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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Partners For Transparency, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2022]

* Issued as received, in the language of submission only.



Enforced Disappearance in Armed Conflict States

Preamble

The parties to the armed conflict in Yemen, the Syrian Arab Republic, Somalia and Ethiopia have been involved in many enforced disappearances; however, non-state armed groups have been responsible for the largest number of enforced disappearances in secret detention centers that are not subject to international standards. These practices occurred in order to ward off any dissenting voices and suppress the efforts of human rights defenders and civil society workers. These groups took advantage of the collapse of the justice facility and the spread of impunity and the lack of accountability of law enforcement forces, to continue these violations that contradict international human rights law and international humanitarian law. Partners for Transparency noted that in the majority of cases it has documented, armed groups tend to use enforced disappearance as a pretext to collect ransoms and money in order to fund military operations. Law enforcement forces and those responsible for detention facilities also blackmailed the families of the victims in order to obtain additional money, and deliberately concealed information about the places of detention of their relatives, which made their fate unknown throughout the period of their disappearance.

First: Enforced Disappearance in Conflict Countries

Parties to the conflict in Yemen, the Syrian Arab Republic, Somalia, and Ethiopia have used enforced disappearances against civilians, including women, human rights defenders, humanitarian workers and relief activities, in contravention of the International Convention for the Protection of All Persons from Enforced Disappearance, which has not been ratified by any of the previous countries except for Somalia(1). These practices also violate the Common Article 3 of the four Geneva Conventions and Rule 98 of Customary Humanitarian Law(2).

In Yemen, the Houthis have systematically used enforced disappearance as a weapon against dissidents and human rights defenders in areas under the control of the group, which has established secret detention centers that are not subject to human rights standards. Since March 2015 until July 2022, Partners for Transparency collected various data and obtained local testimonies on the ground, stating that the Houthis were involved in the enforced disappearance of more than 2,000 people in the governorates of Hodeidah, Taiz, Sana'a, Hajjah and Amanat Al-Asimah. Among them, 274 women have been subjected to enforced and illegal disappearance, according to Yemeni women's organizations, including humanitarian and educational workers(3). In a specific incident that supports the above, the Houthi group informed the family of the aid worker (YJ) in July 2022 of his death and the presence of his dead body in a hospital, while Partners for Transparency reviewed local reports confirming that his death came under torture after being forcibly disappeared by the Houthis in February 2017, where his fate remained unknown for more than four and a half years(4), and the previous victim was born in Hodeidah governorate and was 45 years old, and worked as a school director in the education sector in addition to his relief work in local Organizations(5). According to the testimonies given by some of the victims to Partners for Transparency, they were subjected to torture and various forms of abuse, including psychological torture by deluding the detainees of the death penalty or the death of their family members. These arbitrary practices were accompanied by the Houthis' use of the judiciary to suppress any dissenting voices. In general, the judiciary was not independent in northern Yemen and issued extremely unfair rulings, all of which did not comply with the minimum standards of fair trial and normal litigation procedures, and based on charges they confessed under torture by the forces of law enforcement.

In the Syrian Arab Republic, Partners for Transparency estimates indicate that the Turkish-backed armed factions in the northeastern part of the Syrian Arab Republic have hidden about 306 citizens in order to obtain money from the families of these people in the form of ransom, as well as forcing the people to accept the Turkification practices committed by these factions in the northern part of the Syrian Arab Republic. These factions have used a fixed charge of joining the so-called Autonomous Administration of North and East Syria to deprive citizens

of their freedom. In April 2022, Partners for Transparency reviewed human rights reports that documented the kidnapping of about 32 civilians by the so-called National Army in the northeastern part of the Syrian Arab Republic and armed factions in the areas under their control(6). In a related context, more than 2,000 people have been forcibly disappeared by Hay'at Tahrir al-Sham(7), including more than 65 people who were disappeared in 2021 incommunicado and without any evidence or legal basis for their detention(8). In the most recent incidents documented by Partners for Transparency, in June 2022, the General Security Service of Hay'at Tahrir al-Sham forcibly disappeared the activist E.A, and his forcible disappearance came after his criticism of the policies of the so-called Ministry of Endowments of what is known as the "Salvation Government of the Authority".

In Somalia, Al-Shabaab, an armed group that controls parts of the territory, practiced enforced disappearance of civilians, particularly aid workers, and was reported to have forcibly disappeared 20 civilians from January 2020 to June 2021(9). Partners for Transparency also documented the movement's kidnap of humanitarian workers and AMISOM forces, who were treated as hostages by the movement(10), with the aim of paying the ransom and subjecting those who resisted this enforced disappearance to having their lives shot dead, in contravention of the protection of the right to life guaranteed to civilians under Common Article 3 of the four Geneva Conventions.

In Ethiopia, both sides to the conflict have practiced enforced disappearances against civilians and aid workers. The federal and state governments detained thousands of civilians in Tigray merely on suspicion of collaborating with the Tigray forces, or for posing security risks, in violation of international human rights standards in emergency situations. Some detainees have been kept incommunicado for months and denied family visits and access to a lawyer. According to human rights reports reviewed by Partners for Transparency, the fate of thousands of Tigray citizens remains unknown. In a related context, the Ethiopian government also demanded large amounts of ransom to release the forcibly disappeared, and those who were unable to pay the ransom were sent to unknown places(11). While the Tigray forces also practiced enforced disappearance of civilians for allegedly cooperating with the Ethiopian National Defense Forces, they forcibly disappeared eight civilians from a market and until the end of March 2022, their whereabouts were unknown(12). The situation in Ethiopia calls for urgent attention from the Human Rights Council, which needs to pressure the Ethiopian government to reveal the whereabouts of thousands of civilians belonging to the Tigray ethnic group.

Second: Families of the Families of the Forcibly Disappeared

Partners for Transparency has reviewed reliable news from Somalia and Ethiopia confirming that the families of the forcibly disappeared faced a wide range of obstacles in order to reach their relatives, and were not allowed to contact their kidnapped sons, in contradiction to the right of the detainee to contact his family in accordance with Rule 92 of the United Nations Standard Minimum Rules (Nelson Mandela Rules). The whereabouts and fates of those detained remains unknown to their family members, in violation of the United Nations body of principles relating to the protection of all persons under any form of detention or imprisonment. In Yemen, Partners for Transparency received testimonies from families of the forcibly disappeared, journalists, and human rights defenders detained in Houthi-controlled prisons, confirming the ill-treatment they received during the search for their families. Most of the time, prison administration supervisors deliberately hide information from the families of the forcibly disappeared. At other times, these supervisors disclose false information, such as the death of the victim, which exposes the families of the disappeared to grave risks(13).

Partners for Transparency recommends the following:

- Member states must pressure the parties to the armed conflict to put an immediate end to the enforced disappearances of civilians and aid workers;

- The need to pay special attention to the issue of the use of ransoms by non-state armed groups as a means of releasing the forcibly disappeared;
- The need of calling on states to accede to the International Convention for the Protection of All Persons from Enforced Disappearance;
- The need of the member states of the Human Rights Council to urge the UN envoy to address the Houthis in order to visit all prisons in northern Yemen.

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- (1) <https://bit.ly/3Ql3if6>, pg67
(2) https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule98
(3) <http://embassy-of-yemen.pl/wp-content/uploads/2021/03/Arabic-part22.pdf>
(4) <https://www.arabnews.com/node/2121841/middle-east>
(5) Ibid
(6) <https://bit.ly/3PibCLe>, pg16
(7) <https://bit.ly/3JREIzZ>
(8) <https://bit.ly/3qMk7Eh>
(9) <https://bit.ly/3QkHxft>, pg63
(10) <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/somalia/>
(11) <https://bit.ly/3PhHyQ9>, pg6
(12) <https://ehrc.org/wp-content/uploads/2022/03/English-Executive-Summary-AAIR.pdf>, pg9
(13) http://amaye.org/up/MOTHERS_AT_THE%20GATES_OF_JUSTICE3_Ar.pdf