

Experiences of Families of Persons Forcibly Disappeared by the Syrian Regime

(Sample survey)









On the Brink of Despair Experiences of Families of Persons Forcibly Disappeared by the Syrian Regime

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The Day After (TDA) is a Syrian organization that works to support democratic transition in Syria, and its scope of work is focused on the following areas: Rule of law, transitional justice, security sector reform, electoral system design and Constituent Assembly election, constitutional design, economic reform and social policies.

We thank the Orient Policy Centerfor their valuable contribution to this report.



The Orient Policy Center (OPC) is an independent research center established in 2014, providing consultations and research services with the aim of developing humanitarian policies and programs, and supporting stabilization and reconstruction in crisis areas and fragile environments.

And Human Rights Guardians

The Human Rights Guardians is a non-profit human rights organization, focused on Syria, that seeks to document human rights violations, defend the victims of forced disappearance, document cases of extrajudicial killings, and raise awareness on human rights in Syria. The organization also builds partnerships with specialized human rights organizations, shares data with institutions working on justice, accountability and research. Human Rights Guardians follow United Nations mechanisms, and work with Special Investigation Committees, and adhere to international standards in documenting, collecting, storing and sharing data with partners.

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Introduction

In 2013, the UN-mandated Independent International Commission to Investigate Violations in Syria described enforced disappearances by the Syrian regime as "part of a widespread systematic attack targeting the civilian population, thus amounting to crimes against humanity"⁽¹⁾. At the time this statement was made near the end of 2013, the discussion was about a few thousand enforced disappearances. Today, these operations are still ongoing and therefore the numbers of enforced disappearances have not stopped rising. The Syrian Network for Human Rights documented in a report released in early 2019 that there had been at least 98,000 enforced disappearances in Syria since the beginning of the uprising in 2011 until the publication date of the report in question⁽²⁾. The report also indicated that the Syrian regime forces are responsible for 85% of these operations, while jihadist organizations, such as ISIS and Jabhat Al-Nusra, are responsible for approximately 11% of them. Meanwhile, a little more than 4% of enforced disappearances are attributed to the armed opposition factions and forces affiliated with the Kurdish Democratic Union Party, the Syrian Democratic Forces (SDF).

Therefore, this report focuses specifically on the cases of forcibly disappeared persons in the Syrian regime's prisons and detention centers, which have used enforced disappearance alongside arbitrary detention as a tool to terrorize Syrian society and force its opponents into submission, in what Amnesty International described in one of its reports as an "ever-evolving process"⁽³⁾. According to this report, the main targets for detention and disappearance are peaceful opponents of the regime, protesters, political activists, human rights defenders, media professionals, doctors, relief and humanitarian workers, military personnel, and state officials whose loyalty is doubted, as well as family members of all those mentioned above.

Although enforced disappearance itself is a crime which is well covered in international law, the most serious aspect of the Syrian case are the practices which forcibly disappeared persons are subjected to in detention centers, where they are completely cut off from the outside world and subjected to various forms of physical and psychological torture and sexual assault, without any legal protection. The report referred to by Amnesty International includes shocking testimonies and harrowing accounts about the experiences of survivors of enforced disappearance, as well as experiences of the families of disappeared persons who did not survive⁽⁴⁾, and how the enforced disappearances inflicted severe psychological, economic, and legal damage upon them.

It is almost impossible to identify detainees apart from the forcibly disappeared persons among those targeted by the Syrian regime and its affiliated militias. In the vast majority of cases, the authorities do not issue arrest warrants or summonses, nor do they report the incidents to the families of the detainees. Therefore, from a legal point of view, all those detained by the security services are considered to be forcibly disappeared, for periods that vary in length⁽⁵⁾. When the Syrian regime's institutions eventually admit that some of them are in fact detained, these people are considered detainees. However, when they continue to deny that they are detaining others, those persons are considered as forcibly disappeared. On top of this, there is nothing that prevents those considered to be detainees from being disappeared again, especially in the context of the many transfers that detainees go through, often being shuffled between detention centers and various security branches. This was confirmed by an investigative report that looked at the cases of 100 detainees and enforced disappearances⁽⁶⁾. which found that at least 21 of these 100 detainees disappeared a second time after their families were able to verify their original place of detention.

Lynn Maalouf, Amnesty International's Director of Middle East Research, describes the experience of families who are missing their loved ones as follows: "The Syrian government is effectively and deliberately obstructing the right of families to know the fate and whereabouts of their loved ones, thus causing unbearable suffering due to the uncertainty experienced by relatives of the disappeared, who are often women and children."⁽⁷⁾ In the following report, we try to highlight and understand these experiences of families who have also been made victims due to enforced disappearances by the Syrian regime. We do this through a set of quantitative indicators that are integrated to paint a clearer picture of the endeavors taken on by families who are searching for their relatives.

(7) Lynn Maalouf, Families of the Forcibly Disappeared are Left Alone to Find Answers about their Loved Ones, Amnesty International, 2019, at the link: https:// bit.ly/3bZoWR0, 07-04-2020.

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⁽¹⁾ The independent international commission of inquiry on the Syrian Arab Republic, meeting room paper ,2013, in link: https://bit.ly/39fxpyb, last seen 31-03-2020.

⁽²⁾ Syrian Network for Human Rights, Enforced Disappearance, The Regime's Most Brutal Weapon, 2019, at: https://bit.ly/33QEvlv, 25-03-2020.

⁽³⁾ Amnesty International, Between Prison and Grave, Enforced Disappearances in Syria, 2015, at: https://bit.ly/2Uhlhl0, 26-03-2020.

⁽⁴⁾ Same as last source

⁽⁵⁾ A telephone interview conducted by researchers of the Orient Center with a former investigative judge in Damascus who defected from the regime and lives in a European country, dated 25-03-2020.

⁽⁶⁾ Sultan Jalabi, The trade of Detention in Prisons and Detention Centers of the Syrian Regime, Syria Untold, 2020, at the link: https://bit.ly/35n70ml., 01-05-2020.

I. Methodology and Sample Characteristics:

The survey relied on questionnaires as a key tool for data collection. The questionnaire was designed to investigate the experience of enforced disappearance from the perspective of families of the forcibly disappeared throughout the course of the disappearance, meaning from the first moment of the disappearance and what they knew about its circumstances, through search and investigation operations on the whereabouts of the forcibly disappeared, to the latest of what they knew about the fate of their disappeared relatives.

Accordingly, standardized interviews were also conducted with first- or second-degree relatives of missing persons, and in rare cases, with people close to their inner social circles.

» Relation to the Forcibly Disappeared Person

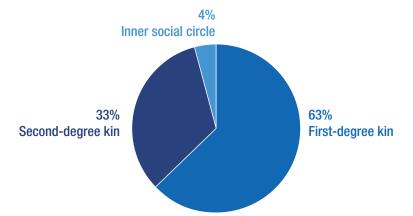


Figure No. (1) shows the distribution of respondents according to their relationship with the forcibly disappeared person.

The survey sample included 344 cases of enforced disappearance. Cases were identified using a snowball sampling method, as it is the most effective method in dealing with research communities with special features or whose members have experienced exceptional experiences. This is applicable especially within the already complex Syrian context, where talking about the subject of enforced disappearance is prohibited in large parts of the country where the Syrian regime is still in control, making it almost impossible to reach these cases without risking exposing researchers or responders to risks. Therefore, the bulk of the interviews were carried out within opposition-controlled areas in northern Syria (78%), while the other part was conducted with Syrian refugees in Turkey (22%). The sample, however, included people from different parts of Syria and enforced disappearances that took place throughout different parts of the country.

All interviews were conducted between October 2019 and January 2020 and were carried out by a team of trained field researchers who were deployed in different areas within Idlib province and opposition-controlled parts of Aleppo province.

The vast majority of investigated cases of enforced disappearances in this survey came from residents of central, northern and western Syrian governorates, namely Hama, Homs, Aleppo and Idlib, as well as an acceptable number from Damascus and its countryside, while the number of cases in Daraa, Deir Ezzor, Latakia and others was lower. The lack of equal representation of Syrian governorates in the sample is primarily due to the geographical scope in which the interviews were conducted.

» Place of residence before the disappearance

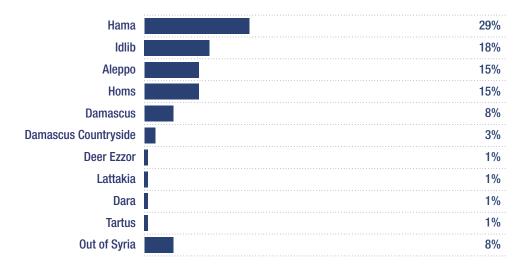


Figure No. (2) shows the distribution of investigated cases according to their governorates of origin.

In terms of gender, the vast majority of the survey sample was made up of males, while female representation in the sample was about 2.3% This is partly because the vast majority of victims of enforced disappearance are in fact males. According to the Syrian Network for Human Rights' data mentioned earlier, the proportion of females of the total disappeared persons as of August 2019 was about 7%⁽⁸⁾. Although this is equivalent to about 5,000 forcibly disappeared persons, when it comes to women who are forcibly disappeared, it becomes more difficult to reach and investigate their cases because of societal sensitivities.

In terms of age, we note that the largest group of investigated disappearances were between the ages of 18 and 30, equivalent to 42%, followed by the age group between 30 and 40 years of age at 32%. The proportions decrease as age increases, but it is notable that 5% of those forcibly disappeared were children under the age of 18.

» Age at the time of forced disappearance

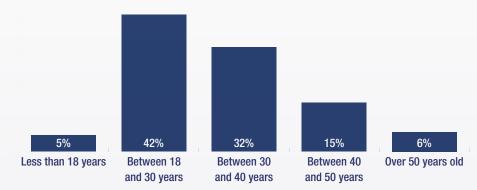


Figure No. (3) shows the distribution of investigated cases according to their age at the time of disappearance.

Since the majority of the forcibly disappeared were young people, most of them (74%) were married compared to 26% who were single. In other words, for about three quarters of the survey sample, there was a partner who was left alone and a family that was disintegrated.

» Social status

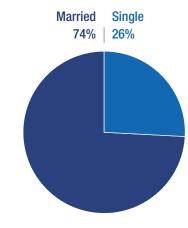
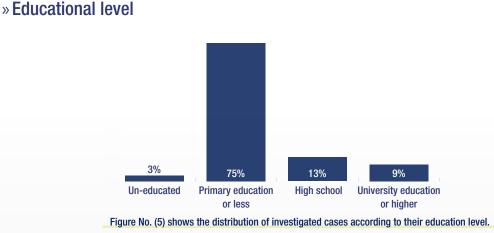


Figure No. (4) shows the distribution of investigated cases according to their marital/social status.

In terms of the level of education, the cases were divided into four levels. The vast majority of investigated enforced disappearance cases(75%) were people who reached primary education or lower, while the percentage of those who reached university-level education or higher was much lower at 9%.

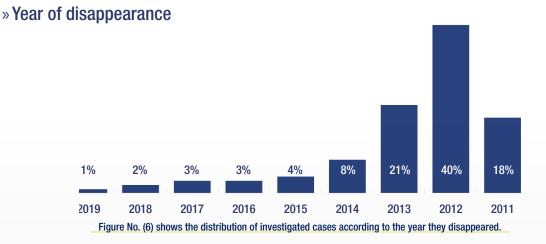


The survey does not claim that its sample represents a "research community" of forcibly disappeared persons by the Syrian regime, because that is a society of unclear dimensions, and all we know about it is the result of the work of human rights organizations, experts' estimates and survivors' testimonies. However, the survey presumes that an investigation of the experiences of a relatively large number of disappeared persons and their families may contribute to deepening our understanding of one of the most complex issues in the Syrian conflict, both legally and humanitarianly.

II. How are Enforced Disappearances Carried Out? The Circumstances

Survey data shows that the majority of investigated enforced disappearances occurred between the years 2011, 2012 and 2013, so 79% of the total survey sample has been disappeared for seven years or more. In subsequent years, we note a steady decline in the number of forcibly disappeared persons, with the number of investigated cases of enforced disappearances in 2018 and 2019 not exceeding the threshold of 10 persons of the total sample, reaching less than 3%. However, this does not in any way mean that the risk of enforced disappearance has been lifted off of Syrians, as the Syrian Network for Human Rights continues to document to this day hundreds of arrests by Syrian regime forces every month, most of whose victims later become forcibly disappeared⁽⁹⁾.

This decrease in the number of forcibly disappeared can be attributed to military developments on the ground which started in 2012, when many parts of the country came out of regime control, which expanded further during 2013 to form safe areas for regime opponents in terms of not living under the direct threat of being arrested and forcibly disappeared. Even after the Russian military intervention in 2015, when the opposition began to lose territory to the regime, most of those threatened with arrest and enforced disappearance left for northern Syria under the so-called "reconciliation" agreements between the opposition and the regime under Russian guarantees.



As for the circumstances of enforced disappearances, survey data shows that the majority of investigated enforced disappearances occurred as people were on the move from one area to another, specifically at checkpoints and roadblocks that the regime had deployed extensively throughout the country following the onset of the uprising. Some of these checkpoints and roadblocks belong to the Syrian Army, while others belong to various security agencies such as the Military Intelligence, Airforce Intelligence, etc., as well as the ones set up by regime-affiliated militias, such as the National Defense Militias and Shabiha groups. There were also checkpoints and roadblocks which were manned by some or all of the above-mentioned parties.

About 49% of the total investigated cases disappeared at regime checkpoints, followed directly by about 19% of cases, which disappeared following raids on their homes, and the third biggest group of about 16%, made up of people who were taken in public places such as city streets, restaurants, etc.

» Place of disappearance

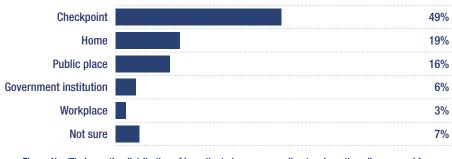


Figure No. (7) shows the distribution of investigated cases according to where they disappeared from.

Survey data also indicates that a large proportion of enforced disappearances were carried out collectively (in a group setting), because in 45% of investigated cases, people did not disappear alone but with others who were in the same place or in the same vehicle. This suggests that part of these operations were random and collective, especially in raids on residential neighborhoods and areas that witnessed anti-regime protests, some of which sometimes amounted to the arrest of all adult males in the neighborhood or area.

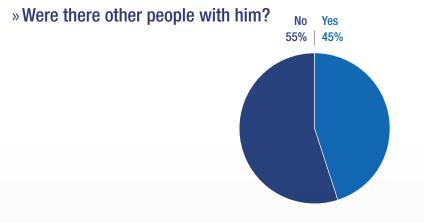


Figure No. (8) shows the distribution of investigated cases according to whether other people were present with them at the time of incident.

What may support recent conclusions about the collective and indiscriminate nature of many enforced disappearances carried out by regime forces is that in about 32% of the investigated cases, more than five people disappeared alongside the main person in question, and in certain incidents the figures amounted to more than 100 people who disappeared inn the same time. For instance, the family of one of the disappeared people from the town of Souran in Hama countryside, which was stormed by regime forces alongside nearby towns in mid-2014, recounts: "The regime raided the town that day with army convoys backed by security forces from several axes, and took the missing man from his home with more than 70 people from Souran alone."

» How many were there with them?

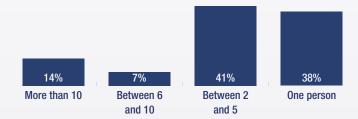


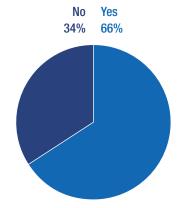
Figure No. (9) shows the distribution of investigated cases according to how many people disappeared with them in the same incident.

In many cases, the persons who disappeared together were either members of a single extended family or groups linked by belonging to a neighborhood, residential area or a specific activity against the regime. In some cases, however, there is only one common denominator among the cases which is that they were at the same location when the raid took place.

III. What do Families of the Forcibly Disappeared Persons Know? Conflicting Sources of Information

Eyewitnesses are often the primary source of information regarding the disappearance for the families of the disappeared. 66% of family members of the disappeared with whom we spoke said that there were eyewitnesses who told them about the incident. Witnesses may have been travelling in the same vehicle as the disappeared person, or they could be coworkers if he/she disappeared at his/her workplace, or a family member if he/she was taken from home.

» Were there any witnesses?





Therefore, through eyewitnesses, families of the disappeared get the first information about what happened to their loved ones, whether in terms of the circumstances of the disappearance, where it occurred, or the entity or the bodies that carried it out. Families then begin to try to uncover the fate of their sons or daughters, some of whom succeed by finding out additional information, while others are unlucky.

The experiences of families seeking missing persons are some of the most tragic stories in the Syrian conflict, as families spend years searching, by all means, trying to find out more information, and in most cases they only reap conflicting information from different sources, as was the case with most of the cases investigated in this survey.

Searches are conducted through three channels. The first is through official channels such as the police and security branches, which rarely officially disclose any information about their detainees, and if they do, it is often not good news for the families. The family of one person who disappeared in Aleppo in early 2012 said, "the missing man's mother went to Damascus two years ago to demand the disclosure of her son's fate and she was referred to Tishreen Military Hospital to retrieve his belongings." Of course, the aforementioned hospital is a government hospital in Damascus that belongs to the Ministry of Defense and is responsible for issuing thousands of fabricated death certificates for detainees who died under torture⁽¹⁰⁾. Not all the families of the disappeared have the audacity to go to the security branches to claim their sons, as expressed by one of the families whose son disappeared in Damascus at the end of 2011, "the missing man's brother tried to look for him at a security branch, so they arrested the brother for a year We no longer dared to ask again."

The second channel is unofficial and relies on corrupt intermediaries who connect the families of the disappeared with security officials, a method that often involves paying large bribes through intermediaries to security agents and officers, which often turns into fraud and financial and emotional blackmail.

The family of one person who disappeared in Homs in late 2011 told us,

"The ID of the missing person was handed over to his family in 2013 because he supposedly died, but two years later, in 2015, his mother was able to visit him in Sednaya Prison after paying 1 million SYPs through an intermediary. The mother visited him a second time, but the third time she was told to take her son's death certificate from Tishreen Military Hospital."

The third and final channel is through the sightings of surviving detainees. Many families are quick to reach out to every newly released detainee in their vicinity, carrying pictures of their sons, hoping that this person might identify their loved

(10) Damascus Media Office, Report on Tishreen Military Hospital, 2014, at: https://bit.ly/3aRVv36, 01-05-2020.

one(s) and convey any news to them. However, any information revealed by survivors always indicates a situation that existed in the past, and may no longer be accurate.

It can also be noted that in 22% of cases, families confirmed that they have received calls about the disappeared from regime agents, figures close to them or even lawyers acting as intermediaries between the families of the disappeared and security service officials. One-third of those calls were for the purposes of soliciting money in exchange for information about the disappeared or even for their release, with amounts ranging from \$200 to \$30,000. The remaining two-thirds of those calls were merely to communicate information that later turned out to be false. The family of a disappeared man in his fifties from Al-Hamameyat town in Hama northern countryside said,

"We received a lot of calls from officers at regime checkpoints in 2011 and 2012 telling us that he had been killed and that his body was dumped at the intersection east of the village on the Muhradah - Kafr Zita road, but all those calls and information did not prove true, as we would go to the indicated place every time and find nothing."

Another family whose son disappeared in April 2014 in Hama countryside also recounts,

"A person who said he was an officer but did not reveal his name, contacted us using our missing brother's phone and told us that no charges have been pressed against him, adding that they only wanted to question him and that he will be released afterwards. Since that day, we never heard from this person, or any other person, again."

» Have you ever been contacted by someone to provide you with information?

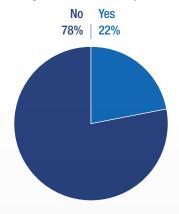


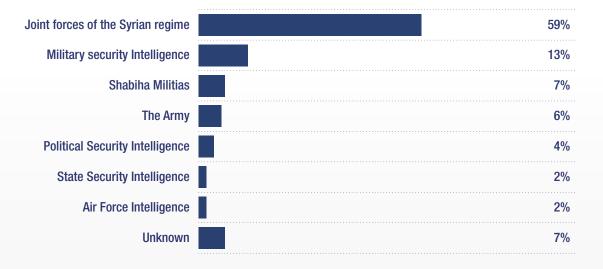
Figure No. (11) shows the percentage of families who were contacted with information about the disappeared.

IV. The Most Prominent Actors Involved in Enforced Disappearances and the Fates of Victims

Survey data shows that the majority of enforced disappearances were carried out by joint forces of the Syrian regime, and in 59% of the investigated cases, families said that the disappearance was carried out through patrols, checkpoints or raids involving more than one security force, such as the army, security branch detachments and members of the regime's-affiliated militias. In such cases, it is more difficult to trace the path of the disappeared person or to determine who is legally responsible for their disappearance among all the parties and forces which were involved in the violation, in what appears to be a tactic used by the regime to lose the victim's right among several perpetrators.

Secondly, the Military Security apparatus and its branches in the provinces appear to have a prominent role in carrying out enforced disappearances, as they were responsible in more than 13% of the cases we investigated. This ratio does not look very large but is the second largest among sample cases. The third largest percentage was the regime's-affiliated militias, locally called "Shabiha", who were responsible for more than 7% of the enforced disappearances in the survey sample.

Moreover, in about 7% of cases, relatives do not know for sure who was behind the disappearance of their loved one, while the rest of the proportions have been distributed respectively between the army and security services, such as Political Security, State Security, and other entities.



» The party responsible for the disappearance, if any.

Figure No. (12) shows the distribution of investigated cases according to the perpetrator.

It should also be noted that a certain security agency's responsibility for the disappearance does not necessarily mean that the disappeared person is still with them, as most detainees and disappeared persons are frequently transferred between branches and cities according to incomprehensible procedural mechanisms followed by the regime's agencies. The brother of one person who disappeared in Homs countryside in mid-2013 described the process:

"My brother tried to get out of Al Houla region heading towards Idlib in preparation for joining his family in Turkey, but we lost contact with him when he left. About four days later a first-class Warrant Officer working in the Air Intelligence Agency in Hama told us that he is in Hama in al-Roubaiya Security branch, after which we learned that he had been transferred to Deir Shamil detention center where he remained for about three months before being transferred to the Military Police in Qaboun, Damascus where he stayed for more than a year. Then in the fourth month of 2015 he was transferred to Sednaya Prison and we never heard about him again."

Finally, as for the fates of the investigated cases in this survey, approximately 15% of families with whom we spoke said that they had received confirmations that the disappeared individual from their family had died. Some of the families were

able to confirm that piece of information after obtaining documents from the Civil Registry which recorded the person's death with an old date, while others relied on leaked documents from the regime's security services, most notably Caesar's documents, which included photographs of thousands of people who were killed under torture in the regime's security services. Other families were able to confirm the information through reliable eyewitnesses whether they be former detainees or enforced disappearance survivors. However none of these families ever received the bodies of their loved ones from the regime.

» Were you informed of the disappeared death?

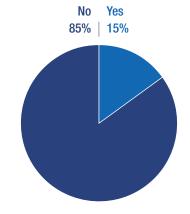


Figure No. (13) shows the distribution of investigated cases according to the death confirmation.

Although confirming the news about the death of a loved one is very tragic as it cuts all remaining hope, it also puts an end to years of suffering lived by these families, unlike 85% of remaining families which still struggle with questions wondering if their loved one(s) is still alive, and whether they will return one day or not. All the while, wives grow old waiting for their husbands, children grow up without their fathers and parents age waiting for their sons and daughters to return.

Conclusions:

- The Syrian regime used enforced disappearance as a systematic policy alongside other policies such as arbitrary
 arrest, bombing, siege, and other practices aimed at breaking the will of Syrians demanding political change and
 crushing Syrian activists. But among all these policies, enforced disappearances remain among the most severe, because their effects are not limited to the psychological, social and economic aspects of the victims and their families,
 but rather extend to problems at the legal level when it comes down to the wives or husbands of the disappeared, their
 properties and work.
- The survey data suggests that the vast majority of enforced disappearances by the Syrian regime forces, estimated at
 more than 90 thousand citizens, took place during the first three years of the Syrian conflict, while the number of cases
 decreased in subsequent years as a result of areas coming out of the regime's control and the increasing number of
 refugees who left the country altogether. Even so, the policy has persisted, with Syrian human rights organizations
 documenting to date hundreds of arrests every month, many of whom turn into enforced disappearances.
- About half of the enforced disappearances that were investigated in this survey were in a setting of three or more
 persons, which confirms the random and collective nature of these operations which targeted individuals belonging
 to one extended family, neighborhood or residential area. At the same time, about half of the enforced disappearances
 occurred while people passed through the checkpoints and roadblocks that the regime had extensively deployed
 throughout the country after the outbreak of protests, which often detained people because of their family affiliation
 or place of birth.
- The majority of enforced disappearances were carried out by joint forces of the Syrian regime. In 59 of investigated cases, families said that the disappearance was carried out through patrols, checkpoints or raids involving more than one security force, in what appears to be a tactic used by the regime to lose the victim's right among several perpetrators, as it then becomes more difficult to trace the path of the disappeared person or to determine who is legally responsible among all the agencies and forces that participated in the violation. Nevertheless, data shows that the Military Security Agency apparatus and its branches in the governorates have the most prominent role in implementing enforced disappearances.
- Families of the disappeared persons go through a painful experience that extends in most cases to years of searching for their loved ones through official and unofficial channels, and often involves being subjected to financial and emotional fraud and blackmail. Meanwhile some must rely on the sightings and testimony of surviving detainees to get news about their loved ones whereabouts, even if this news is outdated. As a result of all these efforts, conflicting information often increases the families' suffering. There are families that set up condolence gatherings for their sons or dautghers only to find out that they were still alive in one of the security branches, military or secret prisons, while other families continued to pay bribes to security officers for years only to find out that their loved one had died under torture years ago without their knowledge.

Survey Questionnaire

Missing person form:

» Victim's personal information:

First name:

Last name:

Father's name:

Mother's first and last Name:

Place of birth:

Date of Birth:

Place of residence before the disappearance:

Detailed address before the disappearance:

Gender:

- Male
- Female

Height:

Weight:

Eye color:

Distinctive features (If a woman was pregnant - if a person has a disability - if they have a tattoo - if they had children with them at the time):

Religion:

Ethnicity:

Social/Marital status:

Nationality:

Educational level:

Occupation:

Identification Documents they were carrying (passport - ID - military service booklet - Individual Civil Registration extract - family booklet - marriage contract – other):

» Information concerning the disappearance:

Date:

Location:

Country:

How did it happen, if known:

Responsible party/agency, if any:

Last contact with the missing person:

Were there other people who disappeared with him?

- Yes (elaborate/mention names)
- No

Were there witnesses?

- Yes (elaborate/mention names)
- No

Have you been contacted with information about the forcibly disappeared?

- Yes (did they contacted you as an individual or an entity)
- No

If yes, how were you contacted?

- Telephone conversation
- Text message
- through someone else (an intermediary)
- Other means: (elaborate)

Were you asked for money in return for information about the forcibly disappeared?

- Yes (How much or what were you asked to do in return)
- No

Were you informed about the death of the disappeared person?

- Yes
- No

Who provided you with the news?

Where is the dead body, if known?

Additional information:

» Interviewee's personal information
First name:
Last name:
Father's name:
Mother's fist and last name:
Personal Identification Document number:
Religion:
Ethnicity:
Social/Marital status:
Nationality:
Educational level:
Occupation:
Place of birth:
Date of Birth:
Current place of residence:
Current address in detail:
Gender:
MaleFemale
Relationship to the person(s) in question:

Telephone number:

Email:

on:





