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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 the Cairo Institute for Human Rights Studies  
(CIHRS), 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.

[25 August 2008]

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\* This written statement is issued, unedited, in the language(s) received from the  
submitting non-governmental organization(s).

### **Enforced Disappearance in Syria<sup>1</sup>**

1. Syria first witnessed enforced disappearances in the early 1980s, a decade that saw the most flagrant violations of human rights in Syria. Executions after unfair trials were rampant. The number of human rights activists in Syria and international organizations who were 'disappeared' is estimated to be more than 17000, to this date their status is unknown and their families still do not know if they are dead or alive.

2. This phenomenon goes back to the end of the 1970s, when the Syrian government used the Syrian army and armed forces to curb the political violence that erupted between 1979 and 1982. Huge numbers of civilians were pushed into conflict with the armed opposition. This era saw such massacres as that in the city of Homah. Reportedly an approximate figure of 7000 persons is still missing since then.

3. The practice of enforced disappearance remains one of the ongoing violations, especially, under the state of emergency which has been in place for more than forty years. Unlawful arrests are still an ongoing phenomena by some security bodies which usually results in not knowing the place of the arrestees as well as the destination or the cause of detention. Due to the non-transparency on this regard it is nearly impossible for the victim's families to identify the legal authority to answer inquiries on their missing relatives.

4. Given the excessive power of the security bodies <sup>(2)</sup> and their intervention in the daily lives of ordinary citizens the families of the missing do not submit legal complaints to know what became of the 'disappeared' persons due to their fear of the reaction of the concerned security body. Furthermore, families have no confidence in the judiciary which has lost its independence in the face of security bodies. Those missing remain so for months and sometimes years and their families do not know if they are still alive or not. During this period, those missing are subjected to all forms of physical and mental torture, in addition to being held in conditions below the international minimum standards governing the treatment of prisoners. This takes the form of poor detention facilities, lack of health care, malnutrition and other forms of suffering.

5. Enforced disappearance is a violation of the State's constitutional obligations. Article 28 of the Syrian constitution stipulates that "no person shall be investigated or arrested unless by virtue of the Law" and "no one shall be physically or mentally tortured or be treated degradingly. The Law shall hold person undertaking such acts punishable".

6. In complete oblivion of international human rights conventions Syrian civilians are arrested and unlawfully detained by security branches at their home, work, or the airport upon their arrival from outside the country. Whereby no permit for those arrested object, or contact to their families or to request legal aid. The security bodies often do not reveal their identity and the reasons for the arrest are not clarified either to the arrested or their families.

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<sup>1</sup> The Damascus Center for Human Rights Studies (DCHRS) and Human Rights Society of Syria (HRSS) share the views of this statement and contributed to its formation

<sup>2</sup> The security bodies are affiliated to one of the following agencies: the military intelligence, the air force general intelligence, the political security branch, and the general intelligence. All these agencies have branches, forces and divisions.

Sometimes a person is summoned to a security body and never comes back from that visit and when their family inquires about the missing relative from the security branch that summoned him/her they are also detained and the presence of their previously detained relative is denied.

7. The lack of supervision of the security bodies' practices and the elimination of the law and judiciary from such cases gives free reign to these bodies. This results in systematic inhuman treatment of detainees that includes verbal abuse and torture of all forms in order to extract specific confessions. People are detained without knowing the reasons, without referral to any court, and without the right to contact their families, or legal aid. They are detained in one of the wide-spread unsupervised security branches, where all forms of torture and degrading and inhuman treatment are practiced.

8. There is no information about lawsuits filed against security bodies in Syria who have carried out enforced disappearance. This is either due to the fear of the families of the missing or the missing person themselves (after their release). The situation becomes all the more complicated as the released person may know the body that arrested them but may not know the name of those who undertook the arrest, investigation and torture. In this context, it is worth noting that the legislative decree No. 14 which established the State Security department in 1969 stipulates in Article 16 that "none of the department staff shall be prosecuted for the crimes committed thereby during the accomplishment of a specific mission assigned thereto or during the undertaking of such missions unless by virtue of a prosecution warrant issued by the director". This Article thus bans the right to litigate any perpetrator of the 'disappearance' who is affiliated to the general intelligence. This is a flagrant violation of international human rights standards.

9. The state of emergency in force in Syria since 1963 and the consequent absence of law, excessive power held by the security bodies and the lack of judiciary independence have rendered enforced disappearance a legally-unsupervised commonplace practice.

### **Conclusions and Recommendations**

Enforced disappearances in Syria is a regular and ongoing violation protected by the state of emergency and ad-hoc laws and encouraged by the security forces that has replaced the judiciary, and the ignored national laws and international standards, especially those ratified by Syria and thus becoming part of its national Law.

An entitlement to personal security and freedom are the most basic rights. The unaccountable continuation of enforced disappearances in Syria is, thus, unacceptable.

Therefore, we believe that the following steps should be rapidly implemented to put an end to this blatant violation of human rights in Syria:

1. The files of all those subjected to enforced disappearance should be moved from the intelligence to the normal judiciary in cooperation with the Ministry of Interior.
2. Lists should be prepared of the detainees so that the families and lawyers can view them anytime, indicating the place of detention and the charges.

3. The names of those who die during their enforced disappearance should be revealed and their legal status should be settled.
4. The places of detention and arrest should be revealed so that they may be subject to the required legal supervision. Detention in unsupervised security branches that are difficult to survey should be stopped.
5. Any security body that proves to be involved in enforced disappearance should be held accountable.
6. A lawsuit should be filed to indemnify those who forcibly disappeared or their families in case what happened to their relatives is not revealed.

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