



منظمة حماية حقوق الإنسان

Human Rights Guardians

Universal Periodic Review

SYRIA

A summary report for stakeholders

Human Rights Guardians, 2021

1- Context

2- Enforced disappearance and relevant topics

3- Arbitrary detention

1 May 2021



The Syrian government accepted many of the recommendations aimed at advancing human rights in the country. However, we cannot elaborate on the human rights situation in Syria since the last review without addressing the cruel acts by the parties to the conflict in Syria, which continued to commit serious violations of international humanitarian law, including war crimes and gross human rights violations, amid full impunity. The Syrian Government and its allies have carried out indiscriminate and direct attacks against civilians and civil targets.

The security forces arbitrarily detained civilians and former combatants who had reconciled with the Syrian Government, detaining tens of thousands of people, including peaceful activists, humanitarian aid workers, lawyers and journalists, many of whom were forcibly disappeared and were subjected to torture and other cruel inhumane treatment that led to their death while in detention.

The huge number of affected individuals is horrific, especially among the detained and displaced. Human Rights documentation groups have spent the past nine years collecting information highlighting these issues, mainly those related to the detained, forcibly disappeared and missing persons. Lessons learnt from previous conflicts show the need to resolve these issues after the conflict in order to avoid constant resentment and triggering new waves of violence.

Families of the disappeared have suffered from the emotional and psychological impacts of living in conditions of uncertainty as well as the devastating economic impact.¹ Until 2021, the year of writing this report, the Syrian Government have continued prosecuting and arresting citizens merely for their political opposition or their opinions which are guaranteed by the constitution. In fact, even supporters of the government were subjected to detention and enforced disappearance simply for criticising the living and

¹ Amnesty International – Between Prison and the Grave: <https://www.amnesty.org/ar/documents/mde24/2579/2015/ar/>



economic conditions in parts of the country controlled by government forces² .

Like other infectious diseases, COVID-19 has posed a greater risk to people who live in close proximity to each other. It disproportionately affects the elderly and people with underlying diseases, such as cardiovascular disease, diabetes, respiratory disease and blood pressure. This risk becomes particularly acute in detention centres, such as prisons and migrant detention centres, as well as institutions housing people with disabilities and centres catering for the elderly, where the virus can spread rapidly, especially where access to health care is already poor. Most detention centres in Syria already lack access to appropriate medical and health care and are overcrowded with thousands of prisoners, detainees and victims of forcibly disappeared persons.

These government prisons and security branches are dirty, overcrowded and lack the most basic conditions of detention, with an average cell size of 6x4 metres housing 50 detainees. The detainees are banned from leaving the cell for fresh air and live under harsh conditions with no access to treatment from diseases such as scabies and cholera.

In their 7th report³ , the International Impartial and Independent Mechanism (IIIM) compare the number of those released by the last amnesty decree, 287 people, with the number of detainees of 905, which is more than twice and a half the number of those released. They conclude that the Syrian Government do not care about the lives of the detainees, and that most of the arrests have taken place during the Corvid 19

pandemic⁴ .

2 Syrian Network Report, The Bloody Decade: [https://sn4hr.org/public_html/wp-](https://sn4hr.org/public_html/wp-content/pdf/arabic/Tenth_Annual_Report_The_Most_Notable_Human_Rights_Violations_in_Syria_in_2020.pdf)

[content/pdf/arabic/Tenth_Annual_Report_The_Most_Notable_Human_Rights_Violations_in_Syria_in_2020.pdf](https://sn4hr.org/public_html/wp-content/pdf/arabic/Tenth_Annual_Report_The_Most_Notable_Human_Rights_Violations_in_Syria_in_2020.pdf)

3 Out of Sight, Out of Mind: https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-31-CRP1_en.pdf

4 Page 4, Universal Periodic Review Team Report: State's responses, paragraph on accepted recommendations under implementation: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/055/86/PDF/G1705586.pdf?OpenElement>



The Universal Periodic Review comes after four years of suffering and lack of progress in the field of human rights in Syria as an opportunity for us as stakeholders to present our report on the issues of enforced disappearance and Arbitrary detention. This report is presented by the Human Rights Guardians Organisation, which is a non-governmental, non-profit human rights organisation that seeks to enhance respect for human rights in Syria and refugee host countries through monitoring and documenting human rights violations, publishing reports, conducting awareness campaigns and amplifying the voice of authorities to adopt an approach that respects human rights and equal citizenship. HRG is one of the organisations that have documented many violations, especially in the field of enforced disappearance and torture, and have shared their data with the IIM, the Team on Enforced Disappearance, the Team on Arbitrary Detention, the Special Rapporteur on Extrajudicial Killings, the Special Rapporteur on Internally Displaced Persons (IDPs), and the International Commission of Inquiry.

Problem:

Enforced disappearance

1- Although the last Universal Periodic Review contained many recommendations on the issue of enforced disappearance that were welcomed by the Syrian government, such as Recommendation No 109-152 from the Luxembourg Government to put an end to enforced disappearance and deprivation of liberty in all places of deprivation of liberty, as well as extrajudicial execution.

There were also other recommendations that were made on the grounds that they contained hostile language 159-155-164-163.



The practice of enforced disappearance has become widespread and systematic since the beginning of the war and is considered, according to the Rome Statute, a crime against humanity – the International Commission of Inquiry ‘Without a Trace’.

2- The Human Rights Guardians have documented more than 4600 cases of enforced disappearance and missing persons in accordance with international standards since the last Universal Periodic Review, bringing the total number of documented cases by the organisation to 4580. The Organisation have also shared their data with ICMP and IIMM, highlighting the horrific detention conditions affecting the detainees, such as systematised torture and beating, in addition to the overcrowded detention centres, malnutrition, lack of treatment, contaminated drinking water and food and the spread of infectious diseases.

3- Some **360 families** and relatives of victims commissioned the **Human Rights Guardians** Organisation to search for their loved ones through contacting the team on enforced disappearance. And indeed, the **Organisation** have sent 360 complaints to the team above. However, the government refused to cooperate with them or give them any clarification with regard to most of those cases.

Human Rights Guardians – Shared Complaints: ^{5 6} ,

4- Families of the disappeared and detained need to learn the truth of what happened to their loved ones, and it is the duty of all parties to the conflict in Syria and all those who support them to give priority to the issues relating to those detained by these parties ⁷ .

5 <http://www.hrguardians.org/the-missing>

6 <http://www.hrguardians.org/joint-cases>

7 International Commission of Inquiry’s 2018 Report ‘Way Forward’, page 7:

https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/HRBodies/HRCouncil/ColSyria/AWayForwardDetentionInSyria_AR.pdf&action=default



5- The number of forcibly disappeared persons by the Syrian Government forces has increased since the last review from 71,533 people to 84,371, which is equivalent to 3,200 cases per year^{8 9 10} , , .

6- Although the right to life is inherent and preserved, where and no one may be arbitrarily deprived of their right to life or subjected to torture¹¹ , the Syrian Government in early 2018 deliberately registered some of the forcibly disappeared victims as deceased people in the civil registry departments, where the fate of 991 person was revealed¹² .

7- The Syrian Government have violated several articles of the Syrian constitution itself¹³ by detaining hundreds of thousands of people for many years without an arrest warrant and without bringing charges against them, while also banning them from contacting a lawyer.

8 Ninth report on the occasion of International Day of Victims of Enforced Disappearances:

<https://sn4hr.org/arabic/2020/08/30/12620/>

9 Eighth report 'Enforced disappearance is the most painful and brutal weapon': <https://sn4hr.org/arabic/2018/08/30/10347/>

10 Syrian Network for Human Rights Report – 'Where are they?': <https://sn4hr.org/arabic/2017/08/30/8607/>

11 Articles 6 and 7 of the International Covenant on Political and Civil Rights

12 Syrian Network for Human Rights Report – 'The Syrian Regime Registers Forcibly Disappeared Persons as Deceased in Civil Registry Departments': <https://sn4hr.org/arabic/2018/07/13/10142/>

13 Article 53 of the Syrian Constitution issued in 2012 provides that no one may be investigated or arrested except by virtue of an order or decision issued by the competent judicial authority, or if arrested 'in flagrante delicto', or with the intention of bringing them before the judiciary on charges of committing a felony or misdemeanour. Article 51: The right to litigation and to pursue means of appeal, review and defence before the judiciary is protected by law, and the state guarantees legal aid to those who cannot afford it in accordance with the law.



8- Consequences of enforced disappearance do not only affect the victims themselves, but extend to their families who suffer from loss, indefinite waiting and helplessness in light of the absence of legal procedures that they can take to help the victim, add to that their health complications as a result of waiting, such as panic attacks and heart diseases, in addition to legal and administrative complications resulting from families' inability to easily have a death certificate issued, conduct the process of probate and address guardianship¹⁴ .

9- The issue of enforced disappearance resulted in flourishing the black market a result of the obstacles posed by the government that made it difficult and complicated for families to search for their loved ones or learn something about their fate, which also led to the emergence of brokers and mediators who receive bribes in exchange for selling families information about the whereabouts of their loved ones or the health condition of the disappeared, or any other piece of information in exchange for agreed sums of money¹⁵ .

The Sednaya Detainees Association elaborate on this profitable trade in their report¹⁶ , explaining that a large number of families of the victims have paid handsome amounts of money to officials in exchange for information about the detainees, or for a pledge to allow the families to visit their missing ones, or releasing those who are alive. More than a quarter of the respondents in the survey on the forcibly disappeared said that they paid an average of **\$3,275** in exchange for information about their loved ones, and **\$2,507** to get a permission to visit them. In other words, if the number of victims of

14 Amnesty International – Between Prison and the Grave:

<https://www.amnesty.org/download/Documents/MDE2425792015ARABIC.PDF>

15 Amnesty International: <https://www.amnesty.org/download/Documents/MDE2425792015ARABIC.PDF>

16 Forcibly disappeared in Syrian detention centres: <https://admsp.org/wp-content/uploads/2020/12/Forcibly-Disappeared-in-Syrian-AR.pdf>



enforced disappearance were 100.000, according to data and statistics from the Syrian Network for Human Rights, a quarter of those would have paid an estimated \$900 million – You do the maths. The association described this as a strategy by the government to finance itself and its institutions.

10- The Syrian government have not ratified the Convention for the Protection of All Persons from Enforced Disappearance, which reveals their intention and determination to commit this crime in a systematic and widespread manner.

11- The government forces have committed the crime of enforced disappearance as part of a widespread and systematic attack against the civilian population¹⁷ .

12- The Syrian state works to maintain the state of terror among the families of the forcibly disappeared when they think about the arrests conducted by its security agencies. In fact, this has resulted in families' reluctance to make official complaints intimidated by the fear of being targeted and punished¹⁸ .

Recommendations:

1- Ratify the Special Convention for the Protection of All Persons from Enforced Disappearance without delay and without reservations, and recognise the competence of the Committee on Enforced Disappearance to receive complaints from victims or other States and parties.

2- Allow the International Commission of Inquiry on Syria to conduct impartial and neutral investigations into tens of thousands of cases of enforced disappearance in Syria since 2011.

17 International Commission of Inquiry Report 'Without a Trace':

<https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/ThematicPaperEDInSyria.pdf>

18 International Commission of Inquiry Report 'Without a Trace':

<https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/ThematicPaperEDInSyria.pdf>



3- Cooperate positively with the team on enforced disappearance, especially with regard to their request to conduct a field visit to Syria.

4- Allow unconditional access to all official and unofficial places of detention by international organisations such as the International Committee of the Red Cross and the International Commission of Inquiry on Syria.

5- Take measures that guarantee that all those who participate in the search for victims of enforced disappearance, especially the families and relatives of victims, be protected from ill-treatment, reprisals and violations.

6- Ensure that all detainees have access to routine contact with their families and lawyers.

7- Ensure that the survivors of enforced disappearance, those who are released and the relatives of the deceased victims have access to justice, truth and reparation, including material compensation, rehabilitation, return of property and guarantees of non-recurrence.

8- Incorporate the concept of enforced disappearance into the Syrian Penal Code and criminalise it in the Syrian Criminal Code in order to prevent officials from impunity.

9- Establish a DNA database for all families of the missing and take appropriate measures to protect potential mass graves in order to preserve information that may be vital in any future truth-seeking process.

10- Ratify the Second Optional Protocol of the International Covenant on Civil and Political Rights.

Arbitrary detention

1- The Syrian government had accepted a number of recommendations regarding ending arbitrary detention and releasing detainees, such as the recommendation from Brazil



and Spain. End arbitrary detention and release all those detained unfairly and without any discrimination, and recommendation 168-109 by Spain and Brazil, and recommendation 175-109 by Brazil on publishing a list with all the names of detainees, their places of detention and the reasons for detention, which it has been examining, despite concerns that the reality indicates the opposite¹⁹.

2- Civilians, human rights defenders, political activists and relief workers are subjected to arbitrary detention, tried according to exceptional laws, and subsequently forcibly disappeared.

3- Arrest incidents in Syria take place without a judicial warrant, and happen when victims pass through a checkpoint or during raids. The security forces of the four main intelligence services are often responsible for arrests, apart from the judicial authority. The detainees are exposed to torture from the first moment of arrest as they are immediately banned from contacting their families or lawyers. Moreover, the authorities deny carrying out acts of arbitrary detention, rendering most detainees into victims of enforced disappearance²⁰.

4- The Syrian government has not fulfilled any of its obligations in any of the international treaties and conventions it has ratified, particularly the International Covenant on Civil and Political Rights, and has especially violated the provisions of Article 9 of it²¹.

5- Arrests and prosecution mainly targeted those who settled their security situation in the areas that had signed reconciliation / settlement agreements with the Syrian

19 Universal Periodic Review Team Report - Responses of the Syrian Arab Republic: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/055/86/PDF/G1705586.pdf?OpenElement> Pages 6 and 8: Recommendations deemed acceptable and implemented constantly.

20 Syrian Network for Human Rights Report 'The Syrian Regime Stresses No Freedom of Expression Policy': <https://sn4hr.org/arabic/2021/04/02/13376/>

21 Article 9 of the International Covenant on Political and Civil Rights.



government forces. The arrests were mainly in the governorates of Damascus²² countryside and Daraa .

6- Since the last review and up until today, the Syrian government and its security forces have detained **14,548** people, at an average of **3,637** cases each year, according to the annual reports of arbitrary detention issued by the Syrian Network for Human Rights.

7- **Human Rights Guardians** has documented several cases of incommunicado²³ detention , such as the case of **Aiman Al-Namir** who was arrested by Political Security forces on 29 March 2019 as he was surrendering with other residents in the neighbourhood. **Human Rights Guardians** has notified the special team on arbitrary detention of the incident on 1 July 2020.

8- Despite all the negotiations, agreements and declarations of cessation of hostilities that took place during the Syrian conflict, we believe that the issue of detainees is almost the only dilemma in which no significant progress has been made.

9- These acts were committed in official and unofficial places of detention, including in the Mazzeh 601 Hospital in Damascus, the Military Intelligence Branch 215-217, the Military Intelligence Branch 235 in Damascus, the Air Force Intelligence Base in Mezzeh, Damascus, the Military Police Headquarters in Barzeh, Damascus, the Sednaya Military Prison in Damascus, the Air Force Intelligence in Aleppo and Palmyra Military Prison in²⁴ Homs .

²² See pages 16-18, the paragraph on main cases of the Syrian Network for Human Rights Report 'Syria is too unstable and unsafe for refugees and IDPs to return to, particularly in areas controlled by the Syrian regime and its brutal security services: <https://sn4hr.org/arabic/2021/01/02/12994/>

²³ <http://www.hrguardians.org/archives/3159>

²⁴ International Commission of Inquiry Report 'Detention in the Syrian Arab Republic - A Way Forward': https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/AWayForward_DetentionInSyria.pdf



Recommendations:

- 1- Release all forcibly detained persons and those held incommunicado, or place them under the protection of the law.
- 2- Government's commitment to implement the UN Resolution No 2254, whose Article No 12 provides for the necessity to immediately release the detainees, especially women and children.
- 3- Publish a register with detainees' information and the reasons for detention, places of detention and sentences issued.
- 4- End arbitrary detention and arrest of political opponents, human rights defenders and relief workers by virtue of special legislation.
- 5- Create a UN committee to oversee the release of detainees periodically based on a timeline to be requested from the government.
- 6- Allow independent international committees, such as the International Committee of the Red Cross and the Independent International Commission of Inquiry, to make visits to regular and secret places of detention without restraints or restrictions.
- 7- Disclose the locations of all official and unofficial places of detention, and provide complete name lists of those in detention.
- 8- Taking important measures to protect and improve the lives of detainees, including by providing medical care, water and food while maintaining social distancing, and release the elderly immediately to avoid further spreading of the pandemic.
- 9- Suspend and rescind sentences passed by field military courts and courts of terrorism for violating local and international legislation and guarantees of a fair trial²⁵.

TURKEY

²⁵ Article 9 of the International Covenant on Political and Civil Rights, which guarantees a fair trial and provides that everyone has the right to liberty and security of person, no one shall be subjected to arbitrary arrest or detention and no one shall be deprived of their liberty except on such grounds and in accordance with such procedure as are established by law.



Supporters of this report:

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