

To the Astana Working Group on Detentions and Abductions in the Syrian Conflict

August 31, 2018

We write to you to express concern at the failure of the Syrian government to disclose more information about the deaths of arbitrarily detained and disappeared people in conjunction with government's update of the civil registries records and, in some cases, issuance of death notices that state the cause of death, and to urge you to take immediate steps to address the continuing government policies of arbitrary detention, ill-treatment and enforced disappearances in a comprehensive and just manner.

Since the start of the conflict, human rights organizations have investigated and documented violations of international humanitarian law committed in official and unofficial detention facilities by the parties to the conflict, including the Syrian government and armed opposition groups. We found that government forces have been responsible for the majority of abuses, subjecting tens of thousands to arbitrary detention, torture and other ill-treatment, and enforced disappearances amounting to crimes against humanity and war crimes. We have extensively documented the arbitrary arrest and enforced disappearances of dozens of peaceful activists, human rights defenders, journalists, doctors, and humanitarian aid workers by the Syrian government during the crisis, and, alongside their families, advocated for their release.

Armed groups opposing the Syrian government have also committed serious violations of international humanitarian law, including abductions, torture and summary killings. To date, the fate of more than 20 civilians, men, women, and children, from Kefraya and Foua, two predominantly Shia towns in Idlib formerly besieged by armed opposition groups, remains unknown following their abduction during the car bombing that targeted the evacuation convoy transiting in Aleppo city before heading to government-controlled areas. Moreover, local sources in Afrin reported at least 86 abuses that appear to amount to instances of arbitrary detention, torture and enforced disappearance of civilians by pro-Turkey armed groups.

The Syrian government has recently updated civil registries in several parts of the country, including the Damascus countryside, Hama, Aleppo, and Sweida governorates to show individuals known to have been previously detained and disappeared by the Syrian government as dead. In some cases, families were provided with death certificates reflecting dates of death as far back as 2013 and indicating cause of death as 'heart attack.'

It is estimated that hundreds of families have discovered the fate of their missing relatives in this manner. However, the government has not responded to the relatives' request to obtain the remains of their loved ones and information on, the circumstances of the death and enforced disappearance. Many were too scared to request the additional information. As things stand, there is no way to verify the deaths without the government returning the remains to the families, and without the launch of an independent investigation into the cause of death. The government's response, or lack thereof, is contrary to its duty to conduct prompt, independent and impartial investigations into enforced disappearances and to uphold relatives of the disappeared right to truth and reparation.

Moreover, the government continues to detain tens of thousands in official and unofficial detention facilities. The government denies international monitors access to nearly all of these facilities, and there are no due process or fair trial guarantees for these detainees. We seek an understanding from the eminent members of the working group on what your priorities are with regards to addressing the fate and whereabouts of those the government continues to arbitrarily detain and those it has forcibly disappeared, and those who have died in detention; and specifically:

- Will the working group request clarification from the Syrian government with regards to the process and purpose behind updating the registries and will it press the government to inform the families of the victims of the whereabouts of the remains, and return the remains to the families?
- Will the working group push for independent and impartial investigations into the deaths that occurred in detention, given previous findings that ill-treatment and torture of detainees was widespread in these facilities?
- What steps will the working group take to ensure that the Syrian government and armed opposition groups disclose the names and locations of people who were arbitrarily detained, subjected to enforced disappearance and abducted and provide answers to the families in a manner that respects the rights of victims and their families and their security?
- What steps will the working group take to ensure the release of all arbitrarily detained persons, including human rights defenders, journalists, doctors, and humanitarian aid workers who remain in government and armed groups detention centers?
- Will the working group prioritize negotiating immediate and unhindered access for recognized international detention monitors to all detention facilities, official and unofficial?
- Will the working group cooperate with the United Nations, and the International, Impartial, and Independent Mechanism to pursue justice for violations committed in the context of detentions and disappearances by the Syrian government, and other parties to the conflict, in order to enable a sustainable political transition to take place?

On September 7, Turkey, Russia, and Iran will be meeting to discuss the conflict in Syria. It is an opportunity for a concerted effort by the three to effectively and justly resolve the issue of the detained, disappeared and abducted.

We urge the working group to treat this issue with the care it demands and look forward to receiving your response to the queries posed above after the meeting.

Sincerely,

1. Amnesty International
2. Dawlaty
3. The Day After
4. Families for Freedom
5. The Global Centre for the Responsibility to Protect
6. Human Rights Watch
7. Hurras Network

8. Just Foreign Policy
9. The Montreal Institute for Genocide and Human Rights Studies
10. Syrian Association for Missing and Conscience Detainees
11. The Syrian Center for Statistics and Research
12. Syrians for Truth and Justice
13. The Syrian Network for Human Rights
14. Rethink Rebuild Society
15. Urnammu for Justice and Human Rights