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Human rights situations that require the Council's attention

Written statement* submitted by Cairo Institute for Human Rights Studies, 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.

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



Organizations Urge the Human Rights Council to Seek Truth and Justice for Detained and Disappeared Syrians

After ten years of conflict in the Syrian Arab Republic (Syria) and in the context of the COVID-19 pandemic, the release of detainees and the disclosure of the fate and whereabouts of disappeared individuals remains the most urgent priority for Syrian families and survivors of detention. Yet, nothing has been achieved at the international level to provide truth and justice to victims and their families. An approach centered on survivors and families of detainees and the disappeared in Syria is therefore necessary to ensure victims' voices are prioritized and their demands and rights fulfilled.

Widespread Detention and Torture of Tens of Thousands of Syrians

Syria's history has been marked by arbitrary detention, torture and enforced disappearance for decades. Even prior to the conflict, the Syrian government under the rule of Hafez al-Assad and his son Bashar al-Assad, the enforced disappearance of political opponents was a constant tool of control over the civilian population. Since 2011, the Syrian government has escalated the use of this tool and has conducted a widespread and systematic campaign of arbitrary detention targeting civilians, political opponents, and any individual perceived to be in opposition, amounting to crimes against humanity including extermination, rape, murder, torture, enforced disappearance, and other inhuman acts.¹

In early 2014, a collection of photographs of corpses was smuggled out of Syria by a military defector code-named "Caesar", came to public attention demonstrating the magnitude of state-sponsored torture in greater detail. The images, which were taken between May 2011 and August 2013, revealed emaciated bodies with marks indicative of torture.² The individuals included in the pictures were later identified as victims of torture while under the custody of the Syrian government. The number of individuals tortured to death by the government have now reached to tens of thousands of individuals.³

Moreover, hundreds of thousands of people are still detained in prisons run by the Syrian government.⁴ As of 2021, arbitrary detention continues to be the most urgent challenge to human rights in Syria, with numerous cases of individuals being detained following their return to government-held areas or their forced return and deportation to Syria from their countries of asylum.⁵ Additionally, tens of thousands are still disappeared.⁶ Families have no way to find out the truth about the fate and whereabouts of their loved ones, and in many cases paying huge bribes to security officials is the only way to obtain information. These bribes have become one of the most important forms of financing for the Syrian government.⁷

In other parts of Syria, armed groups control the territory. These groups have also detained numerous civilians. The Islamic State of Iraq and Syria (ISIS) established detention facilities in several areas under its control and subjected detainees to serious abuses, including torture and summary executions, amounting to crimes against humanity including murder, torture and enforced disappearance. While the real number is difficult to estimate, the disappearance of thousands has been documented.⁸

¹ https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-31-CRP1_en.pdf, <https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf>.

² <https://www.hrw.org/report/2015/12/16/if-dead-could-speak/mass-deaths-and-torture-syrias-detention-facilities>.

³ <https://sn4hr.org/blog/2020/12/01/death-toll-due-to-torture/>.

⁴ <https://sn4hr.org/blog/2020/12/01/record-of-arbitrary-arrests1/>.

⁵ <https://www.hrw.org/news/2019/05/21/syria-detention-harassment-retaken-areas>.

⁶ <https://sn4hr.org/blog/2020/12/01/record-of-enforced-disappearances1/>.

⁷ <https://admsp.org/wp-content/uploads/2020/12/Forcibly-Disappeared-in-Syrian-EN.pdf>.

⁸ <https://www.hrw.org/report/2020/02/11/kidnapped-isis/failure-uncover-fate-syrias-missing>.

Despite the magnitude of these crimes and the large number of victims affected, families of Syria's disappeared have been left alone to search for their relatives, often at great personal risk. After ten years, the Syrian government, armed opposition groups and the States with most influence over them – the Russian Federation (Russia), Turkey, the Islamic Republic of Iran (Iran), and the United States of America (US) – have failed to take any action to assist the relatives of the disappeared and missing who have been fighting for years to know the fate and whereabouts of their loved ones.

Ongoing Impunity For Arbitrary Detention and Enforced Disappearance

Until today, the Syrian government has failed to disclose the fate, names, and locations of individuals arbitrarily detained and disappeared by Syrian security forces. In summer 2018, the Syrian government released some death certificates and updated the records of civil registries by changing the status of individuals disappeared to “deceased” due to natural causes, which has denied families the right to know the true circumstances of death and the location of their loved ones’ remains, as affirmed by the International Convention for the Protection of All Persons from Enforced Disappearance.⁹ By releasing the death certificates, the Syrian government attempted to close the discussion about the disappeared and claim that their fate had been revealed. The Syrian government has failed to fulfill its obligations under international law for both detainees and their families.

In the case of ISIS, families’ demands and rights remain neglected. After ISIS lost the territory under its control, the de-facto military authorities the Syrian Democratic Forces (SDF) and the Syrian Democratic Council, its civilian “authority”, (supported by the US-led Global Coalition to Defeat ISIS) gained access to evidence, including mass graves, former detention-centers and former members of ISIS, but have failed to meet their responsibilities to find the disappeared and have consistently failed to cooperate with the families of disappeared.

The families of the disappeared have also been sidelined by the international community. In international efforts to solve the Syrian crisis, the release of detainees and disclosure of information on the fate and whereabouts of the disappeared have been ignored. For example, the Astana Talks between the Syria opposition and the Syrian government, under the auspices of Iran, Russia, and Turkey, have attempted to monopolize the efforts on detainees and the disappeared by establishing a working group on the issue. The families have opposed the work of the Astana Working Group, because they were never consulted or informed about its work. Moreover, the working group has focused on the exchange of prisoners between warring parties rather than the unilateral release of civilians being detained, prioritizing warring parties’ interests over families’ rights and demands.

As a result, Syrian families and survivors of detention have mobilized and created their own coalition in order to enhance their participation in decision-making efforts regarding detainees and the disappeared in Syria, to advance their demands for truth and justice, to ensure that their rights are prioritized and centered in political and military negotiations and any victim-centered resolution of the conflict. In the past year, the Association of Detainees and Missing Persons of Sednaya Prison, Caesar Families Association, the Coalition of Families of Persons Kidnapped by ISIS (Massar), Families for Freedom, and Ta’afi have developed a survivor-centered vision on truth and justice in Syria, placing the voices and demands of survivors, victims, and their families at the foundation of truth and justice – which should be the basis for any sustainable political solution in Syria. The priorities on truth and justice and the guidelines on victims’ participation in any decision-making process constitutes a much-needed road-map for a political solution to the conflict where Syrian survivors’ and families’ voices are centered.

⁹ https://cic.nyu.edu/sites/default/files/deathnotificationssyrianarabrepublic_nov2018_3.pdf.

Conclusion and Recommendations

As reiterated by the Special Rapporteur on Truth, Justice, Reparations and Guarantees of Non-Recurrence in a recent communication to Syria¹⁰, “[f]ailure to include in peace negotiations measures aimed at addressing those violations and promoting access to truth, justice, reparation and guarantees of nonrecurrence contravenes international standards and risks undermining peacebuilding efforts and the achievement of sustainable peace.”

In light of the aforementioned, our organizations urge Member States of the Human Rights Council to:

- Call for an end to violations in Syrian detention centers and demand the Syrian government and other de-facto authorities fulfill their obligations on the right to truth for families of disappeared, including the release of civilians and access for humanitarian organizations to all places of detention;
- Ensure that any current and future political efforts regarding the Syrian conflict adopts a survivor-centered approach and aims to fulfill victims’ rights to truth and justice;
- Urge an end to the Astana Track’s monopoly over the release of detainees and truth about the disappeared and demand that the release of detainees and disclosure of their fate should not be subject to political negotiations between parties to the conflict;
- Support the Independent International Commission of Inquiry on the Syrian Arab Republic’s efforts to investigate human rights violations in Syria and vote in favor of renewing its mandate at the 46th session of the Human Rights Council;
- Consider establishing an international, independent mechanism to investigate information about detainees and the disappeared, with a view to disclosing the fate and whereabouts of those who have been forcefully disappeared or arbitrarily detained and ensuring accountability and redress for victims and their families in cases where violations of international human rights and humanitarian law have been committed.

The Association of Detainees and Missing Persons of Sednaya Prison, Caesar Families Association, the Coalition of Families of Persons Kidnapped by ISIS (Massar), Families for Freedom, and Ta’afi, NGO(s) without consultative status, also share the views expressed in this statement.

¹⁰ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25666>.