC, 65 67 unidentified victims have been documented while the missing persons' number, according to the same center, are 1094. Therefore, the maximum number of missing persons according to VDC is 6567 if we assumed that all the documented number missing persons are included in the number of unidentified victims.

According to Syrian Center for Research and Statistics, 12638 unidentified victims have been documented.

Therefore, the number of missing persons ranges between these two numbers

The minimum value: VDC: 6567 missing persons that have been killed

The maximum value: Syrian Center for Research and Statistics: 12638 missing persons that have been killed.

The second rule: confirmed maximum value

Unidentified victims + missing persons – matching probability 0%

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According to this equation, the missing persons are calculated as names and numbers separately from the unidentified victims. Thus, according to VDC, 7861 missing persons have been documented. Syrian Center for Research and Statistics has documented 14345 missing persons.

Minimum Value: VDCL: 7861 missing persons.



Maximum Value: Syrian Center for Research and Statistics: 14354 missing persons.

Probable Statistic

Includes the detainees whose arresting conditions put them likely outside the protection of the law and they are likely to be killed.

First maximum value + detainees

Second maximum value + detainees

Probable minimum value

VDC documented 60363 missing persons including detainees while Syrian Center for Research and Statistics documented 34986 missing persons including detainees without calculating detainees based on matches.

Therefore, the number of detainees ranges between these two numbers

Minimum Value: VDC: 37193 missing persons that have been killed.

Maximum Value: Syrian Center for Research and Statistics 61657 missing persons that have been killed.

Average Value

Minimum: 47674

Maximum: 49425

Average: 48550

These numbers are a key to know the specific number regarding enforced-disappearance where the number of detainees who appeared before a judge, their fate was revealed, and had the opportunity to defend themselves must be excluded. However, this is not possible because these guarantees have been disabled by the aforementioned laws...

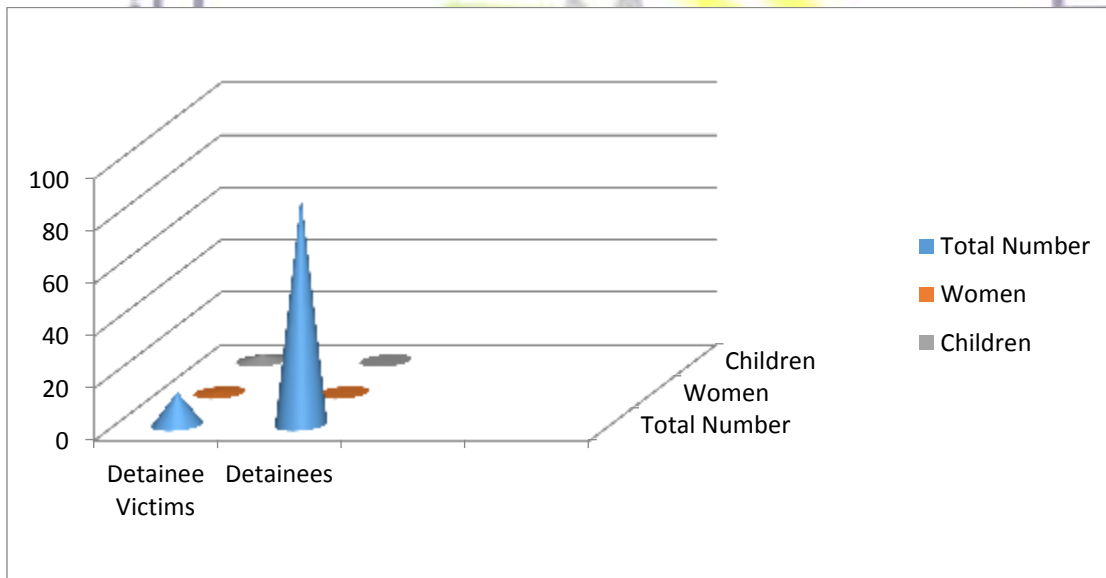
As for the victims, we can only use the numbers of victims who died under torture which implies that they were arrested and killed and then add the number of missing persons as they are likely to have been victimized.

Therefore...

The equation to find the number of forcibly-disappeared persons is

Victims died inside detention centers + detainees + missing persons

The number of victims who died under torture according to VDC is 6722 while Syrian Center for Research and Statistics doesn't have any numbers. The percentage of victims who died under torture out of the total number of detainees is 12.5 according to VDC including children and women:





Maximum value of forcibly-disappeared persons during the Syrian revolution

According to VDC's numbers and the equation, there are 62725 enforced-disappearance cases.

Furthermore, 11,000 torture-to-death cases can be added according to Cesar report. However, when we add the number of victims who died under torture to the average values of detainees and missing persons:

Victims

$6722+48550+1750=$ **57022 missing persons.**

Minimum value of forcibly-disappeared persons during the Syrian revolution

According to VDC's numbers and the equation, there are 58311 enforced-disappearance cases. Furthermore, 11,000 torture-to-death cases can be added according to Cesar report.

However, when we add the number of victims who died under torture to the average values of detainees and missing persons:

$6722+ 48550-1750=$ **missing persons.**

The numbers are very large and are subject to increase rather than to decrease due to the difficulties and risks of documentation in many areas not to mention that these numbers don't include the areas controlled by extremist factions despite the strong evidences of crimes being perpetrated in its areas.

However, despite the presence of some extremist forces, these areas are still the Syrian regime's responsibility.

Stories and Testimonies



This section is an attempt to shed some light on the most prominent stories that we documented. Please know that we are going to mention first names only for security reasons.

These stories illustrate the most notable difficulties that victims' families encounter such as:

- Losing their beloved ones and its psychological impact on their families, fathers, mothers, sons, wives and their other relatives.
- Being blackmailed in order to know their beloved ones' fates.
- Losing the provider of the family in most cases.

Among others...

The first Testimony: Fatima from Damascus

Fatima, who is almost 60-year-old, says that out of her seven sons, four were arrested by the branch 215 in Damascus – Kafrsousa seven months ago.

“Where can I start?”

“You told me that you are doing a research on enforced-disappearance. Therefore, I don't know where I can start because I don't know if I exist. We are experiencing deprivation in every aspect of our life.”

“We were a very simple family until my husband, whose conditions were similar to ours, and married me when I was 15-year-old... a new journey of deprivation has started... all the suffering and me failing to give my kids anything...”

“Seeing my kids growing up made everything easier. Three of them got married and I became a grandmother”

“After all these years, my kids were taken from me. The revolution cost us a lot. I was told that four of my kids are being held at the branch 215 and I didn't know why.”



“Maybe even deprivation and suffering become too good for us.”

“Two kids were taken then the rest were also arrested arbitrary during a security patrol. I started looking for them everywhere and trying to get to them because everything you hear is a rumor until you verify it.”

“After two months, I knew something about them when two of my kids returned (A.T) and (M.Y). It was very difficult when I opened the door to see the mayor, who we were contacting under the hope of getting any new information. The news was that my kids have died and buried, and he delivered their identifications.”

“Those two papers are my kids whom I wasn’t even able to kiss them while they were dead. I can’t believe it to this moment. I am still hoping to see and hug them again to my heart who still remembers there pictures to tell me they are still here.”

“They went as four and came back as two papers... I still don’t know anything about the other two... I don’t know who I should cry for.”

“Son, if you want to document enforced-disappearance and death case, please record the name Fatima who died while she was still alive.”

Testimony recorded in June 2014

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The second testimony: Alaa from Homs

Alaa, who is 24-year-old, says that she was a victim of enforced-disappearance when she was arrested and detained for 70 days at the end of 2012.

Her testimony were cross-checked with the testimony of Ula from Damascus whom she met in prison and the two testimonies matched

“My name is Alaa, I am from Homs, I have two kids. I didn’t finish my education for social reasons. However, when the revolution begun I found myself involved in the relief field especially that I was from Homs, the city that sacrificed a lot.”

“My work wasn’t exactly revolutionary, it was more humanitarian where I worked with people to secure shelters for the Homsian families that fled to Damascus. We rented many homes, hotel rooms, and had people stay there and met their basic needs. For the first time, I felt socially valuable when I was securing homes for kids that I feared for my kids to face the same fate.”

“It never occurred to me that I committed a crime in the eyes of the state. While I was crossing Ar-Ra’ies Bridge in Damascus, I was interpreted by a guy who asked for my identification. He tried to grab me but I refused to give him my identification because I believed I didn’t do anything wrong. I tried to run and managed to hide in in the crowds. But the stories I read about killing during chases and my convictions that I didn’t do anything wrong made me come back. But with that my story begun, I was gone for 70 days.”

“I was being held at a dorm for security men in Al-Bramka area. A car came and took me while I was blindfolded to a near place which I knew later that it was branch 215 where at the end of the corridor there a window overlooking the near Kafrsousa Street, also, the other detainees told me where I was.”

“I was being held with other five women. There were people who has been detained for more than 15 years after they were accused of working with the Muslim Brotherhood. We talked to the through the walls. Their world stopped 15 years ago, they didn’t know what the mobile is, and they only used six-digit land lines which confirmed what they said.”

“I stayed there for 34 days before I was transferred to another prison where I was beaten consistently. I was accused of a lot of things and was tortured using various



methods including “The Ghost” (where they hang you from the ceiling in a painful way). I was also raped by one of the officers which I always were afraid to talk about because of the social stigma. When I told the other girls that I was sharing a cell with about him harassing me, one of them told me that no one can escape him. I didn’t appear before a judge. I was transferred to Homs Central Prison where I have seen various methods of torture mostly being performed on detainees there.”

“After that, I was released because in accordance with the presidential amnesty without appearing before a judge and without being able to prove anything. It was like a nightmare and I just woke up. Nothing proves that I was detained, I didn’t appear before a judge, and I wasn’t given any papers to certificate my time in the prison or my release.”

“I consider myself still imprisoned until I can account those who violated me. I think that those who were with me are still being kept away from their families.”

“It was a bitter experience that changed my life, I was separated from my husband and kids. I fled to Turkey because I was afraid that I might have to go through it again. Therefore, I still consider myself a prisoner in my mind at least.”

Testimony was recorded in May 2014 – Gaziantep – Turkey.

The Third Testimony: Mariam

Mariam, a middle-class woman from Damascus who is about 50-year-old, talks about his son M.D who was taken by a security branch about two years ago.

“About 18 months ago, my family and I decided to leave Syria because we were afraid of what happening.”

“Everything was terrifying, the shells sounds, besieged areas, large displacement waves to Damascus.”

“People who were displaced have many terrifying stories about killing, torture, rape. Many families try to hide the rape stories out of fear of social stigma.”

“At that time, I didn’t know I would later have a story to tell, but I guess what goes around comes around.”



“I was afraid for my children especially the youth. M.D was my oldest son, he has been married for four years and those are his two sons.”

“Every time the bell rings, we hope it would be my son and the father of those two kids. With every ring, the oldest of them says: “My dad has come” and then comes back to us with tears.”

“Before all that, we decided to go to Egypt until things get better. Department of Immigration told us that my son has to come to get the passports.”

“My son is a very peaceful man who fears for his family. He was afraid of all the stories he heard and decided not to go out in any demonstration so he won't get arrested or injured like what happened to many people. We thought it was simple like names resemblance especially that he only went two days ago to apply for passports. At the department they told him to go to the Political Security branch in Al-Jubba near Al-Mysat square and asked him to bring a clearance paper, which is a paper that they ask for when there is a names resemblance. I told him over and over not to go, but he insisted and said:” I didn't do anything, also my friend will come with me and he has connections.””

“He left while laughing that I care too much about him. That smile was his last smile and I think he never smiled after.”

“His friend came and told us that they let him in and told me to wait for 30 minutes but he never came out.”

“One year and eight months, 600 days. I am counting the hours... the minutes... I am counting every second these kids grow up and my hope to see my son again shrinks.”

“I don't know what should I do, I lost my son, and I have a sick husband.”

“The major catastrophe is that we don't know anything about him. Is he dead? Is he alive? Where is he?”

“I tried to go to many officers and lawyers who tried to blackmail me. I paid a lot of money. Some of them told me he was in Adra prison, others said he was in Homs, and others said Latakia. Last time I paid 75,000 Syrian pound to a female lawyer that told me he was alive but can't tell me where he is. She told me also that



it would take five million Syrian pounds to get him out and I have to wait six months.”

“I know she is lying, but I need anything. Just tell me if he is dead. I want to know where he is... they say he would be released after the amnesty but that didn’t happen.”

“Son, I am afraid that they arrested the hope too.”

With these words Mariam ended its testimony. We also recorded testimonies from all the family but the most touching one was his son Mohammad’s where he said: “My dad is gone... if he is angry because of me, tell him to come, I miss him so much, I don’t people to call me an orphan.”

Testimony was recorded in Damascus on 1 May, 2014.

The Fourth Testimony: Haitham from Damascus

Haitham is 27-year-old man who was a victim of enforced-disappearance where he spent 10 days in Al-Muzza military airbase at the end of 2012.

“The Syrian revolution has started and I was in the relatively stable neighborhood of Al-Muzza. I avoided going out with any demonstrations or gatherings as I was afraid to get arrested or killed. At the time, I was buying a house in Dariyya.”

“I went to the house to check on it. On my way back, a car took me after I was blindfolded.”

“They took me to Al-Muzza military airbase which is located near an air intelligence security branch...”

“I experienced various methods of torture that I have never imagined that I would experience. There were many detainees and most of their arresting conditions were similar to mine.”

“My family didn’t know anything about where I was, and it stayed that way until I was released more than 100 days later.”

“When we were at Al-Muzza airbase, it was targeted consistently, we would hear the sounds of shells as it was falling so close.”



“On one day, they gathered us to take us somewhere else. We were put in a helicopter and taken to another branch that we learned later that it was in Hama. And there, I about the most major torture story in my life.”

“They used “The Ghost” method, they electrified us where they would make us stand on electric plates and then input a current and we would start jumping and screaming. I saw many died under torture.”

“After about a month, we were about 65 guys who were transferred again to Damascus. They transferred us in a helicopter where we were piled up. Some guy complained, the officer asked him: where are you from? He said: from Ar-Rastan. The officer told the pilot to tell him when they reach Ar-Rastan.”

“When we reached Ar-Rastan, the officer ordered them to toss that guy out. He told him to pick a spot for his family to find him.”

“In Damascus, I wasn’t beaten or tortured until I was released.”

“I didn’t receive any paper to certificate that I was arrested or released. There no proof of what happened until some spots on my body that were caused by cigarettes in addition to the screaming that is still ringing in my ears.”

Recorded in Beirut on 15 April, 2014.

Enforced-disappearance after the Syrian revolution

We hope that this phenomenon will end after the Syrian revolution. Enforced-disappearance in Syria is an ongoing systematic crime which amounts, according to International Convention for the Protection of All Persons from Enforced Disappearance, crimes against humanity that is being perpetrated against the Syrian citizen and it is protected by the state of emergency and exceptional laws or any laws that were derived from it. Furthermore, it is supported by the security apparatus that took over the accountability role of the judicial authority and not respecting the national laws and international conventions especially those that the Syrian regime approved and became a part of its national law.



Safety and freedom is both basic and important rights. It's not acceptable that these crimes are still being perpetrated to this day without any form of accountability. Addressing the enforced-disappearance issue is a key to the democratic transition in Syria. Establishing a more opened democratic political system requires a government solution and a settlement that should involve a recognition of what happened. Therefore, the following steps should be taken:

- ✚ Internalize the enforced-disappearance issue as the Syrian government will not address this issue and work on raising the awareness of the International Community through cooperating with International Organizations to publish reports and studies about this issue. Also, including the enforced-disappearance issue in the international organizations' agenda where Syria is still isolated from the international organizations' attention in regard to the enforced-disappearance issue.
- ✚ Provide training opportunities and shift expertise into the Syrian Human Rights community to address the enforced-disappearance issue on all levels.
- ✚ Form a truth-finding commission to reveal the methods and patterns of the violations in every case, publish the findings of this commission, and deliver the victims' dead bodies to their families.
- ✚ Work on establishing a judicial apparatus that is capable of accountability which can be achieved through supporting a special international criminal court.
- ✚ Prepare lists of the names of detainees and missing persons in order to enable their families and lawyers to access it anytime in addition to revealing their locations and charges,
- ✚ Revealing the names of the persons who died while being forcibly-disappeared and having their legal affairs sorted out.
- ✚ Locating all the detention centers where they become subject to the appropriate legal supervision and close all the detention centers that are not subject to any supervision.
- ✚ Holding any security apparatus proven to be involved in enforced-disappearance crimes accountable.



- ✚ Work on filing lawsuits to compensate the victims of enforced-disappearance crimes or compensate their families in case the fate of their beloved ones are not revealed.
- ✚ Carry out institutional and legal reforms to put an end to this phenomenon completely.
- ✚ Support Human Rights centers, whether they were governmental or civil, and collect all the available information and work on cross-checking the findings.

**The world has not ended
The crime will not end
But let's fight it and its effects
Let's remember the human
That lost element in the equation of war and politics**

*Syrian Commission for
Transitional Justice*