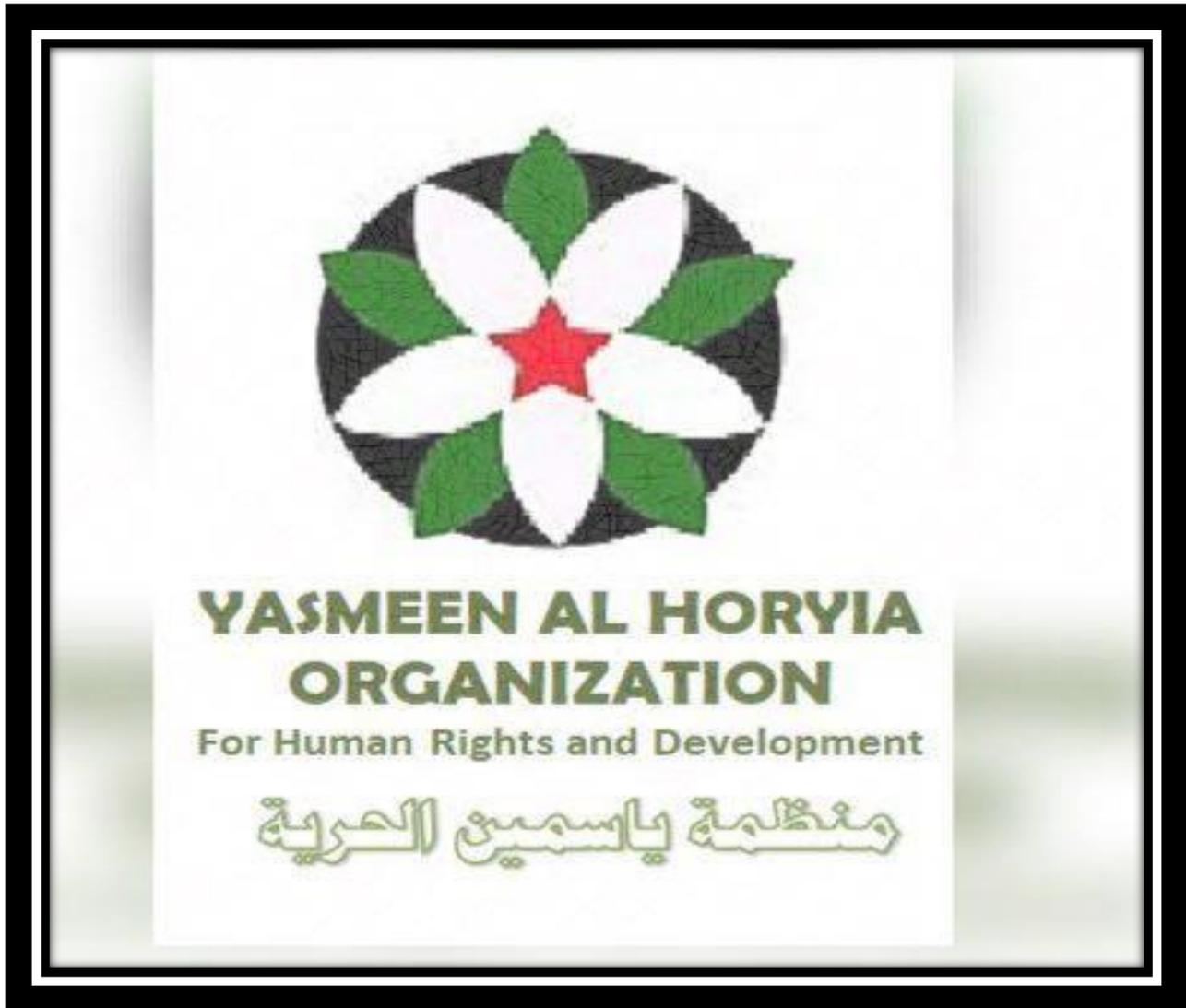


Disappeared without destiny

Syria

Research on the issue of Enforced Disappearance prepared by the team of "Yasmin Al Horyia" organization within the activities of "International Campaign to Save the Detainees in Syria"



Yasmin Al Horyia Organization

Human rights organization works to consolidate the culture of human rights and the issues that follow it, due to human rights work is an urgent necessity in the momentum of armed conflicts, the spread of wars and despotic regimes. Therefore, it is necessary to activate the role of advocacy and establish the rules of equality and human justice. Advocacy of humanitarian issues in general and detainees in particular. Moreover, the continuous and systematic quest to be on the list of priorities of decision-makers in all political and human rights fields.



International Campaign to Save the Detainees in Syria

An advocacy campaign to inform the people of the world about the issue of detainees in Syria by conducting campaigns in all countries that outreach the issue of detainees by the conflicting parties in Syria, such as the regime, the opposition factions and ISIS and the ongoing human rights violations against them such as continuous torture and systematic killing. The campaigns include distributing leaflets, showing videos and photos illustrating the reality of detainees, children, women and youth. It also includes collecting signatures to be submitted to the United Nations under the name of the One Million Signatures Campaign to adopt a resolution to protect detainees in Syria and to deliver the voice to the Security Council for a decision to protect the detainees there.

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Introduction

Since ancient times, detention and torture were one of the methods used to suppress and eliminate opponents of the governing authorities. Since the beginning of the eighteenth century, these methods have evolved to the enforced disappearance of these opponents, especially those who claim freedom, change the regime or they have ideas that shows those who hold power as threatening their authority, tyrannical dominion and collapse their throne which established it by murder and enslavement which may inherited it from his father or grandfather, and committing the most heinous crimes to maintain his power and continuity of controlling people and the country's economic and social capabilities. This phenomenon of enforced disappearances began to manifest itself clearly during the Nazi war led by Hitler. This phenomenon spread in Latin America during the military dictatorships of those countries.

To become a method adopted by repressive regimes to confront opponents of the policy, killing them out of law and to obliterate the features of the crime then, hide the bodies so that the fate of these remain bodies unknown indefinitely.

Historical development

The oppressive authorities of enforced disappearance are not only to silence dissidents and critics who have just hidden them, but also to create uncertainty and fear in the wider society in order to reach out to those who oppose and criticize their authority. Disappearances involve the violation of many basic human rights for the disappeared person, including the right to liberty, the right to personal security and humane treatment (including non-torture), the right to a fair trial, legal counsel and equal protection under the law, Presumption of innocence, and others. The families of the disappeared, who spend the rest of their lives searching for information about them, are also victims.

After World War II, in 1946, the Nuremberg Trials proved one of the most prominent precedents committed in the context of the crime of enforced disappearance, perpetrated by the Nazi regime of Adolf Hitler in 20 years, when he moved people to camps in Germany and ended up in hiding, No information was known about their places and fate. Since 1974, the Inter-American Commission on Human Rights and the United Nations Commission of Human Rights have been the first international human rights body to address the phenomenon of disappearances following complaints about Chile's case since the military coup of 11 September 1973. The report of the Working Group Human Rights in that Country, presented to the United Nations Committee on 4 February 1976, for the first time, the case of **Alphonse-René Shanfrou**, of French origin who was arrested in July 1974 at his home in Santiago de Chile. Earlier, in February 1975, the United Nations Commission on Human Rights used for the first time the term "persons whom their disappearance was unjustified" in the resolution dealing with disappearances in Cyprus as a result of the armed conflict that resulted from the division of the island. In 1977, the role of the United Nations General Assembly was again demonstrated

in relation to disappearances in its resolution 32/118. By that time, the Nobel laureate Adolfo Pérez Esquivel had made an international appeal with the support of the French Government, which had received a response from the General Assembly in the form of resolution 33/173 of 20 December 1978, which referred specifically to "missing persons" and requested from the Commission of Human Rights to make appropriate recommendations. On 6 March 1979, the Commission authorized the appointment of experts as Dr. Felix Ermacora and Walid Saadi, who subsequently resigned due to political pressure to study the fate of disappearances in Chile and to issue a report to the General Assembly on 21 November 1979. The report of Felix Ermacora has become a reference to the legal issue of crime by including a series of conclusions and recommendations subsequently collected by international organizations and bodies. Meanwhile, in the same year, the General Assembly of Organization of American States (OAS) adopted a resolution on Chile on 31 October declaring that the practice of disappearance was an "insult to the conscience of the Western hemisphere" and sent in September the mission of the Inter-American Commission to Argentina, which confirmed the systematic practice of forced disappearances by successive military forces despite the warnings of non-governmental organizations and family organizations to the victims, and in the same resolution of 31 October 1979, the General Assembly of the Organization of American States issued a statement after receiving pressure from the Argentine Government. Shortly after the report of Felix Ermakura, the United Nations Commission on Human Rights considered one of the proposals submitted and decided on 29 February 1980 to establish the Working Group on Enforced or Involuntary Disappearances, one of the most important United Nations bodies that has since been dealing with the problem of disappearances, as well as recommendations to the Committee and Governments on improving protection for missing

persons and their families, as well as preventing enforced disappearances. Since then, various international legal bodies working on enforced disappearances have developed and have developed special jurisprudence. In Europe, the European Court of Human Rights, established in 1959 in accordance with article 38 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, became a permanent and binding court for all States members of the Council, although the European Convention contained no explicit prohibition the practice of enforced disappearance.

Research Methodology

- The research was based on a series of interviews conducted by the organization's work team. Some were conducted directly with the victims in Syria and the neighboring countries, which the Syrians immigrated to them as well as some European countries. The Working Group conducted the interviews for a full month in accordance with the agreed period.
- 25 interviews were conducted with the brothers, sisters and mothers of the victims. Most of these interviews were conducted with the wives of the disappeared. Interviews were also conducted with survivors who were subjected to enforced disappearance for a period of one to four years.
- The interview team relied on a sample of questions that were developed to cover all aspects of the issue of disappearance and the suffering of the disappeared people in search of them and the resulting psychological, physical and damage. In-depth research was carried out in the section on brokers that has recently broken out. In addition, many of disappeared relatives were forced to sell their homes or borrow money in order to hear some news from their disappeared relative. They are often victims of fraud, deceit and financial extortion by brokers.
- After the completion of the interviews, the information collected and then studied in an analytical study, taking into account all aspects of the suffering of the families of the disappeared victims, in order to build a general perception of this suffering.
- The study dealt with some of the legal methods on mitigating the impact of enforced disappearance and reparation for victims, which were derived from the experiences of previous States that suffered from armed conflicts.

Chapter I

Enforced disappearance in international law:

In international human rights law, enforced disappearances occur when a person is abducted or imprisoned by a State, a political organization or by a third party with the authorization, support or approval of the State or a political organization, followed by refusal to recognize the fate and whereabouts of the person, the victim is outside the protection of the law. In the Rome Statute of the International Criminal Court, which entered into force on 1 July 2002, article 7 of the Rome Statute defines enforced disappearance as a crime against humanity if committed as part of a widespread or systematic attack directed against any civilian population, Of the International Criminal Court. Therefore is not subject to the statute of limitations no matter how long and the perpetrator is subject to criminal prosecution. In February 1980, the United Nations established the Working Group on Enforced or Involuntary Disappearances, "the first United Nations human rights thematic mechanism established under a universal mandate". Its main function is to "assist families in determining the fate or whereabouts of family members who are alleged to have disappeared". On 18 December 1992, the General Assembly, in its resolution 47/133, adopted the Declaration on the Protection of All Persons from Enforced Disappearance. The International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the United Nations General Assembly on 20 December 2006, provides that the widespread or systematic practice of enforced disappearance constitutes a crime against humanity. Families of victims are entitled to claim compensation. The Convention provides for the right not to be subjected to enforced disappearance, as well as the right of the relatives of the disappeared person to know the truth. It includes several provisions relating to the prevention, investigation and

punishment of this crime, as well as the rights of victims and their relatives, and the illegal deportation of children born in captivity. The International Convention for the Protection of All Persons from Enforced Disappearance sets out three essential elements to describe the situation of enforced disappearance:

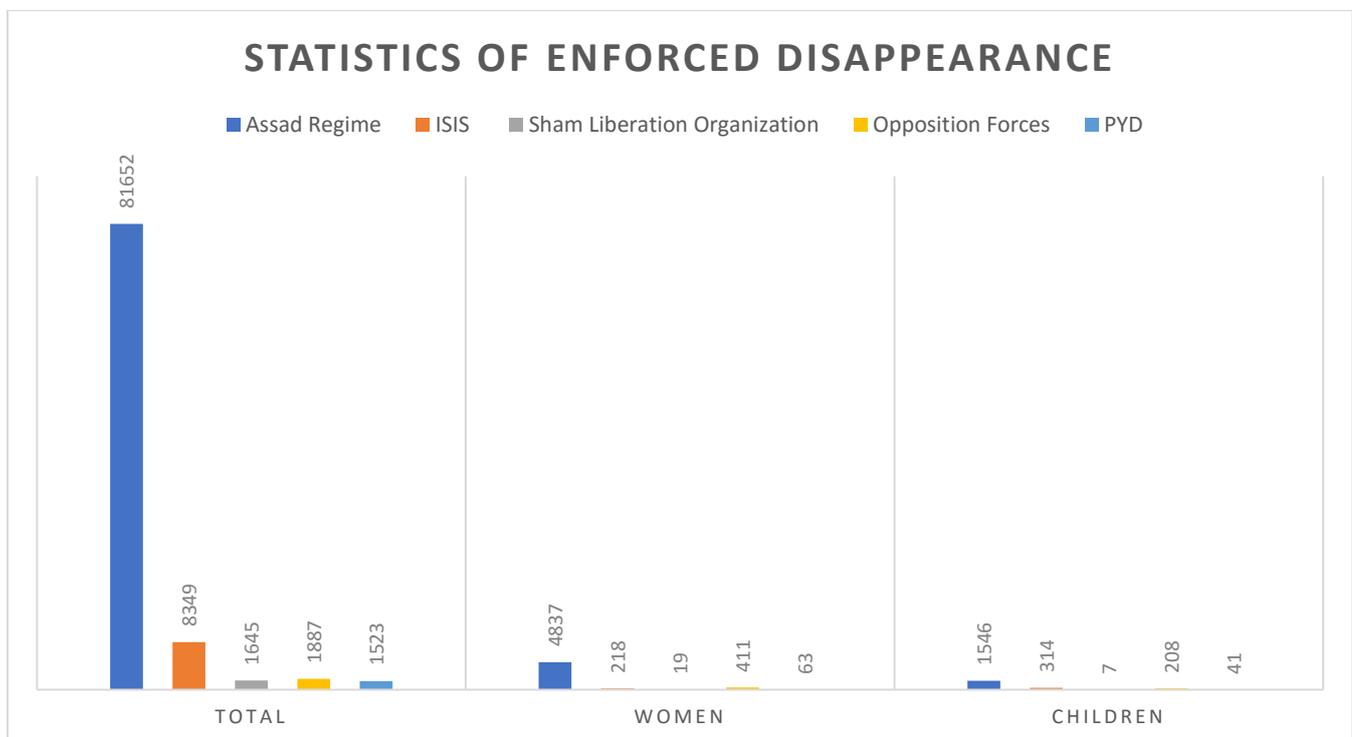
- The occurrence of arrest, detention, abduction or any other form of deprivation of liberty;
- The act is committed by State officials, persons or groups of individuals acting with the permission or support of the State or with its consent;
- followed by refusal to recognize deprivation of liberty or concealment of the fate or whereabouts of the disappeared person, thereby depriving him of the protection of the law. The Convention provides for the obligation of international cooperation in suppressing the practice or in dealing with the humanitarian aspects of the crime. The International Convention for the Protection of All Persons from Enforced Disappearance entered into force on 23 December 2010. Its first article states that "no person shall be subjected to enforced disappearance" and in article 2 that "no exceptional circumstance, It concerns a state of war or threat of war, internal political instability or any other exception to justify enforced disappearance." Article 7 also criminalizes "anyone who commits the crime of enforced disappearance, orders, recommends, commits or attempts to commit an enforced disappearance, or is complicit or co-conspirator. "Enforced disappearance often means murder. The victim is abducted in such a situation and detained unlawfully, tortured during interrogation and killed with the body concealed. Usually the killing is secret and the body is disposed of. In this case, the party that committed the murder has reasonable grounds for denial, since no one can provide evidence of the victim's death.

Chapter II

Enforced disappearance in Syria:

Assad regime has a long history of enforced disappearances against its opponents, not only Syrians but also citizens of other countries. Between 1980 and 2000, Hafez al-Assad's regime hid 17,000 people forcibly, mostly members of "Muslim Brotherhood", as well as members of some leftist and Nasserist parties, the Iraqi Baath Party and various Palestinian factions. Assad regime is also suspected of missing many Lebanese during the Syrian military intervention there. Bashar al-Assad followed his father's footsteps after he came to power in 2000, but the scope of enforced disappearance remained less widespread during his first years of rule. In November 2018, the Syrian Human Rights Network issued a report that mentioned the responsibility of Assad regime for 85.09% of the enforced disappearances in the country. He confirmed that he was the first party and president who began to carry out enforced disappearances against his opponents since March 2011, against all segments of the Syrian people as a weapon of war linked to killings, sexual violence and material extortion. According to the report, enforced disappearances have expanded with the proliferation of informal armed groups fighting alongside Syrian army and security forces, such as the Iranian militia, the Lebanese Hizbullah and others, which have established their own detention centers, carried out arrests and kidnappings of mostly sectarian nature, and obtained collectively. The report also documented at least 9,556 people still under enforced disappearance by key actors in Syria from March 2011 to November 2018. Assad regime is responsible for hiding at least 8,1652 people, including 1,546 children and 4,437 women. At least 8349 people, including 321 children and 237 women disappeared in the state organization, and at

least 1,645 people, including 7 children and 12 women, were members of the Sham Liberation Organization. At least 1,523 people, including 41 63 children and armed opposition groups were responsible for hiding at least 1,887 people, including 208 children and 411 women. Some sources of human rights organizations working on documenting human rights violations in Syria indicate that the number of persons forcibly disappeared during the last eight years exceeded 200,000. 95% are responsible for the disappearance of the Assad regime and its militias. Most of the cases of detention have become enforced disappearances due to the circumstances surrounding them. The ignorance of the place of the detainees and the lack of knowledge of their fate and not subject to trial.



Targeted in enforced disappearance:

At the beginning of peaceful protests in Syria, the number of people who have been subjected to enforced disappearance has increased dramatically. Assad's regime has targeted his opponents by enforced disappearances in three categories since 2011. They are: peaceful opponents of the regime, people suspected of loyalty to him and family members of wanted persons.

Peaceful opponents:

The regime targeted by enforced disappearances in response to protests across the country in 2011, with concerted campaigns to arrest, detain and forcibly disappearance to its peaceful opponents. At the beginning of the campaign, the target of the arrests was peaceful demonstrators and political activists with long-standing interests in this area. According to the report of the International Independent Investigation Commission on the Syrian Arab Republic, young people constituted the vast majority of those who were subjected to enforced disappearance during this phase of the protests. The campaign aimed at repressing the protests and terrorizing the relatives and friends of activists and demonstrators. In the following months, the Syrian authorities began to target observers and monitors, such as human rights defenders, journalists and other media personnel. Doctors and aid workers have also been arrested and enforced disappearances as punishment for the treatment or distribution of food to demonstrators and other supporters of protests against the Assad regime. Even the wounded civilians were not immune from the campaign of arrest and enforced disappearance, especially when they were forced to receive treatment in government hospitals due to the lack of medical facilities and facilities in the protest areas. In addition to violence and inhuman conditions of detention, the disappeared are deprived of any contact with the outside world, any medical care or legal assistance, being

placed outside the legal protection system. Women are generally a minority among the disappeared forcibly. However, they are a majority among family members and relatives who have suffered the most severe social, economic, legal and psychological injustice during the last eight years of the revolution.

Individuals suspected of their loyalty to the regime:

Regime worked to arrest and hide individuals whom it considered to be not loyal to it. For example, mass arrests have been carried out against residents of neighborhoods or cities where protests are active as soon as regime forces can take control of those areas. Regime soldiers and government employees were subjected to enforced disappearance in large numbers simply because the authorities classified them as thinking of fleeing military service, dissent or considered them completely unsupportive. The regime also committed enforced disappearances against individuals who entered areas controlled by opposition-controlled areas, particularly from 2013.

This pattern of arrests and enforced disappearance appears to be common among government officials such as teachers or nurses who are forced to enter areas which are under the control of the regime to receive their salaries or pensions.

Families of the wanted:

Since the beginning of the revolution in 2011, Assad regime has arrested and hid wanted family members to its security branches in order to dissuade those who are wanted to continue their political activity or stop their military activities or to force those wanted to surrender to the authorities. On some occasions, family members were arrested during raids on their homes or workplaces. New appearance of enforced disappearances in Syria: Parallel to the goal of eliminating its political opponents, the regime's goal of enforced disappearance

was to achieve financial gains and settle personal targets, resulting in a significant increase in the number of enforced disappearances over the past few years. With the expansion of infrastructure around the Enforced Disappearance system and its roots over the eight years, the number of actors willing to take advantage of this system has increased for personal gains or goals. As a result of the opportunism initiated by officials of the intelligence services and militias of the regime's army and his skin after they have places of detention, torture and concealment, such as the notorious Deir Shmeil detention camp run by Assad regime. These groups, which operate under the name of Assad regime and with its consent, are gangs who have been abducted and forced to disappear in order to blackmail people and gain material gains basically where they contact with the families of the disappeared and kidnapped in order to negotiate about paying money in exchange for the release of the person or give any information about her/him, otherwise, her/his fate will be the killing.

The suffering of searching for the disappeared in Syria:

From the first moment any person enters the detention camps of Assad regime and its militias, it is considered by his relatives and friends by virtue of the dead to prove the contrary, because of the oppressive and criminal accumulations left by this regime in the memory of the Syrians. More suffering and punctuated by material and administrative difficulties that may strain the family of the disappeared and make them surrender to their ability not to see their son again. In addition to the seriousness of the question of a family member at detention centers, the same may be subject to arrest and enforced disappearance. In view of the dangers surrounding the official question of the fate of missing persons in Assad regime, relatives are forced to turn to brokers and fraudsters who are influential in the regime's

authorities, who have been active in recent years and have mobilized funds in coordination with the security services, exploiting the need of parents to know the fate of their children. These brokers have close relations with the authorities and they sell and buy information about the places of the disappeared detainees. The bribe demanded by the brokers is between hundreds of dollars and tens of thousands. This led some families to sell their homes or agricultural land, which is their source of income, to secure the required amount. Finally to fall victim to the situation of the monument and exploitation by these brokers who work with permission and delegation from security branches of Assad regime. The crime of enforced disappearance has profound implications for family members of victims. This was evident when interviewing close relatives of the victims, such as the wife, children, father and/or mother. Some of them had medical reports of physical treatment of diabetes and blood pressure caused by their grief over the absence of their loved ones, some of them receive psychological treatment of the absence of the effects, some of them seemed to be psychologically and physically collapse of the severity of the experience they faced. Mother of Walid described her sadness on the disappearance of her son Walid five years ago, saying: "He went to work after a few days hesitation for fear of arrest and after he entered the area where he worked near Damascus, which is controlled by the regime, disappeared. "They do not have a person of that name." They always called me bad words and asked me to leave or else they would jail me. "After years of silence, she concluded: "Years ago, I did not have any disease but today, because of the pain and sadness for my son, I have diabetes and high blood pressure. Moreover, mostly I go back to the hospital every week for treatment all what I wish is to know whether he is dead or alive, if he is dead I will know that he is relieved of torture so, I forget a part of the pain on his loss which is the pain of waiting".

"As for Amer, he has been unable to face his disappeared brother since 2011 despite the search for him repeatedly." "I have been victim of fraud by three brokers for about \$ 8000. Every time I try to find him, I find these brokers on my way and I have to pay to know my brother's fate, his place, or to hear his voice," he said. despite the amounts i paid, i could succeed "One of the brokers said that my brother was in branch 215 but without evidence then, I became preoccupied with securing the fortunes of my children and my nephews whom their father Nasir disappeared eight years ago. "One of the survivors told us that he was alive in Sednaya prison and his name was heard during the checking or investigation of the next room but months ago.

"When my husband's brother tried to get a family statement, an officer told him that a death certificate had been sent about his brother Mohamed "Amal said this with a crying full of pain for her husband, Mohamed.

After Samir spent a year and a half in the military air base at Al-Mazza Airport and his family knows nothing about him, he was transferred to Adra prison in Damascus few days later, a group of armed members summoned him to the main door of the prison and then placed the restraints in his hands and a cloth on his eyes and took him to an unknown destination to spend two years disappeared in a solitary cell. "I did not know where I was, the night or daylight," said Samir, who is currently a human rights activist and a former lawyer: "All I know is that I have been there for so long, a jailer comes daily to open the door of the cell and bring me a meal. They took me off the plane then, by taxi, and when we arrived they looked up to meet someone who said he was an officer from the Presidential Palace accompanied by members of the Red Cross. They informed me that I was detained in Branch 248 in Damascus, and that I am now in Aleppo at a crossing which was separation point between the regime forces and the

opposition forces at the end of 2014 and they will hand me over to the Free Army members by exchanging prisoners for an officer of the regime. After I returned to my family I learned from them that one of the brokers at Assad regime told them that I was dead about a year ago and my family paid huge amount of money to know about my fate. I received a text message from my son's phone asking me to transfer five million Syrian pounds, through a money transfer office in Aleppo to Damascus. Then someone will tell me where my son disappeared from University of Aleppo in 2012 and will work for to release him. After negotiations, the amount reached to one million Syrian pound and I transferred, it was a large sum, but the hope of seeing my son again forced me to pay then, my son's phone which I was receiving texts from has been closed then, I knew I fell victim to Shabiha groups that hid my son.

I thought of resorting to security and explaining what had happened, but I feared to face the same fate of my neighbor Qassem, who went to ask about his son at the military security branch in Aleppo, was gone. So far. I do not know the fate of my son despite repeated attempts. "We always get phone calls from people we do not know, each of whom claims he can find my brother if we pay him money," Ghanim explains. Amounts requested from victims' families vary widely, ranging from a few hundred dollars to tens of thousands or millions of Syrian pounds. There are those who continue to search for their missing relatives, and there are those who lost hope and considered them dead this feeling led to reassurance and psychological comfort for the people of the disappeared, but the administrative complications and the routine of getting the transactions remained part of the suffering. For example, if the family cannot obtain a death certificate for her disappeared son, they may not be able to limit the inheritance to which they belong.

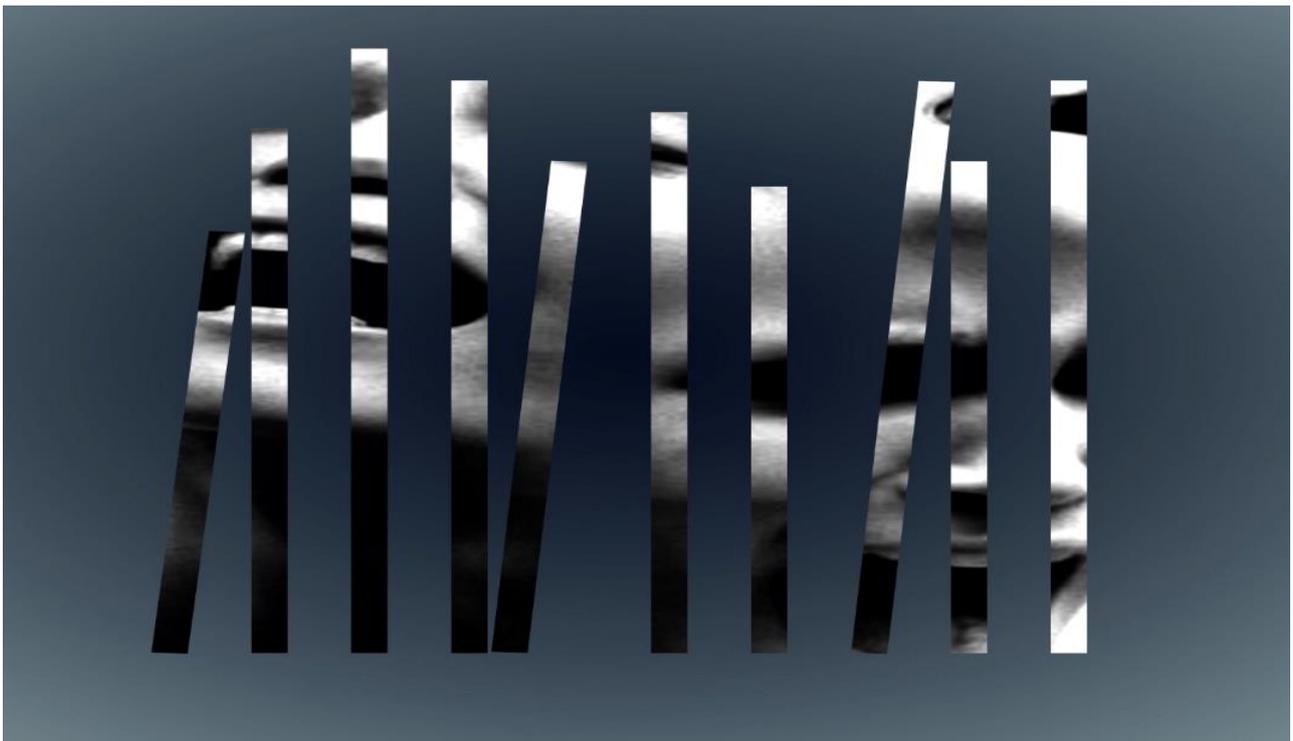
A man whose father disappeared forcibly in 2013 explained this problem, saying: "We could not limit the legacy of my father and if one wishes to claim his share of the inheritance" .The Syrian Family Law provides for the father's jurisdiction over his children, including the exercise of his disciplinary powers, the provision of medical care, education and consent to their marriage and other matters related to the care of minors. The role of the mother is summed up in being an incubator that allows her to meet the basic needs of her children no more. Thus, in the absence or disappearance of the father, the mother does not have the legal right in the state over her children, which would create many problems and the wife of the disappeared may find herself forced to live for many years unable to divorce or to marry another.

"Article 24, paragraph 6, states that". Each State Party shall take appropriate measures on the legal status of disappeared persons whose fate and their relatives are not clear, especially in such areas as social security, financial matters and family law And property rights.

"My husband disappeared in 2013 on his return from work as a teacher at a school near the villages of Homs, which is controlled by the national defense militias," Amal said. I decided to take refuge in one of the camps in Turkey, hoping to find a safe place and financial help for my children till I find work, after I lost hope of gaining money in Homs city.

"The Syrian regime arrested my younger brother without any guilt in 2012 and all news was cut off," said Yasmin, a survivor of Assad regime's detention camps, as she was the only survivor of the family. I was trying to find him everywhere and every time I waited for false promises to find out where he was, I searched for his name in more than a security branch in vain. In 2014, some friends advised me to contact brokers who could know where my brother was. The amounts Started at 800\$. The early news declared that he was in the Political

Security branch in Al-Faiha, Damascus but I was not convinced by the news because it is impossible for him to be detained for two years in the same branch. I continued with someone else who asked me 1500\$ in order to provide me with certain news (according to his promise). His information was that my brother had died inside a prison. I was not convinced or my heart was not convinced. I contacted one of the lawyers in Damascus through WhatsApp application. He asked me 2000\$ to search for his name in the detainees' records. He told me to send the money in the name of someone in Lebanon because he was fear about himself. The result was that there was no name for my brother in the public records of the military police in Qaboun. I lived a single bereaved, asking myself every moment where is my brother? My physical condition worsened and I could not do anything until the beginning of 2018 when I came back again to look for him, hoping to reach something to ease my heart but the exploitation of lawyers and brokers in the areas of the regime control and their sense about the eagerness of the missing people parents, made them more greedy. The price of information about the missing person, alive or dead, has become 5,000\$. Which is difficult for tired refugee like me to pay. "



Chapter III

Enforced disappearances and their impact on the families of the disappeared:

In the Syrian case, the impact of the crime of enforced disappearance on the detainee's relatives is not limited to psychological, physical and administrative suffering but extends to a financial crisis that affects the whole family because the vast majority of the disappeared are men. This problem has had a greater impact on women than anybody else, especially after the main breadwinner loses her family as a result of his disappearance and finds herself forced to find work in order to support her family, as well as the responsibility of caring for young children.

Enforced disappearance affects by preventing the disappeared person or his family of a range of rights, including access to health care, the right to education, the right to participate in cultural life, the right to social security, property rights, the right of life and the right to housing. These family violations became clearer when the person who has been subjected to enforced disappearance is the "main breadwinner". The majority of those who are subjected to enforced disappearance are male and are usually the main or sole source of income for the family. These men left by their wives and families when they are disappeared; members of these families are also stigmatized, especially women who are often excluded from society after their husbands disappear because they are unjustly accused of crimes or because people are afraid to associate with the family of a victim Enforced disappearances. Some of these women may also become victims of economic and sexual exploitation. Moreover, supporters of the regime may socially persecute the mothers of those who are being disappeared by blaming them for not providing the son with "good education"! The crisis is exacerbated by the absence of the breadwinner from the families of

enforced disappearance due to poverty, which is increasingly affected by the costs of continuing research on the disappeared, which brings the family into an endless maze of material extortion and emotional exploitation. While the violation of the right to protection of family life is a fundamental violation of relatives and the families of persons, who are victims of enforced disappearance also suffer from violations of their economic rights because they are deprived of the benefits, wages and social assistance to which the disappeared person is entitled. For example, in several cases in which family members have sued for the loss of the family member's disappeared, the Colombian Constitutional Court has decided that the State and the private sector must continue to pay the person's salary throughout the period of disappearance. Enforced disappearance may also deprive the children of the enforced disappeared of education, thereby violating children's rights also because they cannot afford to pay for school, forcing them to leave school and seek work to support themselves and their families. Brother of Muhanad has disappeared mysteriously. "If my brother is alive, we would like to know where he is being held, what the conditions of his detention are and how his health is," he said. "We knew that we were threatened like him, that we might have the same fate and that the search for the truth and its fate might expose us to disappearance or detention.

"My husband and my young children have disappeared and I do not have a breadwinner," Amal said. Moreover, a family whose individual has disappeared does not know if he/she will ever return, so it is difficult for them to adapt to the new situation. In some cases, the country's legislation may not allow it to receive a pension or other benefits if it does not provide a death certificate. In most cases, the result is that the family is economically and socially marginalized if another of the relatives or friends who may be able to provide maintenance fail until the fate of the forcibly disappeared

breadwinner. Women bear the brunt of the serious economic difficulties that often accompany disappearances. Women often spearhead the struggle to find a solution to the issue of the disappearance of one of their families. They may be subjected to harassment, persecution and retaliation. When women themselves fall victim to disappearance, they are especially vulnerable to sexual violence and other forms of violence.

Children can also be victims of this phenomenon directly and indirectly. The disappearance of the child constitutes a clear violation of a number of provisions of the Convention on the Rights of the Child, including the right to personal identity. The loss of a parent through disappearance also constitutes a serious violation of the rights of the child. Given the Syrian reality, the file of enforced disappearance is one of the most serious violations that the country has experienced since the beginning of the revolution. It is at the same time one of the most difficult files that are difficult to deal with right now, even in the future. It is more dangerous than the file of the dead, who have reached nearly one million so far. The risk of this because it is without the necessary information concerning its victims, and the consequent legal, political and even social considerations. When we talk about a victim who fell under the fire of the regime's army or Shabiha militia or the bombing of planes and missiles, we know that the person has died as a result of the violence by the regime. Thus, the material elements of the crime are complete and facilitate the process of accounting later.

In the case of kidnapping and/or enforced disappearances, which is now one of the main cases in Syria, all we know is that tens of thousands of people are no longer among their relatives, the kidnappers are not known, their fate is unknown and we are not sure in all cases that they were abducted or killed or if Their news was interrupted for other reasons. The follow-up to such violations is

almost impossible at the present time and sometimes leaves decades of consequences. To this day, the case of the disappeared in the 1980s and thousands of families still know nothing about the fate of their children. All this leaves emotional, legal and social problems related to marriage, inheritance and so on. The enforced disappearance of the Syrians, in all its previous dimensions, reflects the brutality of the regime that tortures the victims and their families. It not only abducts tortures and inhumane treatment during detention and prevents them from communicating with the outside world but also prevents their relatives from knowing their fate. Thus, torture is practiced in and outside places of detention and in a long-term manner.



Chapter IV

Mitigation of impact and remediation of damage:

The economic difficulties and trauma resulting from the loss of enforced disappearance affect the rest of the family with psychological trauma that not only violates the right of family life but also other physical and psychological consequences, as well as the violation of the family's right to the highest attainable standard of physical and mental health (Para. 12, International Covenant on Economic, Social and Cultural Rights). The effects of enforced disappearances on the physical and psychological health of family members close to the victim of enforced disappearance are "long-term trauma and underlying psychological distress, where the pain and grief caused by the absence of loved ones continues indefinitely and, in many cases, As well as lack of safe spaces to enable them to demonstrate their experience purposefully. This position affects their right to participate in the obligation of States to reparation and adequate social assistance to families who have been subjected to violations of economic, social and cultural rights as a result of the disappearance Forced ".In accordance with article 19 of the Declaration on the Protection of Persons from Enforced Disappearance, "Persons who are victims of enforced disappearance and their families must be redressed and have the right to adequate compensation, including the means to rehabilitate them to the fullest extent. "The right to reparation from enforced disappearance includes medical and psychological care and guarantees of access to employment. In its general comment on article 19 of the Declaration, the Working Group approved an expanded interpretation of the right to reparation for enforced disappearance, including "medical and psychological care and rehabilitation for any form of physical or mental harm, as well as legal and social rehabilitation, Non-repetition, restoration of personal liberty, family life, citizenship,

employment and property, return to the person's place of residence and other similar forms of compensation, satisfaction and reform that may remove the effects of enforced disappearance "In addition, article 24 of the International Convention for the Protection of All Persons from Enforced Disappearance states that "Without prejudice to the obligation to continue the investigation until the fate of the disappeared person has been clarified, each State Party shall take the necessary measures on the legal status of disappeared persons whose fate, as well as their relatives, in areas such as social security, financial matters, family law and property rights ". Compensation must be comprehensive, including consideration of all infringed rights. Reparation programs should examine how the enforced disappearance violated economic, social and cultural rights and compensation should be commensurate with the seriousness of the violation of human rights and the suffering of victims. Rehabilitation is particularly necessary in the context of the violation of economic, social and cultural rights, rehabilitation measures, programs should be developed and access to victims and their families facilitated. The Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Basic Principles, General Assembly resolution 60/147) provide that rehabilitation must include medical and psychological care, legal and social services, The special needs of each victim are to be taken into consideration when providing psychological or physical therapy, and can be therapy personally, collectively or famously. In the context of satisfaction measures, the basic principles indicate that the search for the whereabouts of the disappeared, the identities of the abducted children and the remains of the deceased must be emphasized and assisted in the process of recovering, identifying and burying the remains "in accordance with the explicit or

presumed wishes of the victims or the cultural habits of the families and communities."

Under article 17 of the Declaration, States must recognize the continuing nature about the crime of enforced disappearance, which affects the rehabilitation of victims. For example, the effects of forced disappearance go beyond puberty. With regard to the health needs of victims of enforced disappearance, the importance of comprehensive health care programs should be emphasized, since the passage of time affects individual situations and should reflect the different health needs of victims of enforced disappearance during the various stages of their lives. The right of children to education, which is usually affected by the harm resulting from enforced disappearances, as well as violations of economic rights that deprive victims of enforced disappearance of university enrollment resources and adult education programs that provide diplomas or degrees to those who are no longer eligible for primary school or Secondary measures and measures that allow victims to return to school without completing previous years of education and how to compensate them according to specific programs.

The International Covenant on Economic, Social and Cultural Rights obligates States parties to guarantee the right of individuals to choose or freely accept work, namely, not to be deprived of work. Remedies of damage for victims of enforced disappearance should therefore be provided with a view to addressing the violation of their right to work and the consequences of such a situation. This includes reparation measures for the disappeared person who has lost his/ her job and salary, as well as reparation for family members who have difficulty finding work because of the physical, mental and psychological damage caused by the disappearance. States should also ensure that the salary of the disappeared person who had been earned by his family

continued to be paid until an adequate and permanent reparation scheme had been developed. Reparation should be applied in its broadest sense and should cover all harm resulting from enforced disappearance, such as physical or mental harm, missed opportunities, material damage and loss of income, damage to reputation and costs for obtaining legal assistance. Reparation measures should take into account the extent to which the loss of the disappeared person has affected his/her work and the prospects of obtaining a job upon release and any societal harm that would impede the disappeared person from reintegrating into society. States should also take action to provide satisfaction to victims and to preserve the experience and memories of the disappeared person, indicating that they will not tolerate or allow the use of enforced disappearances as a means of revenge. The anniversary can be commemorated in the form of campaigns in schools and universities and distribution of leaflets for students, as well as on paintings in public squares or memorials or a commemorative day of Enforced disappeared.

Chapter V

States' experiences:

"When they return." These are the words of determination, sadness and love repeated over and over again by the relatives and friends of those who disappeared, those who were forcibly taken away from their homes or workplaces, crowded bus or empty street, often because of their supposed beliefs that prevent their families from being captured by the authorities or forces they captured, From knowing their places and their fate sealed in silence for years or sometimes forever.

However, "finding them" is a dream that is mobilized and echoed across generations and geographical regions. Finding them not only includes a thread of hope that the disappeared or alive person returns, but also more importantly the need to acknowledge the crime and obtain complete information on the circumstances of the disappearance, the person responsible for the crime and the accountability of the perpetrators. If the disappeared person is dead or died because of torture, the most important thing is to know where he/she is buried and to recover his/her body as part of the family's desire to establish a funerary rite of condolence and remembrance of his/her suffering. In a number of countries, governments have refused to provide information or conduct research in an effective manner, prompting civil society organizations to do so. Civil society groups have developed highly professional skills to locate clandestine graves and remains, conduct forensic analysis to determine their identity and circumstances or cause of death and the restitution of the bodies in a dignified and culturally sensitive way for families. These groups worked on criminal anthropology, for example in Argentina, Guatemala, Peru and Bosnia, allowing thousands of families to recover the bodies of their children and provide evidence of how death occurred. In some cases their findings formed the basis of successful criminal cases to

bring the perpetrators of this heinous crime to justice. Through transitional justice and peace-building processes in many countries, a new trend has emerged as a result of the strong and sustained advocacy efforts of victims' groups and civil society actors. Governments have established special entities with fairly strong mandates to search for the disappeared, Truth and Courts. Everyone faces a number of challenges, including the very complex issue of how and when to use or not use forensic results and DNA analysis. In Nepal, a 2006 peace agreement established the basis for an inquiry, but after 10 years, the families of the disappeared are still waiting for answers about their children. In Colombia, the peace agreement includes mechanisms to find the disappeared, how the country can avoid mistakes of the past and work closely with the victims, but the agreement stipulates that no one who commits the crimes should be held in prison, provided they "honestly" confess to the crimes they committed. Truth. In Bosnia and Herzegovina, the issue of missing persons has been worked on several tracks, ranging from the legal definition of the case to the exhumation of mass graves and individual graves and the identification of remains. Families have submitted tracing requests to the International commission for 22,438 people. In total, 14,552 of these families received information about their relatives. However, there are still 7,886 families looking for their children. A new central registry has been created for the missing to speed up the search for them. The families of the missing say they share the same pain and suffer the same psychological difficulties. Many members of the family feel alienated from their communities or are forced to play an additional role in searching for the missing. They say the missing are without a grave or place to remember. In Argentina, a series of military actions from 1976 to 1983 resulted in the disappearance of more than 30,000 people in a campaign of terrorism, torture and kidnapping. Since the collapse of the military regime,

Argentina has long struggled to confront the legacy of these violations, consolidate the rule of law and hold perpetrators to account. In 1983, a national decree was established by the National Commission for the Disappeared. In 1985, nine former members of the military councils were successfully tried in a landmark trial, which led to the condemnation of military officials for the disappearance crimes. The government then closed criminal accountability methods by issuing laws limiting the legal responsibility of soldiers and the time frame within which criminal cases could be filed.

Despite these setbacks, the Argentine human rights movement and the families of the disappeared continued to press for accountability. In 2003, the Argentine Supreme Court ruled that laws protecting the military from prosecution were unconstitutional. The Argentine authorities then expressed strong support for the prosecution of past crimes. As of 2010, more than 800 defendants faced criminal charges, and 200 of them were sentenced. The prosecutions included key leaders, direct criminals and civilians who contributed to the crimes, including priests, judges and former ministers. One of the best experiences of the search for victims of enforced disappearance in Argentina was the experience of May Square women. The mothers were suffering in the search for sons and daughters who were absent from the camps of power. They gathered and decided to take action to rescue the disappeared by heading to the square facing the presidential palace at a time when martial law prohibited the gathering of more than 3 adults in one place. The mothers walked silently, two in the form of a circle around the mid-field pyramids, in a ritual known as the "circular demonstrations" they regularly practiced every Thursday. The numbers of mothers increased day by day, and they began to wear a white handkerchief on their heads for discrimination (which became a symbol of the issue of enforced disappearance later). The mothers were initially ridiculed and then suppressed (12 members of the

movement of mothers and sympathetic activists were arrested and forcibly evicted). The number of participants increased and the relatives of the absentees joined the actors and expanded the case to include those who were in solidarity with the issue in general. In Guatemala, hundreds of exhumations have been conducted and a scientific team has been assigned to assist in identifying the remains of the disappeared and establishing a bank to store the DNA of unidentified bodies. In 2005, human rights activists uncovered the existence of several million rotten national police files in a warehouse. A national project to archive and make available to the public was prepared and archive documents were used in the Tribunal's first cases of disappearances. Serbia has established compensation programs for victims of war, but not specifically for victims of enforced disappearance and their families. Compensation programs consist mainly of monthly financial benefits provided by the Veterans of Disabled Persons Act and the Civil War Victims Rights Act. These programs do not apply to family members of missing civilians, and do not amount to the requirements laid down by the Working Group in its general comment on article 19 of the Declaration on the Protection of All Persons from Enforced Disappearance, which provides for the right to a remedy for victims of enforced disappearance. In Lebanon, a law was passed in 2018 establishing a national body for the missing and forcibly hidden during the civil war. The law gives families of missing persons the right to know the fate, whereabouts, places of detention or abduction of their missing and missing persons, their relatives, and whereabouts and receipt of the remains. The law came 28 years after the end of the civil war but could give glimpses of hope to the families of people who disappeared in the 1975-1990 war and may contribute to revealing the fate of a number of them. The statistics of the Lebanese police estimate the number of forcibly disappeared about 17000 persons.

Recommendations

- Demand that the International Committee of the Red Cross take its role in reaching places of detention in Syria and disclose the fate of the disappeared in the secret detention centers.
- Accountability of Assad regime for the crime of enforced disappearance committed against the Syrians opponents.
- Detecting the mass graves established by Assad regime and has become clear in recent times.
- Establishment of a bank for forensic DNA.
- Motivating the families of the victims to form groups and organizations that gather the largest number of them to strengthen solidarity among them and to deliver their voice to the global active actors in order to advocate their case.
- Organizing periodic exhibitions and seminars that show the suffering of enforced disappearance, the dimensions of this suffering and its impact on victims and their families particularly and their impact on society in general.
- Announcement a Memorial Day of enforced disappeared in Syria.

References

- International Convention for the Protection of All Persons from Enforced Disappearance.
- Declaration on the Protection of All Persons from Enforced Disappearance.
- Amnesty International - Between the prison and the grave.
- Reports of the International Committee on Economic, Social and Cultural Rights.
- International Covenant on Economic, Social and Cultural Rights.
- Reports of the Syrian Human Rights Network.
- Publications of the International Center for Transitional Justice.
- Interviews conducted by the organization Working Group with the families of victims in Syria, neighboring countries and some European countries, directly or via means of communication.