

# Overview on Arbitrary Detentions and Enforced Disappearances in Syria

## Definition and Context

Arbitrary detention refers to the arrest and detention of individuals without due process or legal justification. Enforced disappearance involves the arrest, detention, or abduction of individuals by the state or with its authorization, followed by a refusal to acknowledge the detention or reveal the fate of the disappeared person, placing them outside the protection of the law. Both practices are severe human rights violations and have been widely reported in Syria, particularly since the conflict began in 2011.

## Legal Framework and Government Efforts

The Syrian legal framework includes provisions against arbitrary detention and enforced disappearances, with the Penal Code criminalizing illegal detention and abduction. Legislative decrees, such as Decree No. 55 of 2011 and subsequent amendments, aim to regulate detention procedures and ensure judicial oversight. However, the effectiveness of these measures is questioned due to the ongoing conflict and the presence of multiple armed groups(SYRIA 3).

## Incidents and Reports

Despite the legal framework, reports indicate widespread arbitrary detentions and enforced disappearances by various actors, including state security forces and armed groups. Human rights organizations and international bodies have documented thousands of cases:

- Between August 2020 and June 2024, there were 4,013 cases of arbitrary arrests and 2,109 cases of enforced disappearances(SYRIA 3).
- Many of the disappeared have not been accounted for, with reports suggesting that many have died in detention due to torture or lack of medical care(SYRIA 2).
- The counterterrorism court has issued 91,000 convictions since October 2022, many of which are believed to be related to arbitrary detentions and enforced disappearances(SYRIA 1).

## International Concerns and Oversight

The Human Rights Committee and other international bodies have raised significant concerns regarding arbitrary detentions and enforced disappearances. Specific questions posed by committee members include:

1. **Legal and Procedural Safeguards:**
  - **Ms. Bassim:** Inquired about the legal safeguards in place to prevent arbitrary detention and ensure that detainees are informed of their charges and have access to legal representation(SYRIA 1).
2. **Transparency and Accountability:**
  - **Ms. Tigruja:** Asked about the existence of an official register for disappeared persons and the measures taken to investigate allegations of enforced disappearances and bring perpetrators to justice(SYRIA 1).
3. **Judicial Oversight and Redress:**

- **Mr. Tiraja:** Questioned the mechanisms for judicial oversight of detention facilities and the processes in place for victims and their families to seek redress and compensation(SYRIA 1)(SYRIA 3).

## **Government Responses**

The Syrian delegation provided several responses to these questions:

1. **Judicial Supervision and Legal Provisions:**
  - The delegation emphasized that judicial supervision is integral to the detention process, with the Public Prosecutor overseeing investigations and authorizing extensions of detention periods(SYRIA 3).
2. **Mechanisms for Reporting and Investigating Disappearances:**
  - The delegation acknowledged the existence of enforced disappearances and outlined the legal mechanisms for reporting and investigating such cases, including stringent punishments for those found guilty of illegal detention(SYRIA 3)(SYRIA 2).
3. **Protection Measures and Transparency:**
  - The delegation highlighted efforts to improve transparency and accountability, including the establishment of commissions to review detention cases and ensure compliance with legal standards(SYRIA 3)(SYRIA 2).

## **Challenges and Recommendations**

Despite these responses, the effectiveness of the Syrian government's measures is often questioned by international observers. The ongoing conflict, lack of independent oversight, and the pervasive influence of various armed groups complicate efforts to ensure the protection of detainees. Recommendations include:

- Enhancing international oversight and facilitating access for independent monitors to detention facilities.
- Strengthening legal frameworks to provide clearer protections against arbitrary detention and enforced disappearances.
- Ensuring comprehensive and transparent investigations into all reported cases and providing adequate redress for victims and their families.

## **Figures and Statistics**

Statistics provided by the Syrian delegation and other sources indicate significant challenges:

- The number of reported arbitrary arrests and enforced disappearances continues to rise, with thousands of individuals unaccounted for(SYRIA 3)(SYRIA 2).
- The high number of convictions by the counterterrorism court suggests extensive use of legal mechanisms to justify arbitrary detentions(SYRIA 1).

## **Conclusion**

Arbitrary detentions and enforced disappearances remain critical human rights issues in Syria. While the Syrian government has established legal frameworks and mechanisms to address these violations, the practical implementation of these measures remains problematic.

Strengthening international cooperation, ensuring independent investigations, and providing comprehensive support for victims and their families are crucial steps toward addressing these severe human rights violations.

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This overview is based on the documents provided and synthesizes information regarding arbitrary detentions and enforced disappearances within the context of Syria. For further details, references can be made to the specific sections of the documents cited.