

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	410
Land:	Syrien
Kilde:	UN Human Rights Council
Titel:	Without a trace: enforced disappearances in Syria
Udgivet:	19. december 2013
Optaget på baggrundsmaterialet:	23. april 2014

19 December 2013

English and Arabic only

Without a trace: enforced disappearances in Syria

I. Introduction

1. Women, standing outside detention centres and holding photographs of their disappeared male relatives, have become an enduring image of suffering in Syria. It is an image which speaks to the essence of the violation of enforced disappearance: the taking of a loved one, the desperate search for information through official and unofficial channels, and the torment of those left behind. Those who wait are often the only visible trace of the violation.

2. An enforced disappearance is an arrest, detention or abduction, followed by a refusal to acknowledge the deprivation of liberty or by the concealment of the fate or whereabouts of the disappeared. Cases of enforced disappearances were first documented by the Commission of Inquiry on the Syrian Arab Republic during the pro-democracy protests in March 2011. As the unrest devolved into an armed conflict, the investigation covered practices related to enforced disappearances perpetrated by all parties to the conflict. Investigations uncovered a consistent country-wide pattern in which people – mainly adult males – have been seized by the Syrian security and armed forces, as well as by pro-Government militias, during mass arrests, house searches, at checkpoints and in hospitals. In some instances, the disappearances appeared to have a punitive element, targeting family members of defectors, activists, fighters as well as those believed to be providing medical care to the opposition.

3. Over the last year, specific anti-Government armed groups have begun to abduct certain categories of civilians and hold them hostage. Persons perceived to be supporting the Government, human rights defenders, journalists, activists, humanitarian workers, and religious leaders have been seized by various armed groups and held under the threat of death until their release was negotiated for ransom or a prisoner exchange. Hostage-taking is a war crime, characterized by coercion and the infliction of a threat until the demands of the captor are met.

4. In contrast, enforced disappearance –the subject of this paper– is a denial of the very existence of its victims, placing them outside the protection of the law. Authorities across Syria have refused to provide information about the fate or whereabouts of disappeared. In some instances, there appeared to be a policy of not providing such information to families. Many of those interviewed were too frightened of reprisals to make official inquiries. In some cases, relatives who approached the security services were themselves arrested. The Government has perpetuated a system of arrests and incommunicado detention that is conducive to enforced disappearances. There is also evidence that some anti-Government armed groups have adopted practices that could be considered tantamount to enforced disappearances. This paper charts the major trends and patterns of this phenomenon in Syria from March 2011 to November 2013 and draws from numerous first-hand interviews conducted by the Commission over this period. The Commission regrets that it was not able to access the country. This limited its ability to investigate inside Syria, especially cases of anti-Government armed group abuses.

5. The practice of forcibly disappearing persons is prohibited under customary international humanitarian law, binding all parties to the conflict in Syria. The definition of an enforced disappearance is set out in the United Nations Declaration for the Protection of All Persons from Enforced Disappearance and the International Convention for the Protection of All Persons from Enforced Disappearance, which crystallises custom. Under international human rights law, an act of enforced disappearance is committed by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, thus resulting in a human rights violation. In the context of international humanitarian law, this requirement must be interpreted to include agents of non-State actors, in order for this prohibition to retain significance in situations of non-international armed conflict such as Syria.

6. Under international human rights law, the prohibition of enforced disappearances is a non-derogable State responsibility. No legitimate aim or exceptional circumstances may be invoked to justify the practice of enforced disappearance. When perpetrated as part of a widespread or systematic attack against a civilian population, with the intent of removing a person from the protection of the law for a prolonged period of time and pursuant to or in furtherance of a State or organizational policy, enforced disappearances can amount to a crime against humanity incurring

individual criminal responsibility. Enforced disappearances are continuing human rights violations and crimes, persisting for many years after the initial deprivation of liberty.

7. The Criminal Code of the Syrian Arab Republic does not criminalise enforced disappearances as an autonomous crime. Any act of enforced disappearance violates a number of fundamental rights enshrined in the 2012 Syrian Constitution, the Arab Charter on Human Rights and the International Covenant on Civil and Political Rights, to which Syria is party. These rights include the right to liberty and security of persons, the right not to be arbitrarily detained, the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, the right to a fair trial and the right of all persons deprived of their liberty to be treated with humanity and with the inherent dignity of the human person. Enforced disappearances also violate and imperil the right to life.

8. Enforced disappearance, by definition, requires an absence of information about the fate or whereabouts of a loved one. Investigating this violation presents unique challenges as physical evidence is elusive or entirely absent. It can be years before the fate of the disappeared person comes to light, if ever. The truth regarding the fate of the many disappeared in Syria and the extent of the phenomenon of enforced disappearance will likely only fully be grasped in the aftermath of the conflict.

9. The victims of this violation number far beyond the individuals disappeared. The families and loved ones of those disappeared endure a mental anguish that amounts to a further violation of their human rights. It is a continuous violation that remains unabated until the fate of the disappeared is uncovered. To forcibly disappear a person is to negate their being and deny their relatives' right to know the truth.

II. The deprivation of liberty: a targeted campaign

10. Enforced disappearances have been carried out since the beginning of the uprising in Syria. Most disappearances were perpetrated by intelligence and security officers, as well as by the Syrian army, sometimes in conjunction with pro-government militias acting on behalf of the Government. In all the cases documented, the perpetrators operated with impunity.

11. The violation of enforced disappearance is often a gateway to the commission of other offences, most particularly torture. Survivors of enforced disappearances consistently described being subjected to torture during their detention. In all the instances documented, the victims were denied their fundamental right to due process. They were deprived of contact with the outside world, including close relatives. No legal assistance was provided. They were placed outside the law, at the mercy of their captors.

A. Silencing the opposition

12. Consistent accounts indicate that in the early days of Syria's unrest, enforced disappearances were employed by the Government to silence the opposition and spread fear amongst relatives and friends of demonstrators, activists and bloggers.

13. Military commanders undertook a coordinated policy together with intelligence agencies to target civilian protesters through mass arrests and enforced disappearances in 2011 and early 2012. A former officer of an army brigade operating in Al-Waer in Homs stated that during the army operations in Bab Amr in January 2012, soldiers attacked protesters in the streets while intelligence officers systematically arrested all those who were not killed. Following the attacks against demonstrators, the same brigade carried out house raids, jointly with intelligence officers, indiscriminately arresting more individuals. Their families were never informed of their whereabouts.

14. One survivor, arrested by the Air Force Intelligence in March 2011 after taking part in a demonstration, was transported to the Mezzeh Airport Prison, where he was interrogated and tortured. Subsequently, he was transferred to the premises of the Air Force Intelligence, where a high-ranking officer openly threatened to kill him should he participate in further demonstrations.

Throughout his ordeal and despite repeated attempts to locate him, his family was never notified of his arrest, detention and whereabouts.

15. Another interviewee who, together with his cousin, participated in protests in Jisr El Shoughour, Idlib in June 2011, reported that security forces raided his cousin's house shortly after the demonstration, and abducted him from his bed. His cousin was taken to an unknown location and his whereabouts were never disclosed. The interviewee said "on more than one night, my daughter woke up after she heard her mother crying. Every night, we thought that the security services were coming to get us".

16. Consistent testimonies reveal a pattern; the vast majority of those disappeared in 2011 and early 2012 were young men. A man, who defected from the political security branch of Aleppo in March 2012, reported that officers received orders to arrest every young male and adolescent between 16 and 40 years old that participated in demonstrations.

17. The available accounts indicate a policy targeting civilians executed through various organs of the Syrian Government, aimed at stifling the protest movement. Enforced disappearances were employed to instil fear, oppress and assert control over persons taking part in demonstrations against the Government and were undertaken during coordinated attacks on the civilian population.

B. Enforced disappearance as reprisals and punishment

18. In certain cases, enforced disappearances had a strong punitive element, targeting those perceived to be either supportive of the opposition or insufficiently loyal to the Government.

19. Several interviewees indicated that soldiers who refused to execute orders or were suspected of harbouring opposition sympathies were subjected to reprisals, including disappearance. A former army conscript, who operated in the town of Tseel in Dara'a in November 2011, revealed that four of his fellow soldiers were arrested by their superiors after they refused to open fire on a group of peaceful demonstrators. The interviewee never saw them again, inferring that insubordination was punished by disappearance.

20. Relatives of those individuals wanted by the Syrian security apparatus have also been victims of enforced disappearances. A young man, who defected from the Republican Guard in June 2011, explained how his superiors came to his village in Dara'a, three weeks after his defection. They arrested his younger cousin, in an apparent reprisal. His cousin was taken to an unknown location and his fate never uncovered. Another protester reported that after he participated in several peaceful demonstrations in Dael, Dara'a, in March 2011, agents of the Political Security raided his house and forcibly disappeared one of his brothers. He stated plainly, "my brother was probably detained because of me". He believed that his brother's abduction was aimed at instilling fear in the relatives of protesters to deter them from participating in demonstrations.

21. Doctors were disappeared as punishment for their perceived support of anti-Government armed groups. An employee of Zarzor hospital in an anti-Government armed group-held part of Aleppo testified about a series of disappearances targeting medical personnel carried out by the Aleppo Air Force Intelligence between June and December 2012. These disappearances appeared to be aimed at punishing doctors who provided medical services in opposition areas, and deterring others who would consider doing the same.

C. A tactic of war

22. As the unrest devolved into a full-blown conflict, those affiliated or perceived to be affiliated with anti-Government armed groups became targets for disappearance. The initial arrests and abductions most often took place during Government searches of restive areas or at the checkpoints encircling those localities.

23. Bab Amr was the scene of mass arrests and disappearances during ground attacks by Government forces between February and May 2013. In March 2013, clashes between the Free

Syrian Army and the national army broke out in the Homs city neighbourhood of Bab Amr. Aided by pro-Government militias, the army raided Bab Amr and abducted several residents whose location and fate remain unknown. In May 2013, campaigns of arrest took place in Hama, many of those taken remain disappeared.

24. Men were also abducted at checkpoints manned by Government-affiliated militias and popular committees. One eyewitness described how his neighbours were arrested at a checkpoint controlled by what he believed to be *shabbiha*, in Al Ghantoo, Homs, on 4 April 2013. Men wearing civilian clothing stopped their car and arrested a man. He was subsequently taken to an unknown location. His family does not know where to look for him. On 8 June 2013, a family of internally displaced persons was trying to make their way into Jordan when military forces positioned in the Al-Waer neighbourhood of Homs stopped their car at a checkpoint. The husband was arrested and taken to an unknown location, while his wife and children were ordered to return to their hometown, despite on-going violence. He has not been seen or heard from since.

25. As noted in “Assault on medical care in Syria” (A/HRC/24/CRP.2), wounded civilians perceived to be affiliated with the opposition are being disappeared from hospitals. This alarming phenomenon has significantly increased over the past months. An interviewee from Nabak, Dara’a governorate, explained that due to a lack of medical facilities in FSA-controlled areas, injured civilians were forced to go to governmental hospitals, where many disappeared between April and May 2013.

D. Without a trace

26. Defectors who participated in mass arrests as well as survivors revealed that in the majority of cases, the officers in charge of the initial arrest took the abductees to the premises of their respective security or military branches. Despite the organised nature of the arrests and detentions, authorities often failed to record the personal details of detainees, including those who died in detention, making it difficult to trace them and inform their families. The family of a person arrested in Idlib in September 2011 attempted to determine his whereabouts. The interviewee described how “Wherever they searched, the authorities said that his name was not recorded”.

27. A defector told of a mass arrest in Jisr Al Shoughour, Idlib in June 2011, where those detained were taken to a school that was used as an ad hoc detention facility. There, detainees were subjected to painful and humiliating physical treatment. Their names were never registered rendering any attempts to determine their whereabouts futile. In late August 2011, officers of the Military Security in Latakia arrested four family members of an interviewee and took them to an unknown location. Three weeks later, a young man who was arrested together with the interviewee’s cousins informed him that his relatives had been transferred to the military hospital of Latakia. Upon inquiry, it was discovered that their names never appeared in the hospital’s registry.

E. Anti-Government armed groups

28. In 2013, specific anti-Government armed groups adopted a practice of hostage-taking, targeting civilians perceived to be supporting the Government, human rights defenders, journalists and religious leaders. The emergence of a pattern of abductions and arbitrary deprivation of liberty has characterized the ever-growing presence of certain armed groups, particularly in northern Syria.

29. The fear of such kidnappings and hostage-takings has gripped the civilian populations living under the control of certain armed groups. The perpetrators seize, detain and threaten to kill their victims in order to coerce a third party – whether the families of the kidnapped, their communities or the Syrian authorities – to fulfill their conditions for the release of the hostage. Such acts, motivated by material gain and extortion, intimidate and coerce the families of the kidnapped and their communities.

30. Hostages are taken with the intent to instrumentalise their liberty and security for ransom or prisoner exchange. Such offenses leave families in a state of uncertainty regarding the

whereabouts of their relatives, but do not amount to enforced disappearances as the fate of the victims is not denied or concealed. In the current context in Syria, such conduct may amount to war crimes.

31. Information collected in recent months indicates that opposition armed groups such as the Islamic State of Iraq and Al Sham (ISIS) have taken control of territory in northern Syria and begun to adopt practices, such as incommunicado detention, that may lead to disappearances. In one incident, armed men believed to be members of ISIS were reported to have abducted two civilians on grounds of non-adherence to their interpretation of Islamic dress code. The group later denied holding them in captivity. The whereabouts of the detainees remain unknown.

III. Not knowing: the enduring agony of Syrian families

32. The victims of enforced disappearance are not only those who have been disappeared. Enforced disappearances wreak havoc on families, tearing the social fabric of entire communities. Perpetrators intentionally create a paralysing uncertainty that leaves families hanging between hope and despair. Not knowing whether their loved ones are dead and, if so, what has happened to their bodies, they can neither mourn nor adjust to their loss.

A. A climate of fear

33. Enforced disappearances are characterised by situations where family members fear retaliation if they question the authority of the disappeared person's captors. Where the State maintains a climate in which family members are too intimidated to inquire about detentions by security services, this is tantamount to a refusal or a denial of the person's fate.

34. In Syria, silence and fear shroud enforced disappearances. In several cases, individuals who reported a disappearance were themselves detained. The mother of two young men who disappeared in Idlib in June 2011 reported that her eldest son was arrested when he inquired at the Idlib Military Security Branch about the whereabouts of his brothers. He never returned. One interviewee further reported that while detained in Homs prison in 2012, she met a 60 year-old woman who had been arrested after she went to the Homs Security Branch to inquire about the fate of her disappeared son.

35. The result of such a climate of fear is that only a fraction of the number of disappearances is officially reported because relatives of those disappeared fear being targeted and punished by the authorities.

36. In the overwhelming majority of cases, when asked whether they inquired about the disappearance of their relatives, interviewees reported that they could not approach the authorities because of a well-founded fear of reprisal. Families revealed that attempts to locate their relatives would expose them to a fate similar to their loved ones and may subject the disappeared to greater danger. A young man whose brother disappeared in December 2012 in Homs explained, "Families constantly pray for their relatives, but will not risk sending another family member to detention." Another interviewee, whose son was arrested during a house search by Military Security officers in late October 2012 in Damascus, stated that he did not go to the Military Security branch himself, as he feared that by requesting information, he would also be arrested.

37. Reporting on the arrest of his cousin by pro-Government militias and Air Force Intelligence officers in December 2012 in Nabul, Aleppo, an interviewee explained, "If you go to the branch to ask about detainees, they will interrogate you. If you are a man, you will be tortured and detained too. If you are a woman, they will harm you and might detain you instead."

B. A policy of concealment

38. Syrian families are in desperate need of official acknowledgment of what has happened to their relatives. An indication of this desperation are the 30 requests seeking official information

from the Government, filed by Syrian families to the United Nations Working Group on Enforced or Involuntary Disappearances, over the course of 2012 (A/HRC/22/45).

39. Those who dared to approach the authorities to inquire about a loved one faced a systematic refusal to disclose the fate or whereabouts of the disappeared or to even acknowledge the deprivation of liberty. One survivor, who was arrested by pro-Government militias and Air Force Military Security officers in Latakia in July 2012, recalled the shock of his family upon his release, “No one informed my family about my detention; no one would dare ask the Air Force Military Security about their relatives. If you asked, no one would tell you.” A relative of a man arrested in Naime, Dara’a, in 2011 stated, “His mother searched everywhere, but received no information from anyone”.

40. The brother of a former Syrian Air Defence Force officer reported that after he decided to defect, in December 2011, his brother called his family expressing serious fears of being arrested or punished. This phone call was the last anyone heard of him. The interviewee explained that his family repeatedly approached all Syrian security services, including the Air Force Intelligence, the police, the army, and the state security services. He further described how they had to use intermediaries to approach the Air Force Intelligence, whose officers were instructed to fire upon anyone who came within 300 metres of their building. Despite the measures taken by the interviewee and his family, each security apparatus denied any knowledge of the arrest, detention or whereabouts of his brother.

41. A doctor who survived a disappearance in 2011 explained that after months of searching, his family managed to locate his place of detention. However, when they directly inquired to the authorities administering the detention facility, the authorities denied that their relative was held there.

42. In a revealing account, a man who defected from the Hama Air Force Intelligence at the end of 2012, described orders he received not to provide information about the whereabouts of detainees or to speak to their relatives. He added that cameras were placed at the gates of the Air Force Intelligence premises, to monitor the officers and deter them from speaking to families inquiring about their relatives.

43. In some instances, the families only discover the fate of the disappeared when their bodies are recovered or in a minority of cases, are returned to them. However, several accounts indicate that Government forces take deliberate steps to conceal the cause and circumstances of the death, violating the families’ right to truth. Interviewees who had lost families members consistently described how their bodies were returned by Government authorities without explanation. In April 2011, a child was arrested in Dara’a, and taken to an Air Force Intelligence facility in Damascus. His family searched for their son in hospitals to no avail, fearing that he had been detained or killed. His body, bearing extensive signs of torture, was returned to his family in June 2011. No information was provided about the grounds for his detention or the circumstances of his death. The father of a young activist, arrested by security forces in late July 2012 in Latakia and whose whereabouts were unknown, received a phone call eleven days after his son’s disappearance. He was asked to go to Damascus to recover the body of his son, who, he was told, had been killed in a car accident. The body bore traces of severe torture.

C. The anguish

44. The heart of the anguish suffered by families lies in the authorities’ systematic refusal to acknowledge the deprivation of liberty or to disclose any information about the relatives. Across Syria, parents, siblings, husbands, wives, children and friends wait anxiously to know the fate or whereabouts of their loved ones. Not knowing whether the disappeared is still alive, and if so in what state of health and under which conditions, causes a level of grief impossible to convey. The secrecy surrounding the fate of the disappeared has the effect of intimidating and punishing families by leaving them in a state of uncertainty and mental distress. This mental anguish may rise to the level of torture or inhuman treatment and makes entire families the victims of enforced disappearances.

45. The husband of a woman abducted by Military Intelligence officers in Hama in December 2011 and whose whereabouts were never disclosed, explained how traumatized his two-year old daughter has been since, “She cries when she sees a military uniform”.

46. Consistent accounts have revealed that the principal means to obtain information is when a fellow detainee is released. A man held for over a year in the Military Police Branch of Hama described, in a harrowing account, how immediately after his release in May 2013, he was assailed by dozens of women thrusting photographs of their husbands, sons and fathers towards him. Another interviewee, released after a court hearing in Damascus in August 2013, was confronted with hundreds of people waiting outside the court, begging for news of their loved ones, in the hope that he had seen them in detention.

47. The desperation of families has left them vulnerable to extortion. Some pay bribes to those who, often falsely, claim they can provide information. One interviewee reported that his cousin, who had participated in peaceful demonstrations in Latakia, was arrested mid-2011 by Government security forces and taken to an unknown location. His family was too frightened to approach the forces responsible for his arrest. Instead they paid a bribe to a person who claimed to be connected to the security forces. This middleman informed the family that the disappeared was detained in the Air Force Intelligence detention centre. Shortly afterwards, the contact revealed, for more money, that he had been killed.

48. Another interviewee reported that his cousin was arrested by security officers on his way to Damascus in September 2013 and taken to an unknown location. His family learned of his arrest from a taxi driver who witnessed it. The disappeared’s father repeatedly inquired about the fate and whereabouts of his son, to no avail. Only after he bribed one of his contacts was he able to learn that security officers belonging to the 4th Army Division had arrested his son for having published pro-opposition messages on a social media webpage. He was, however, unable to obtain any information about his son’s location or state of health. The interviewee insisted that less privileged families are abandoned to their grief, saying that it was only because his uncle “had money and contacts” that he was able to obtain some information.

49. Besides the grave emotional and psychosocial impact, families also often have to cope with the economic consequences of disappearances. The absence of the main breadwinner creates financial difficulties that add to the extreme vulnerability of families. Women and children face specific hardships. The uncertainty created by the disappearance of their husbands or fathers has social and legal consequences, including on the status of marriage, right to inheritance and social welfare, and the management of the property of the disappeared person. Children of disappeared experience acute suffering with the loss of a parent. One young woman interviewed about the disappearance of her husband stated “I do not know how to live and care for my young children without their father”.

50. Syrian authorities created a climate of intimidation such that families did not dare inquire about their loved ones or file any formal complaints, and systematically denied the disappearance or refused to disclose any information. They also violated their duty to duly investigate enforced disappearances. The Government has further violated families’ non-derogable right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person.

IV. Conclusions and Recommendations

51. The accounts presented in this paper only hint at the scope of the crisis of enforced disappearance in Syria and the state of fear in which ordinary citizens live.

52. Enforced disappearances are perpetrated as part of a widespread campaign of terror against the civilian population. Government forces have engaged in enforced disappearance in violation of their international legal obligations. Given the geographic spread of the documented cases and the consistent manner in which abductions and arrests are carried out, there are reasonable grounds to believe that enforced disappearances were committed by Government forces, as part of a widespread and systematic attack against the civilian population, and therefore amount to a crime against humanity.

53. The direct victims of enforced disappearances were systematically denied their fundamental human rights, more particularly their rights not to be arbitrarily detained, not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, as well as their rights to liberty and security, to be recognized as a person before the law and to be treated with humanity and with the inherent dignity of the human person.

54. By failing to acknowledge the deprivation of liberty, the Government has violated the family's right to the truth. The ensuing mental anguish suffered may breach family members' rights not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Where family members have been arrested when they sought to make inquiries from the authorities, their rights to liberty and security have also been violated.

55. The absence of an autonomous definition of enforced disappearance in the Syrian Criminal Code and the lack of an official register or bureau that manages records of detainees and responds to inquiries made by relatives, contributes to a system that is conducive to enforced disappearances. Moreover, the persistent failure to notify the families of the fate or whereabouts of their loved ones coupled with the systematic practice of withholding information, reprisals, bribery or intimidation in response to the search for information by relatives, and the absence of genuine investigations into allegations of disappearances, constitute the many factors that create an environment of impunity in Syria. Such a climate not only contributes to the perpetuation of the phenomenon of enforced disappearance, but is also a major obstacle to the elucidation of its true extent.

56. International human rights law imposes on Syria the obligation to take all appropriate measures to investigate enforced disappearances and to bring those responsible to justice.

57. Disappearances are losses that cannot be mourned. They bear consequences on the individuals, their families and the community as a whole and will remain among Syria's deepest wounds. The damage inflicted upon the victims, including their relatives, is permanent and irreparable. Reconciliation cannot happen until each individual case of enforced disappearance is clarified and the perpetrators brought to justice. No statute of limitations applies to this violation. Investigating each case of enforced disappearance will remain the responsibility of the Syrian state regardless of the Government in power.

The Commission recommends that the Government of Syria:

- i. Inform families of the whereabouts of all persons in their custody;
- ii. Ensure that all those detained are registered, and afforded legal review of the grounds of their detention;
- iii. When a disappeared person is found dead, return the remains to the family and inform them of the circumstances of the death;
- iv. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and recognise the competence of the Committee under Articles 31 and 32 of the Convention;
- v. Ensure that all cases of enforced disappearance as well as acts tantamount to enforced disappearances are duly investigated, that those responsible are prosecuted, and, where appropriate, punished;
- vi. Ensure that military commanders and civilian superiors enforce the prohibition of enforced disappearances within their ranks and among their subordinates;
- vii. Ensure that those involved in the search for victims of enforced disappearance, notably the relatives, have full and unimpeded access to justice and are protected against ill-treatment, intimidation or reprisal. To that effect, effective victim and witness protection measures, offering guarantees of safety for those who wish to lodge a complaint or testify, should be established;
- viii. Survivors and families of disappeared should also be granted reparations that include rehabilitation, satisfaction, compensation and, in particular, psychological and social support for the relatives;

- ix. To the extent possible, special social and financial support should be provided to dependent women and children.

The Commission recommends that anti-Government armed groups:

- i. Ensure that military commanders enforce the prohibition of enforced disappearances;
- ii. Take all feasible measures to account for persons reported disappeared as a result of the armed conflict;
- iii. Provide the family members of disappeared with any information concerning their fate and whereabouts;
- iv. Register and hold all detainees in a recognized place of detention;
- v. Promptly inform the detainees of the reasons for their detention;
- vi. Ensure that any person deprived of liberty has contact with the exterior, including legal assistance.

The Commission recommends that all parties to the conflict:

- i. Maintain an updated register of all persons deprived of liberty;
- ii. Set up a process to centralize information on persons deprived of liberty, to transmit such information to their next of kin directly or through a neutral intermediary, and to respond to inquiries about the whereabouts of disappeared persons;
- iii. Ensure that any person deprived of liberty is held in a recognized place of detention and has the opportunity to challenge his or her detention before an independent and impartial body.