



Comprehensive Periodic Review:
Syrian Arab Republic
Third Session

Summary Report by the Stakeholders
Families for Freedom
To the Comprehensive Periodic Review Team
June 2021

Families for Freedom: The Families for Freedom movement includes hundreds of families from all segments of Syrian society, and various religious sects, who lost their loved ones to all parties to the conflict through arbitrary detention and enforced disappearance. The idea for the movement began in November of 2016 as the first campaign led by the families of detainees and forcibly disappeared persons to champion their cause.

<https://syrianfamilies.org/en/>

This contribution falls within the framework of the third session of the Comprehensive Periodic Review of the human rights situation in the Syrian Arab Republic (Syria) against the background of recommendations made during the second session in 2016. This report was prepared after interviews with hundreds of families of detainees and disappeared persons, and the collection of extensive information and data related to the issue of arbitrary detention and enforced disappearance, the two focal issues of this report.

I. General Context and Latest Developments

1. Despite recent decreases in the intensity of the armed conflict raging since 2012 in many areas of Syria, violations against the civilian population continue to be perpetrated by parties to the conflict. Meanwhile, Syrian authorities bear first the responsibility for the largest proportion of these violations, and secondly the primary legal responsibility for investigation and accountability for these violations.
2. Not all political tracks have led to a significant improvement in human rights conditions as pertains to cases of arbitrary arrest, enforced disappearance, and extrajudicial killing. Despite the formation of the Working Group on Detainees and Missing Persons by the so-called Astana Process, this only led to some prisoner exchanges between conflict parties without any clear plan or effective involvement of the families of the detainees and disappeared persons. The Geneva negotiation process also failed to achieve any progress as relates to this context.
3. Syrian authorities have not made any significant progress on the issue of arbitrary detention and enforced disappearance, despite their acceptance of a number of recommendations in this regard during the second session. On the contrary, it imposed some laws, procedures, and measures that have increased the severity of these violations and their impact on families, including issuing arbitrary death certificates without actually addressing the root of the problem.

II. Scope of Legal Obligations

4. Syria is party to several international human rights instruments including the International Covenant on Civil and Political Rights, the Convention against Torture, the four Geneva Conventions and their First Additional Protocol.

5. Syria has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) despite its acceptance of the relevant recommendations during the second session.¹ Moreover, Syria has not agreed to individual complaints mechanisms under the International Covenant on Civil and Political Rights and the Convention against Torture.
6. Syria's failure to ratify the ICPPED does not relieve it of its obligations under international law to respect, protect, and fulfill the rights of individuals. Therefore, Syria accepted many recommendations related to arbitrary arrest, enforced disappearance, and extrajudicial killing such as recommendations 109.152, 109.154, 109.174, 109.175, and others.
- 7. Recommendations:**
 - a. Ratify the Convention on Enforced Disappearance before the date of the next review to activate its provisions and enable the authorities to implement their obligations.

III. Arbitrary Arrest

8. The Syrian government continues to practice arbitrary detention on a large scale against the Syrian people including men, women, and even children and the elderly, despite the prohibition of arbitrary deprivation of liberty in Article 9 of the Universal Declaration of Human Rights and Article 9 of the International Covenant on Civil and Political Rights. This is considering that the practice is prohibited by the Panel on Arbitrary Detention in its report dated 12/24/2021 and by the Human Rights Committee in its general comments No. 29 and No. 35 regarding articles 4 and 9 of the International Covenant on Civil and Political Rights and despite its acceptance of a number of recommendations related to arbitrary detention and enforced disappearance in the 2016 periodic review.

9. Individuals continue to be detained by the Syrian army, which emerged from its barracks and was deployed in manned checkpoints on all roads and the entrances and exits of cities, residential neighborhoods, government and civil institutions, and markets, in addition to checkpoints affiliated to Air Security Intelligence, Political Security, Criminal Security, and those formed by the National Defense Forces to carry out arbitrary arrests of civilians including women, children, and the elderly. In the majority of cases, these arrests have no legal basis commensurate with the provisions of international law.

10. Hundreds, if not thousands, of Syrians including human rights defenders and other prisoners of conscience, those who participated in peaceful demonstrations, or others who have been arbitrarily detained, are still languishing in declared official prisons and other unannounced detention centers despite the Syrian government's acceptance of the recommendations which include pledges to release them immediately.² The Syrian government has not provided any practical guarantees or real steps for the prompt, impartial, and effective investigation of cases of arbitrary detention.³

11. During arrests in Syria, the detainee is not allowed to speak or inquire about the reason for their arrest, the identity of the party arresting them, or the location of their detention. Their property is confiscated including their mobile phone, money, and gold jewelry. It is also a general and prevailing practice not to inform families of detainees of their whereabouts, even if the families frequently check with the competent authorities. This practice persists despite Syria's acceptance of the relevant recommendations.⁴

12. When the National Defense Forces carry out an arrest, they usually contact the families of the detainee and ask them for large sums of money in exchange for their release. Some of the families of the detainees who have the money may be responsive to this. When the money is sent and obtained by the National Defense Forces, the detainee may or may not be released. There has also been a repeated practice of extrajudicial killing without a clear mandate by the Syrian government to investigate and hold culprits accountable for these practices.⁵

13. Many of those who have been detained for many years remain in prisons and detention centers without trials or access to their families.⁶ A few of them have been released after many years of deprivation of freedom. The physical condition of detainees deteriorated due to torture and deprivation of the most basic life necessities such as sunlight, decent food, and medical care. The spirits of those detainees were also broken because they never knew the reasons for their arrest, nor were they allowed to communicate with their families or to hire an attorney.⁷

14. The Syrian government considers anyone who criticizes its policy or participates in peaceful demonstrations, and anyone with any association to these activities, to be a terrorist, even if they are civilians who never carried arms.

15. The Syrian government created the Counterterrorism Court through laws 19, 20, 21, and 22 of 2012, with powers that directly contribute to the absence of fair and

public trial guarantees in any of its procedures.

16. When the detainee is informed of the reasons for their arrest, the Syrian government relies on the 2012 Counterterrorism Law for most charges. The provisions of this law are broad and subject to the inclusion of any act by any person within the scope of what the Syrian government may classify as a terrorist act. It should be noted here that the existence of the Counterterrorism Law in itself does not make detention legal, as long as the law itself constitutes a violation of human rights and is inconsistent with international law. The Syrian government has previously accepted a recommendation from the CEDAW Committee regarding the amendment of this law in line with the provisions of international law.

17. Recommendations:

- a. Publish a list containing the details of all detainees in locations under the control of the Syrian authorities, with information on the reasons for their arrest and detention.
- b. Immediately release all those arbitrarily detained, and end torture and other cruel, inhuman, or degrading treatment of detainees.
- c. Grant relevant international organizations, such as the International Committee of the Red Cross, the right and facilitated access to all detention centers, without linking such access to any political negotiations or developments.
- d. Criminalize arbitrary detention in Syrian law, and apply this to the rules and regulations governing the work of the executive forces and other military or paramilitary entities.
- e. Establish a clear mechanism for families and loved ones to communicate about the whereabouts of their detained children, and facilitate regular communications and visits.
- f. Create an effective redress mechanism that enables victims of arbitrary detention and their families to have equal access to justice, and through which those complicit in cases of arbitrary detention and/or extortion are effectively investigated and held accountable.
- g. The immediate cessation of the powers and practices of the Syrian Arab Army against civilians, especially arbitrary detention and massive deployment in civilian areas to enforce such detention.
- h. Effective communication and response to the special procedures of the Human Rights Council, and their correspondence regarding cases of

arbitrary detention and other related violations.

- i. Repeal of the current counterterrorism law until it is amended in accordance with the provisions of international law, ensuring that the law is not used arbitrarily based on its current provisions.

IV. Enforced Disappearance

15. The Syrian government (especially the Air Force Intelligence branch) has carried out repeated enforced disappearance campaigns with unknown motives and a wide geographical distribution in areas such as Homs and its countryside, Hama, Salamiyah, the western Hama countryside, some areas of Latakia, the Yalda-Babila road, and the city of Damascus. These campaigns disappeared hundreds of families wholesale, and seized hundreds of vehicles that were carrying the families. To this day, the fate of all members of these families remains unknown.

16. Human rights reports indicate more than 85,000 forcibly disappeared persons being in the custody of Syrian authorities as of March 2021.⁸

17. Many families refrain from reporting their disappeared sons who were arrested by the Syrian authorities, for fear of reprisals by Syrian authorities or their agents.

18. Despite the Syrian government's acceptance of Recommendation No. 109.152 from Luxembourg to end forced disappearances and extrajudicial executions, in 2018, the Syrian government issued death certificates for very large numbers of detainees and forcibly disappeared persons. One of the families involved in our movement obtained a family statement from the civil registry, where the deaths of the father and his two young sons are registered on the same day, all of whom had been arbitrarily arrested and forcibly disappeared. This indicates that the father and his two sons were executed extrajudicially, because otherwise it would be impossible for all three to die on the same day, especially considering that prior to their arrest they were free of any chronic or infectious diseases.

19. These death certificates indicate that Syrian authorities have not fulfilled their obligations to effectively investigate cases of enforced disappearances, torture, and extrajudicial killing. Syrian authorities have also sought to hide all traces of the violations committed, including, without a doubt, extrajudicial killings and the burial of victims in mass graves as indicated by the recent report of the International Commission of Inquiry.⁹

20. Syrian authorities compel families who ask them about the fate of their detained loved ones to submit an official petition that includes implicit acknowledgment that the detained person was a member of a terrorist organization, in clear violation of the Syrian government's legal responsibility to inform families of the whereabouts of their loved ones and not to force anyone to confess and implicate themselves or others for a crime that was not committed.

21. Rarely do such petitions result in any positive information about the fate of the forcibly disappeared, as families are usually gathered in the courtyard of the Military Prosecutor's and are collectively informed of the result: that their loved ones had not been found.

22. Recommendations:

- a. Uncover the fates of all disappeared persons immediately by issuing lists of deaths and lists of living detainees and their location of detention in preparation for their release.
- b. Immediately cease the practice of enforced disappearance, and hold the violators accountable by presenting them to fair trials in cooperation with the United Nations.
- c. Disclose all detention centers and allow international monitors unhindered access to them.
- d. The urgent and immediate release of children, women, the elderly, the sick, and those with special needs.
- e. Immediately cease the issuing of death certificates to detainees, and conduct an impartial and effective investigation of deaths that have been announced through the death certificates issued so far, and keeping families informed of the events.

V. The suffering and rights of families of detainees and forcibly disappeared persons

23. Many families of detainees were forced to emigrate for fear of arbitrary arrest as happened to their loved ones. In most cases, external migration is done illegally and involves many risks, as some of these families are today afraid of the risk of being forcibly returned to Syria.

24. Families have no mechanisms for effective redress or for inquiry into the fates of their loved ones.

25. As for internally displaced families, they live in locations unsuitable for housing in northern Syria. Many of them live in tents that do not protect them from the summer heat or cold winters. They suffer from the loss of their loved ones and loss of safety, and the children of detainees do not have access to the basic necessities of a decent life in those camps where they lack education, play, decent food, and medicine.

26. The spread of the COVID-19 pandemic has had the greatest impact on the families of the detainees and the disappeared. As such, their fears for their loved ones were compounded to their fear for themselves, as they are fully aware of the absence of healthcare in prisons and detention centers, and they know that there are a very large number of detainees held in limited and dark places. Some survivors of detention have described to us how a detainee would prefer to die where they are than be transferred to the military hospital, where detainees/patients are euthanized.

27. All families of forcibly disappeared persons are deprived of their inherent rights to know the truth.

28. Recommendations:

- a. Provide real and tangible guarantees for the safe return of families to their places of origin without immediate or future fears. This can only be achieved after the army and security personnel are withdrawn to their military sites and cease the practices of arrest and enforced disappearance.
- b. Protect the rights of detainees to health care and allow their families to communicate with them and check on their health condition.
- c. Respond to United Nations mechanisms, especially with regard to reports of fears of reprisals against families as a result of their search for their loved ones who had been detained and disappeared.

¹ Recommendations 109.6 and 109.7 by Uruguay and Sierra Leone.

² Recommendation 109.167 by Canada.

³ Recommendation 109.189 by Slovenia, and recommendation 109.154 by Brazil.

⁴ Recommendation 109.174 by Austria.

⁵ Recommendation 109.154 by Brazil.

⁶ Statistics indicate that, as of June 2021, more than 150,000 detainees remain in the custody of Syrian authorities. Syrian Network for Human Rights, Record of Arbitrary Arrest, June 2021, <https://sn4hr.org/blog/2021/06/14/record-of-arbitrary-arrests1/>

⁷ Including but not limited to: Recommendation 109.203 by Switzerland and recommendation 109.171 by Austria.

⁸ Syrian Network for Human Rights, Record of Arbitrary Arrest, June 2021, <https://sn4hr.org/blog/2021/06/14/record-of-arbitrary-arrests1/>

Also see: Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 22 February - 19 March 2021, <https://undocs.org/A/HRC/46/55>.

⁹ Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, March 2021, <https://undocs.org/A/HRC/46/55>.