ENFORCED DISAPPEARANCES AND ARBITRARY DETENTION IN SYRIA

27 June 2018 12:00 – 13:30
Room XXVI, Palais des Nations
United Nations Office in Geneva

Enforced disappearances, indiscriminate arrests and torture are being committed on a wide scale throughout Syria as a tactic of war. Over the course of the last seven years, a consistent country-wide pattern has been established, in which people, mainly adult males, but also children and women, have been seized by the Syrian security and armed forces, as well as by pro-Assad militias, during mass arrests, house searches, at checkpoints and in hospitals. Despite the fact that articles 51 to 53 of the Constitution of the Syrian Arab Republic consider arbitrary detention unlawful and guarantee fair legal processes, and that both article 53 of the Constitution and article 391(i) of the Syrian Criminal Code prohibit the use of torture, the use of political violence, arbitrary detentions and enforced disappearances have been a common feature of the Ba'ath Party's rule over Syria. The Assad regime has perpetuated this system of arrests and incommunicado detention conducive to enforced disappearances. The disappearances appear to have also a punitive element, targeting family members of defectors, activists, fighters as well as those believed to support the opposition. Under the pretext of anti-terrorism laws, the authority, power and means to arrest, detain and torture has been progressively extended to the Syrian Army and to pro-Assad militias with the aim to ensure that no Syrian citizen could feel safe even at home or walking down the streets.

As an effective tool to instil fear among the civilian population; humiliate, punish and curb any kind of opposition to their rule and ultimately to enforce social order and political hegemony over the areas under their control, all warring parties involved in the war in Syria have used enforced disappearances and arbitrary detention. Syrians from every walk of life, women and children have been disproportionally affected, victimised on multiple grounds, irrespective of perpetrator or geographical area.

The independent international Commission of Inquiry on Syria (CoI) has dedicated a special thematic report to this phenomenon. In its report "Without a trace: enforced disappearances in Syria", the CoI concludes that there are reasonable grounds to believe that acts of enforced disappearances are part of widespread and systematic attacks against the civilian population amounting to a crime against humanity. UN Security Council Resolution 2139 strongly condemns kidnappings, abductions, and forced disappearances in Syria, and demand an immediate end to such practices and the release of all people arbitrarily detained. However, no concrete steps have been taken yet to implement these provisions, and multiple rounds of political negotiations, both in Geneva and Astana, have failed to deliver any breakthrough. The fate of thousands of Syrians remains unknown to this day.

The side-event will aim at highlighting the impact of enforced disappearance and arbitrary detention on Syrian society and foster a discussion on the fundamental issues of transitional justice as an essential component of any negotiation on Syria’s future. The meeting will also serve as a reminder that victims of political violence and their families are critical actors for the elaboration of policies and strategies to put an end to the war. Without appropriate social, political and legislative reforms, the victims of political violence will not be able to find any form of redress within the Syrian judicial system, endangering any meaningful political solution to the war. Proper mechanisms and procedures need to be set up to protect victims of enforced disappearances, the detainees and their families and to ensure that legislative and regulatory measures are elaborated to provide redress for victims, including non-repetition of the crimes, as fundamental elements for any lasting political settlement. International mechanisms, such as the CoI and the International, Impartial and Independent Mechanism for the crimes committed in Syria (IIIM), have a crucial role in supporting and enhancing the accountability process for serious international crimes committed in Syria.
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PROGRAM

Co-Chairs: Hussein Sabbagh, Secretary General Euro-Syrian Democratic Forum
Niccolò Figà-Talamanca, Secretary General No Peace Without Justice

Welcome remarks: H.E. Amb. Carsten Staur, Permanent Representative to the UN, Denmark

Panel: Yaser Alfarhan, Head of the Syrian National Commission for Missing Persons and Detainees
Alise Mofrej, Member of Syrian Negotiations Commission in charge of the detainees and missing people file
Abdulla Al-Kheir, URNAMMU for Justice and Human Rights

Eyewitnesses: Majd Chourbaji
Hend Mujali
Yazan Awad

Interventions from the floor

By focusing on enforced disappearances and arbitrary detention in Syria, this side event will review the fundamental issues of accountability and transitional justice as essential components of any future negotiation on Syria. The meeting will also serve as a reminder that victims of political violence and their families are critical actors for the elaboration of policies and strategies to put an end to the war.