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MANDATE OF THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES

REFERENCE:

G/SO 217/1/Syria

10 March 2014

Excellency,

I have the honour to write to you on behalf of the Working Group on Enforced or Involuntary Disappearances, to express our deepest concern about enforced disappearances in Syria.

During its 102nd session, held from 3 to 7 February 2014, in Geneva, Switzerland, the Working Group considered the recent report of the Independent International Commission of Inquiry on the Syrian Arab Republic (A/HRC/24/46), presented at the 24th session of the Human Rights Council in August 2013, as well as the thematic report "Without a trace: enforced disappearances in Syria" published on 19 December 2013. The Working Group wishes to express its deep concern about the Commission of Inquiry's findings that enforced disappearances have risen exponentially since the conflict began and they are committed on a wide scale throughout Syria as part of a campaign of intimidation. The Commission concluded that enforced disappearance in Syria is used by Government and pro-government forces as a tactic of war, to stifle dissent and spread terror within society. It also concluded that there is reasonable ground to believe that acts of enforced disappearances were committed by Government forces as part of a widespread and systematic attack against civilians, with knowledge of the attack, therefore amounting to crimes against humanity. In a report issued on 5 March 2014, the Commission reiterated those concerns and stressed, inter alia, that Syrian authorities systematically refuse to acknowledge the deprivation of liberty or notify the families of the fate or whereabouts of their relatives (A/HRC/25/65, para 48). The Working Group is also deeply concerned that opposition forces have resorted to similar practices against civilians perceived to be supporting the Government, human rights defenders, journalists and religious leaders.

On 13 December 2013, the High Commissioner for Human Rights expressed serious concern at the continuing arbitrary detention and enforced disappearances of individuals by Government forces in Syria, as well as the rise in abductions by armed opposition groups in the preceding few months. The High Commissioner urged all parties to the Syrian conflict to stop terrorizing civilians through abduction, hostage-taking, enforced disappearances and arbitrary detention, which are in clear violation of international human rights and humanitarian law.

In January 2014, in an open letter in advance of the Geneva II Conference on the conflict in Syria, the UN Special Procedures human rights experts, including the Working Group, expressed concern at the many reliable reports of grave human rights violations committed by Government forces and opposition armed groups, including enforced

Mr. Ban Ki-moon
Secretary-General of the United Nations

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disappearances, and emphasized the need to ensure full enjoyment of human rights, humanitarian protection and accountability.

The Working Group has been following the situation in Syria since the beginning of the conflict. In September 2011 - after its ninety-fourth session - the Working Group expressed concern about the issue of enforced disappearances and transmitted a general allegation to the Government of Syria reporting systematic human rights violations committed by the Syrian authorities, including enforced disappearances. The communication stated that possibly thousands of people had disappeared and described the modalities of enforced disappearances (A/HRC/19/58/Rev.1, para. 553). The Working Group appreciates that the Government responded in December 2011 to this general allegation and takes note of the Government's disagreement with those allegations (A/HRC/22/45, para. 430). Notwithstanding, the new reports cited and the increasing number of cases received by the Working Group since 2011 under its different procedures demonstrate the alarming situation of enforced disappearances in Syria.

As highlighted in our General Comment on enforced disappearance as a crime against humanity (A/HRC/13/31, para.39) "when there are claims of practices of enforced disappearances which may amount to crimes against humanity, the Working Group will evaluate these claims [...] and, if appropriate, will refer them to the competent authorities, be they international, regional or domestic".

In light of the above, the Working Group would like to share with you its grave concern in relation to enforced disappearances in Syria for your consideration and any action you may deem appropriate.

Please note that the Working Group is addressing similar letters to the President of the Human Rights Council, the President of the General Assembly, the Security Council Presidency and the Joint Special Representative for Syria. In a correspondence dated 5 March 2014, the Working Group raised these concerns with the Government of the Syrian Arab Republic and informed the latter of the initiative to transmit these letters. The Working Group also offered its expertise to the Government to assist in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance and consider decisive action to eradicate enforced disappearance, ensure its prevention and bring perpetrators to account.

Please accept, Excellency, the assurances of my highest consideration.

Ariel Dulitzky
Chair-Rapporteur
Working Group on Enforced
or Involuntary Disappearances