

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA**

OBADA MZAIK,

Plaintiff,

v.

SYRIAN ARAB REPUBLIC,

Defendant.

Civil No. 1:22-cv-00042-ACR

Complaint For Torture,
28 U.S.C. § 1605A

EXPERT REPORT OF BERNARD DUHAIME

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I. INTRODUCTION AND BACKGROUND

A. Introduction

1. My name is Bernard Duhaime. I am a Professor in the Department of Law at the Université du Québec à Montréal (UQAM) and a specialist in international human rights law. My qualifications, basis for expertise, and summary of opinions are set forth in greater detail below.
2. I have been retained as an expert witness by Plaintiff Obada Mzaik in *Mzaik v. Syrian Arab Republic*, Case No. 1:22-cv-00042-ACR, to provide my expert opinion on the documentation and consequences of enforced disappearances in the Syrian Arab Republic (“Syria”). By way of background, an enforced disappearance is “the arrest, detention, abduction, or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support, or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person.”¹
3. Plaintiff Mzaik’s disappearance and detention, as described in the Complaint, forms part of a broader pattern of enforced disappearances perpetrated by Syrian security forces, including the Air Force Intelligence (“AFI”). By describing these patterns and their consequences, my expert report aims to: (i) contextualize Syria’s mistreatment of Mzaik at the AFI detention center and the harms suffered by Mzaik and his relatives, and (ii) underscore the need for deterrence.
4. I offer the following expert report containing my statement of expected testimony, the reasons for this testimony, and any data or other information and materials considered in forming my expert opinion and testimony.

B. Qualifications

5. My expertise on the issues addressed in this report is based on a long career in the field of international human rights law, with a particular focus on enforced disappearances and human rights. My *curriculum vitae*, including a full list of publications, is attached as **Exhibit A**. I recount my most relevant experiences below.
6. I am a law professor with particular expertise in international human rights law and international humanitarian law. I received a B.C.L. in Civil Law and an LL.B. in Common Law from McGill University in 1998 and was called to the Bar of the Province

¹ International Convention for the Protection of All Persons from Enforced Disappearance, December 20, 2006, 2716 U.N.T.S. 3.

of Quebec in 1999. I received my LL.M. *summa cum laude* in International Human Rights Law from the University of Notre Dame in 2001. In 2021, the Quebec Bar nominated me Senior Counsel (*Avocat émérite*).

7. I am a Professor of Law at the Université du Québec à Montréal (“UQAM”) and a Commissioner on the International Commission of Jurists. I am an Associate Research Fellow at the Geneva Academy, a Senior Fellow at the Raoul Wallenberg Center for Human Rights, and a Member of the Board at the University Network for Human Rights. I am also a Member of the Editorial Board for the Torture Journal.
8. Previously, I served as an Expert, Vice-Chair, and Chair of the United Nations Working Group on Enforced or Involuntary Disappearances (“Working Group”). I served as an Expert on the Working Group beginning in December 2014, as Vice-Chair from 2015 to 2017, and finally as Chair from 2017 to 2019. I was a Fellow at the Pierre Elliott Trudeau Foundation from 2017 to 2021. From 2005 to 2010, I was the Founding Director of UQAM’s International Clinic for the Defense of Human Rights. From 2014 to 2015, I served as Director of UQAM’s undergraduate program on international relations and international law. I have been a visiting fellow at the University of Southern California as the Canada-US Fulbright Visiting Chair in Public Diplomacy, at the Human Rights Program at Harvard Law School, at the European University Institute in Italy, at the Faculty of Law of the University of Palermo in Argentina, and at the University of Victoria in Canada. I have also been a Visiting Professor at Paris II Panthéon Assas University in France.
9. I have written extensively on the topic of enforced disappearances.
 - a. In 2023, I wrote a book chapter, “Enforced disappearances in the contemporary world: the recent contributions of the United Nations Working Group on Enforced or Involuntary Disappearances,”² which was updated and translated into French in March 2024.³
 - b. In 2024, I also cowrote the article “Enforced disappearances in the context of armed conflicts.”⁴

² Bernard Duhaime, *Enforced disappearances in the contemporary world: The recent contributions of the United Nations Working Group on Enforced or Involuntary Disappearances*, in *THE CRIME OF ENFORCED DISAPPEARANCE: BETWEEN LAW AND PSYCHE* (Maria Giovanna Bianchi and Monica Luci eds., 2022).

³ Bernard Duhaime, “Les disparitions forcées dans le monde contemporain : les contributions récentes du Groupe de travail des Nations unies sur les disparitions forcées ou involontaires”, *RQDI*, 35.2, 231-253.

⁴ Bernard Duhaime and Rhiannon Painter, *Enforced disappearances in the context of armed conflicts*, in *THE ROLE OF HUMAN RIGHTS MECHANISMS IN IMPLEMENTING INTERNATIONAL HUMANITARIAN LAW* (Gloria Gaggioli ed., 2024, under press)

- c. In 2022, I cowrote the “Consultation on draft General Comment No. 1 on Enforced Disappearances in the context of Migration” for the United Nations Committee on Enforced Disappearances.⁵
 - d. In 2021, I cowrote the International Convention for the Protection of All Persons from Enforced Disappearance (“ICPPED”) entry for the *Elgar Encyclopedia on Human Rights*,⁶ as well as the article, “Current debates, developments and challenges regarding torture, enforced disappearances and human rights.”⁷
 - e. In 2017, I cowrote the article, “Protection of migrants from enforced disappearance: A human rights perspective.”⁸
10. I have served as an expert witness on issues related to enforced disappearances on seven previous occasions.
- a. In January 2023, I was an expert witness before the Inter-American Court of Human Rights in the case *Guzman Medina c. Colombia*.
 - b. In November 2022, I was an expert witness before the Tribunal Oral Federal 2 de Rosario in Argentina in Case 22.074/2014 (“*N.N. s/ privación ilegal de la libertad (Victima Franco Casco)*”).
 - c. In September 2022, I served as an expert for the International Rehabilitation Council for Torture Victims (“IRCT”) and the Organisation Mondiale Contre la Torture at a hearing before the UN Working Group on Enforced or Involuntary Disappearances.
 - d. In May 2022, I was an expert witness at the African Commission on Human and Peoples’ Rights’ 71st Ordinary Session with respect to the African Commission Draft Guidelines on Enforced Disappearances.

⁵ Anna Rahel Fischer, Bernard Duhaime, and Lena Guercke, *Consultation on draft General Comment No. 1 on Enforced Disappearances in the context of Migration* (2022).

⁶ Bernard Duhaime and Rhiannon Painter, International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), in *ELGAR ENCYCLOPEDIA OF HUMAN RIGHTS* (Christina Binder, Manfred Nowak, Jane A. Hofbauer and Philipp Janig eds., 2021).

⁷ Bernard Duhaime, Juan Méndez and Pau Pérez Sales, *Current debates, developments and challenges regarding torture, enforced disappearances and human rights*, 3 *TORTURE JOURNAL* 31(1) (2022).

⁸ Bernard Duhaime and Andréanne Thibault, *Protection of migrants from enforced disappearance: A human rights perspective*, 569 *INT. REV. OF THE RED CROSS* 99(2) (2017).

- e. In January 2022, I gave testimony to the Belgian federal prosecutor on the legal status of victims of enforced disappearances in the case *Plainte contre X*.
- f. In September 2021, I was an expert witness at the Tribunal Constitucional Local del Estado de Coahuila de Zaragoza in Mexico in *Acción de Inconstitucionalidad local*, AIL-3/2021.
- g. Finally, in October 2018, I was an expert witness before the Canadian Parliament’s Standing Committee on Citizenship and Immigration on the topic of, “*Les droits humains en Amérique latine, réflexions sur le Système interaméricain et le Canada, sur les disparitions forcées en context de migrations* [‘Human rights in Latin America, Reflections on the Inter-American System and Canada, and on Enforced Disappearances in the Context of Migration’]).”
- h. I am scheduled to testify again before the Inter-American Court of Human Rights in the pending case of *Juan Pedro Lares Rángel et al. v. Venezuela*.

C. Compensation

- 11. I am not being compensated for this report or for my expert testimony. I will be reimbursed for reasonable expenses incurred while fulfilling my role as an expert. My opinion is not conditioned upon any payment.

D. Evidentiary Basis for Opinion

- 12. In preparing this report, I relied on my personal knowledge, expertise, and research on enforced disappearances in Syria. I relied on the research and investigation that I contributed to in my capacity as an Expert, Vice-Chair, and Chair of the UN Working Group on Enforced or Involuntary Disappearances, including consultations with families of individuals who had been disappeared in Syria. I additionally relied on reports on enforced disappearances in Syria that the Working Group has published since my departure in 2022. I relied on the research that I conducted while drafting my various publications on enforced disappearances.
- 13. To better understand the situation in detention centers in Syria, I also relied on reports from research institutions, non-governmental organizations, and other United Nations bodies, including the Independent International Commission of Inquiry on the Syrian Arab Republic. Many of these reports were based on first-hand interviews with former detainees, and some of the interviewees had, like Plaintiff Mzaik, been detained in AFI

detention facilities. I also examined documents in the above captioned case, including the Complaint. A list of the materials that I reviewed and/or relied on to prepare this report is attached hereto as **Exhibit B**.

14. I will supplement this expert report, to the extent necessary, based on the filing of additional relevant materials in this case.

II. SUMMARY OF FINDINGS

- A. *First*, I was asked to discuss the available documentation on enforced disappearances in Syria, and on the role of the Syrian security services, including the AFI, in perpetrating these disappearances. I was also asked to discuss available documentation on the treatment of the disappeared during their detention in Syrian government facilities. The Working Group has received robust and consistent documentation over the course of many years indicating that Syria is systematically perpetrating enforced disappearances at a large scale, facilitated by the Syrian Armed Forces and Syrian security services. Since the beginning of the armed conflict in Syria in March 2011, the number of enforced disappearances perpetrated across the country has constantly been increasing. Available documentation indicates that the Syrian government often subjects disappeared persons to torture and ill-treatment. Many of those disappeared are ultimately killed in detention.
- B. *Second*, in light of this well-documented record of enforced disappearances in Syria, I was asked to opine on the impact of enforced disappearances on the disappeared themselves, as well as on their family members. Enforced disappearances frequently cause immense emotional, social, and economic harm to both abducted persons and to their family members. Uncertainty regarding the fate of the disappeared person can cause relatives to struggle to navigate the grief and mourning process. The level of anguish and suffering inflicted on family members as a result of enforced disappearances has been consistently assessed by the medical and psychological community to meet the definition of torture. International legal experts and international courts have stated that enforced disappearances can meet the international standards for torture, or for cruel, inhuman or degrading treatment with respect to both the disappeared person and their relatives. In Syria, the Working Group has noted on multiple occasions that enforced disappearances have amounted to torture or inhuman treatment. Enforced disappearances also frequently cause relatives severe economic harm, particularly when the family breadwinner is disappeared. The financial insecurity caused by enforced disappearances puts young women and girls at risk of forced and child marriage, and puts young men and boys at risk of being forced into child labor. The emotional and financial harm caused by enforced disappearances frequently hinders the educational outcomes of the children of the disappeared.

III. FINDINGS

A. The Working Group has found that, since at least 2011, the Syrian government has systematically perpetrated enforced disappearances at a massive scale.

15. Under international law, enforced disappearances are characterized by three cumulative elements: (i) deprivation of liberty against the will of the person; (ii) involvement of government officials, at least by acquiescence; and (iii) refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the disappeared person.⁹
16. Even short-term enforced disappearances violate international law and can cause substantial harm to disappeared persons and their families. The Working Group has identified a pattern of “short-term” disappearances occurring globally and has stressed on multiple occasions that “there is no time limit, no matter how short, for an enforced disappearance to occur.”¹⁰ International bodies, including the Committee on Enforced Disappearances and the European Court of Human Rights, have also explicitly held that short-term disappearances can qualify as enforced disappearances under international law.¹¹
17. The Working Group, which is composed of five independent experts, is a United Nations special procedure overseen by the United Nations Human Rights Council. Its central purpose is to help relatives of disappeared persons ascertain the whereabouts of their disappeared family members. To this end, the Working Group undertakes country visits (upon the invitation of the host government), provides governments with advisory services, communicates with governments concerning information and complaints received regarding alleged rights violations, and submits activity reports to the United

⁹ U.N. General Assembly, *Report of the Working Group on Enforced or Involuntary Disappearances: Best practices on enforced disappearances in domestic criminal legislation*, A/HRC/16/48/Add.3, 16th Sess. (Dec. 28, 2010).

¹⁰ Human Rights Council, *Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/30/38 (Aug. 10, 2015), at para.102; see also Office of the High Commissioner for Human Rights, “Every minute counts” – UN experts raise alarm over short-term enforced disappearances International Day of the Victims of Enforced Disappearances – Tuesday 30 August 2016, (Aug. 26, 2016), <https://www.ohchr.org/en/press-releases/2016/08/every-minute-counts-un-experts-raise-alarm-over-short-term-enforced?LangID=E&NewsID=20416> (“There is no time limit, no matter how short, for an enforced disappearance to occur. Every minute counts when a person is put outside the protection of the law. And when a person is disappeared, every anguished minute spent by his or her relatives without news of that person is a minute too long.”).

¹¹ *Yrusta v. Argentina*, Committee on Enforced Disappearances, CED/C/10/D/1/2013, at paras. 10.2-10.4 (April 12, 2016) (finding that detention for over seven days constitutes an enforced disappearance); *El Masri v. The Former Yugoslav Republic of Macedonia*, Eur. Ct. H.R. at para. 240 (1995) (holding that detention in a CIA blacksite cell for over four months constitutes an enforced disappearance.).

Nations Human Rights Council.¹²

18. Since the beginning of the armed conflict in Syria in March 2011, the Working Group has recorded a rapidly increasing number of enforced disappearances perpetrated across the country. For example, the total number of outstanding cases of enforced or involuntary disappearance in Syria reported to the Working Group has increased each year between 2014 and 2023.¹³ The missing persons crisis in Syria has grown so severe that, in June 2023, the United Nations General Assembly voted to create a new mechanism to address the issue.¹⁴
19. The Working Group has denounced the pattern of enforced disappearances that has been documented throughout the Syrian conflict.¹⁵ Working Group sources have documented a systematic pattern, in which men over the age of 15 have been arbitrarily arrested and detained by Syrian Government authorities or militias at checkpoints or during house searches, and later disappeared.¹⁶ Available evidence suggests that many of those disappeared have subsequently been victims of mass executions.¹⁷ On four occasions, the Working Group urged the United Nations Security Council to consider referring the crisis

¹² Working Group on Enforced or Involuntary Disappearances, *About the mandate* (2024), <https://www.ohchr.org/en/special-procedures/wg-disappearances>

¹³ Human Rights Council, *Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/27/49 (Aug. 4, 2014), at 13 (reporting 102 outstanding cases of enforced disappearance at the end of the reporting period); Human Rights Council, *Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/30/38 (Aug. 10, 2015), at 13 (reporting 130 outstanding cases of enforced disappearance at the end of the reporting period); Human Rights Council, *Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/33/51 (July 28, 2016), at 17 (reporting 179 outstanding cases of enforced disappearance at the end of the reporting period); Human Rights Council, *Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/36/39 (July 31, 2017), at 15 (reporting 218 outstanding cases of enforced disappearance at the end of the reporting period); Human Rights Council, *Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/39/46 (July 30, 2018), at 16 (reporting 287 outstanding cases of enforced disappearance at the end of the reporting period); Human Rights Council, *Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/42/40 (July 30, 2019), at 13 (reporting 375 outstanding cases of enforced disappearance at the end of the reporting period); Human Rights Council, *Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/45/13 (Aug. 7, 2020), at 13 (reporting 487 outstanding cases of enforced disappearance at the end of the reporting period); Human Rights Council, *Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/48/57 (Aug. 4, 2021), at 11 (reporting 539 outstanding cases of enforced disappearance at the end of the reporting period); Human Rights Council, *Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/51/31 (Aug. 12, 2022) (reporting 605 outstanding cases of enforced disappearance at the end of the reporting period), at 11; Human Rights Council, *Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/54/22 (Aug. 8, 2023), at 10 (reporting 644 outstanding cases of enforced disappearance at the end of the reporting period).

¹⁴ U.N. General Assembly, *Independent Institution on Missing Persons in the Syrian Arab Republic*, A/77/L.79 (June 26, 2023).

¹⁵ Human Rights Council, *Enforced or involuntary disappearance: Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/42/40, para 84-86 (July 30, 2019).

¹⁶ Human Rights Council, *Communications, cases examined, observations and other activities conducted by the Working Group on Enforced or Involuntary Disappearances*, A/HRC/WGEID/117/1, para. 131 (May 20, 2019).

¹⁷ *Id.* at para. 18.

of enforced disappearances in Syria to the International Criminal Court.¹⁸

20. According to the Syrian Network for Human Rights, at least 112,713 of the individuals arrested in Syria between March 2011 and August 2023 remain forcibly disappeared.¹⁹ This number includes 3,105 children and 6,698 women.²⁰ According to these reports, the Syrian regime is responsible for 85.26% of those disappearances, including the enforced disappearances of 2,327 children and 5,739 women.²¹ These statistics are likely an underestimate; there is an issue of underreporting of disappearances owing, in part, to a fear of reprisal on the part of family members for reporting the disappearance of their loved ones.²² This fear of reprisal is often credible; as is discussed further below, many of those who have reported disappearances have, in fact, faced reprisal by government agents.²³ Due to issues of chronic underreporting, the number of enforced disappearances in Syria that are reported to the Working Group annually likely represent a small fraction of the total number of people who have been forcibly disappeared by the Syrian government.²⁴
21. Syrian government actors often carry out mass arrests, particularly of men,²⁵ in a way that appears random and indiscriminate.²⁶ In most cases, the precise reason for the arrest is not disclosed.²⁷

¹⁸ Human Rights Council, *Enforced or involuntary disappearance: Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/42/40, para 85 (July 30, 2019); Human Rights Council, *Enforced or involuntary disappearance: Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/39/46, para 132b (July 30, 2018); Human Rights Council, *Enforced or involuntary disappearance: Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/27/49, para 99 (Aug. 4, 2014); Human Rights Council, *Enforced or involuntary disappearance: Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/33/51, para 103 (July 28, 2016).

¹⁹ Syrian Network for Human Rights, *SNHR's 12th Annual Report on Enforced Disappearance in Syria on the International Day of the Disappeared: Enforced Disappearance is an Ongoing Crime in Syria*, 1 (August 30, 2023).

²⁰ *Id.* at 10.

²¹ Syrian Network for Human Rights, *SNHR's 12th Annual Report on Enforced Disappearance in Syria on the International Day of the Disappeared: Enforced Disappearance is an Ongoing Crime in Syria*, 1 (August 30, 2023).

²² Human Rights Council, *Enforced or involuntary disappearance: Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/51/31, para. 74 (Aug. 12, 2022).

²³ Working Group on Enforced or Involuntary Disappearances, *General Allegation – Syrian Arab Republic – February 2023*, para. 8 (February 2023).

²⁴ Human Rights Council, *Enforced or involuntary disappearance: Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/51/31, para. 74 (Aug. 12, 2022).

²⁵ Although men make up the majority of those arrested, available documentation indicates that many women have also been arbitrarily arrested and detained. *See, e.g.*, Joumana Seif & Wejdan Nassif, Syrian Center for Legal Studies and Research, *Words Against Silence*, 16 (2020) <https://www.ecchr.eu/en/publication/words-against-silence/>

²⁶ Working Group on Enforced or Involuntary Disappearances, *123rd Session: Syrian Arab Republic*, para. 4 (2021).

²⁷ Working Group on Enforced or Involuntary Disappearances, *123rd Session: Syrian Arab Republic*, para. 4 (2021).

22. Disappeared persons are often abducted in public, in full view of family and neighbors.²⁸ In several cases, Syrian military officers arrested and physically beat the alleged victims while they stood in the street or while they were being taken to a car.²⁹ Relatives of the disappeared believe that the intention behind the public mass arrests is to “incite terror in the local community.”³⁰
23. Detainees’ deprivation of liberty is frequently followed “by a complete refusal on the part of the Syrian authorities to disclose information about the fate or whereabouts of the concerned person, or even to acknowledge their existence.”³¹ Disappeared persons are often prevented from communicating with friends, family, and legal representatives.³²
24. Plaintiff Mzaik’s experience, as detailed in the Complaint, of being held by the Syrian government with no formal charge, and being prevented from communicating with friends, family, or legal representation³³ is consistent with broader Syrian government practices documented by the Working Group.
25. There is no official, up-to-date registry of all persons deprived of their liberty.³⁴ The existing mechanism mandated to inquire about the fate and whereabouts of disappeared persons, which is under the responsibility of the Syrian Ministries of Justice, Interior, and National Reconciliation, has proved ineffective.³⁵ Death certificates are rarely issued when detainees die in custody.³⁶ When death certificates are issued, the standard practice of issuing death certificates for the disappeared (often years after the enforced disappearance began) without specifying the cause of death, noting whether or not there has been an investigation, and without handing over the body of the deceased to his or her family members, is not an effective means of establishing the fate and whereabouts of

²⁸ Working Group on Enforced or Involuntary Disappearances, *123rd Session: Syrian Arab Republic*, para. 2 (2021).

²⁹ Working Group on Enforced or Involuntary Disappearances, *123rd Session: Syrian Arab Republic*, para. 2 (2021).

³⁰ Working Group on Enforced or Involuntary Disappearances, *123rd Session: Syrian Arab Republic*, para. 2 (2021).

³¹ Working Group on Enforced or Involuntary Disappearances, *123rd Session: Syrian Arab Republic*, para. 4 (2021).

³² Working Group on Enforced or Involuntary Disappearances, *123rd Session: Syrian Arab Republic*, para. 7 (2021).

³³ See Compl. ¶ 54, *Mzaik v. Syrian Arab Republic*, No. 1:22-CV-00042 (D.D.C. Jan. 6, 2022) (“At no point during his arrest or detention was Plaintiff ever formally charged with a crime or allowed to communicate with others outside the AFID central branch in Mezzeh, including his friends, family, and legal representatives. Nor was he permitted to consult with U.S. consular officials from the U.S. Embassy in Damascus, which remained open until at least February 2012. As far as Plaintiff knows, neither his arrest nor his detention, let alone his torture, has ever been formally acknowledged by Syrian government officials.”).

³⁴ Working Group on Enforced or Involuntary Disappearances, *General Allegation – Syrian Arab Republic – February 2023*, para. 6 (February 2023).

³⁵ Working Group on Enforced or Involuntary Disappearances, *General Allegation – Syrian Arab Republic – February 2023*, para. 6 (February 2023).

³⁶ Independent International Commission of Inquiry on the Syrian Arab Republic, “*No End in Sight*”: *Torture and ill-treatment in the Syrian Arab Republic 2020-2023*, A/HRC/53/CRP.5, para. 66 (July 10, 2023).

the disappeared.³⁷

26. Investigating the fate of disappeared persons in Syria is dangerous and difficult, and relatives who investigate their loved ones' disappearance often face reprisals.³⁸ Relatives often attempt to locate their loved ones through informal channels,³⁹ such as personal connections to members of the military, Syrian prison survivors, death certificates found at civil registry offices, or through identifying their loved one among the 53,275 photographs that had been smuggled out of Syria by a Syrian regime defector, codenamed "Caesar," which depict at least 6,786 detainees who died in detention ("Caesar photographs").⁴⁰ Families have been subjected to harassment, arrests, and extortion while searching for their relatives.⁴¹ Women are often subjected to physical and emotional blackmail and sexual exploitation when inquiring about missing persons at state institutions.⁴²
27. The families of disappeared persons often pay large amounts of money (often during a period of severe economic difficulty) to brokers in exchange for information about their loved ones.⁴³ The individuals involved in brokering this information sometimes engage in deception, accepting large sums of money and then cutting off all communication with the relatives.⁴⁴ Some relatives have stated that "brokers have gone so far as to mislead them about their loved one's death."⁴⁵
28. Plaintiff Mzaik's family's experience, as detailed in the Complaint, of attempting to bribe government officials through intermediaries to secure Plaintiff Mzaik's release is emblematic of a well-documented practice in Syria.⁴⁶

³⁷ Working Group on Enforced or Involuntary Disappearances, *General Allegation – Syrian Arab Republic – February 2023*, para. 7 (February 2023).

³⁸ Working Group on Enforced or Involuntary Disappearances, *General Allegation – Syrian Arab Republic – February 2023*, para. 8 (February 2023).

³⁹ Working Group on Enforced or Involuntary Disappearances, *General Allegation – 123rd session: Syrian Arab Republic*, para. 7 (2021).

⁴⁰ International Commission on Missing Persons, *Syrian Legislation Related to Missing Persons: Towards the Adoption of a Law on Missing and Disappeared Persons in Syria*, para. 4 (March 11, 2022).

⁴¹ Working Group on Enforced or Involuntary Disappearances, *General Allegation – Syrian Arab Republic – February 2023*, para. 8 (Feb. 2023).

⁴² International Commission on Missing Persons, *Syrian Legislation Related to Missing Persons: Towards the Adoption of a Law on Missing and Disappeared Persons in Syria*, para. 7 (March 11, 2022).

⁴³ Working Group on Enforced or Involuntary Disappearances, *supra* note 15, at para. 12.

⁴⁴ Working Group on Enforced or Involuntary Disappearances, *General Allegation – 123rd session: Syrian Arab Republic*, para. 12 (2021).

⁴⁵ Working Group on Enforced or Involuntary Disappearances, *General Allegation – 123rd session: Syrian Arab Republic*, para. 12 (2021).

⁴⁶ Compl. ¶ 48 ("Fearing for Plaintiff's health and safety, given the intelligence service's brutal reputation, Plaintiff's family tried to arrange for bribes to be paid through an intermediary ... to secure his release. Those initial attempts failed, and Plaintiff's family was informed that General Hassan had stated that Plaintiff 'will die in that

29. In many instances, fears of reprisals have prevented relatives from inquiring further into the fate and whereabouts of their loved ones.⁴⁷ Because male family members are often particularly fearful, “it is often female family members who put themselves at risk to uncover the fate or whereabouts of their missing relatives.”⁴⁸ When relatives do manage to obtain information regarding the fate of the disappeared, it has usually been through informal sources, such as personal connections to members of the military.⁴⁹ Often, relatives have been able to obtain information only by paying informal sources enormous sums of money.⁵⁰ When relatives have attempted to follow up on leads obtained through these channels, “they have come up against the state’s refusal to verify the hard-won information by acknowledging the disappearance.”⁵¹
30. Available documentation shows that many of those forcibly disappeared by the Syrian government are subjected to torture and cruel, inhuman, or degrading treatment, which can occur from the moment of arrest and continue throughout the disappearance.⁵² The Independent International Commission of Inquiry on the Syrian Arab Republic (the “IICI”), which is the United Nations body tasked with investigating and reporting on alleged violations of international human rights law in Syria since 2011, reported that many of the former detainees held in government facilities that they interviewed were subjected to torture or ill-treatment using a range of methods, including beatings,⁵³ electric shocks,⁵⁴ burning of body parts,⁵⁵ sexual violence,⁵⁶ and various psychological

prison’ and that Plaintiff was among the type of people ‘whose life we need to wipe out.’ The family’s intermediary tried again, and the bribes were eventually accepted.”)

⁴⁷ Working Group on Enforced or Involuntary Disappearances, *General Allegation – 123rd session: Syrian Arab Republic*, para. 7 (2021).

⁴⁸ Working Group on Enforced or Involuntary Disappearances, *General Allegation – 123rd session: Syrian Arab Republic*, para. 7 (2021).

⁴⁹ Working Group on Enforced or Involuntary Disappearances, *General Allegation – 123rd session: Syrian Arab Republic*, para. 7 (2021).

⁵⁰ Working Group on Enforced or Involuntary Disappearances, *General Allegation – 123rd session: Syrian Arab Republic*, para. 7 (2021).

⁵¹ Working Group on Enforced or Involuntary Disappearances, *General Allegation – 123rd session: Syrian Arab Republic*, para. 8 (2021).

⁵² Working Group on Enforced or Involuntary Disappearances, *General Allegation – 123rd session: Syrian Arab Republic*, para. 9 (2021).

⁵³ Independent International Commission of Inquiry on the Syrian Arab Republic, “*No End in Sight*”: *Torture and ill-treatment in the Syrian Arab Republic 2020-2023*, A/HRC/53/CRP.5, para. 4 (July 10, 2023).

⁵⁴ Independent International Commission of Inquiry on the Syrian Arab Republic, “*No End in Sight*”: *Torture and ill-treatment in the Syrian Arab Republic 2020-2023*, A/HRC/53/CRP.5, para. 4 (July 10, 2023).

⁵⁵ Independent International Commission of Inquiry on the Syrian Arab Republic, “*No End in Sight*”: *Torture and ill-treatment in the Syrian Arab Republic 2020-2023*, A/HRC/53/CRP.5, para. 4 (July 10, 2023).

⁵⁶ Independent International Commission of Inquiry on the Syrian Arab Republic, “*No End in Sight*”: *Torture and ill-treatment in the Syrian Arab Republic 2020-2023*, A/HRC/53/CRP.5, para. 4 (July 10, 2023).

torture techniques, including threats,⁵⁷ humiliation, food deprivation⁵⁸ and inhumane and unhygienic conditions.⁵⁹ One released detainee told the IICI that his torture was so extreme that he was could not walk for seven months after he was released.⁶⁰ Another told the IICI that, on one occasion, he was interrogated and beaten for three continuous days and nights.⁶¹ Interviewees from many facilities recounted listening to the torture, crying, and screaming of other detainees in government prisons.⁶²

31. Many of the forcibly disappeared ultimately die in detention. As noted above, the Caesar photographs depict at least 6,786 detainees who died in detention.⁶³ Physicians for Human Rights' team of forensic pathologists reviewed a subset of the Caesar photographs for evidence of torture, and identified signs of violent blunt-force trauma, suffocation, starvation, and, in one instance, identified cause of death as a gunshot wound to the head.⁶⁴
32. Accountability mechanisms for enforced disappearance do not exist in Syria, and enforced disappearance is not codified as an autonomous offense under the applicable criminal legislation.⁶⁵ Concerns over enforced disappearances are addressed in an "*ad hoc* fashion through ... legal articles spread across several laws, including the Personal Status Law and the Civil Code," both of which were issued decades before the ongoing

⁵⁷ See, eg., Amnesty International, *It Breaks the Human: Torture, Disease and Death in Syria's Prisons*, 21-22 (August 18, 2016), <https://www.amnesty.org/en/documents/mde24/4508/2016/en> ("In several cases documented in this report, it appeared that persons were detained as a result of 'confessions' obtained through the torture of their friends, family or acquaintances ... Following [a Damascus journalist's] detention, intelligence forces forced her to participate in the arrest of her colleagues by tricking her into thinking that her children had been arrested and their safety was at stake after they pretended to arrest her son in front of her.").

⁵⁸ Independent International Commission of Inquiry on the Syrian Arab Republic, "*No End in Sight*": *Torture and ill-treatment in the Syrian Arab Republic 2020-2023*, A/HRC/53/CRP.5, para. 4 (July 10, 2023).

⁵⁹ Independent International Commission of Inquiry on the Syrian Arab Republic, "*No End in Sight*": *Torture and ill-treatment in the Syrian Arab Republic 2020-2023*, A/HRC/53/CRP.5, para. 4 (July 10, 2023).

⁶⁰ Independent International Commission of Inquiry on the Syrian Arab Republic, "*No End in Sight*": *Torture and ill-treatment in the Syrian Arab Republic 2020-2023*, A/HRC/53/CRP.5, para. 19 (July 10, 2023).

⁶¹ Independent International Commission of Inquiry on the Syrian Arab Republic, "*No End in Sight*": *Torture and ill-treatment in the Syrian Arab Republic 2020-2023*, A/HRC/53/CRP.5, para. 20 (July 10, 2023).

⁶² See, eg., Independent International Commission of Inquiry on the Syrian Arab Republic, "*No End in Sight*": *Torture and ill-treatment in the Syrian Arab Republic 2020-2023*, A/HRC/53/CRP.5, para. 20 (July 10, 2023) ("You would hear screaming detainees everyday.").

⁶³ Human Rights Watch, *If the Dead Could Speak: Mass Deaths and Torture in Syria's Detention Facilities*, (Dec. 16, 2015), <https://www.hrw.org/report/2015/12/16/if-dead-could-speak/mass-deaths-and-torture-syrias-detention-facilities>

⁶⁴ Human Rights Watch, *If the Dead Could Speak: Mass Deaths and Torture in Syria's Detention Facilities*, (Dec. 16, 2015), <https://www.hrw.org/report/2015/12/16/if-dead-could-speak/mass-deaths-and-torture-syrias-detention-facilities>

⁶⁵ Working Group on Enforced or Involuntary Disappearances, *General Allegation – Syrian Arab Republic – February 2023*, para. 4 (February 2023).

missing persons crisis began.⁶⁶ Since 2011, almost 20 amnesty laws have been enacted, having the effect of exempting those alleged to have committed human rights violations, including enforced disappearances, from any criminal proceedings or sanctions.⁶⁷ Additionally, applicable Syrian legislation does not permit the prosecution of members of the army, its intelligence branches, the Internal Security Forces, or the General Intelligence Department.⁶⁸ These individuals may be prosecuted only pursuant to a prosecution order issued by the Commander-in-Chief of the Army and Armed Forces or the Chief Staff.⁶⁹ Further, pursuant to legislative decree No. 55 and its amendments, the judicial police and its delegates are empowered to investigate a range of crimes, including state security crimes, and to detain individuals for a period of seven days without access to any judicial review.⁷⁰ This seven-day period is renewable for up to sixty days with permission from the Public Prosecutor.⁷¹ Working Group sources have stated that the provisions articulated in legislative decree No. 55 and its amendments are often used to detain political opponents.⁷² During this period, these individuals are exposed to heightened risks of enforced disappearance, torture, and other forms of ill-treatment.⁷³

33. On September 19, 2011, the Working Group requested an invitation to visit Syria to investigate reports of enforced disappearances.⁷⁴ Despite several reminders, the Working Group has yet to receive a response from the Government of Syria.⁷⁵ In 2021, the Working Group sent a general allegation (i.e. a summary of complaints received or gathered from States, reliable sources such as the relatives of disappeared persons, and credible non-governmental organizations) to Syria regarding “the widespread practice of enforced disappearance against Sunni Muslims in Aleppo, Damascus, Homs, Idlib,

⁶⁶ International Commission on Missing Persons, *Syrian Legislation Related to Missing Persons: Towards the Adoption of a Law on Missing and Disappeared Persons in Syria*, para. 8 (March 11, 2022).

⁶⁷ Working Group on Enforced or Involuntary Disappearances, *General Allegation – Syrian Arab Republic – February 2023*, para. 9 (February 2023).

⁶⁸ Working Group on Enforced or Involuntary Disappearances, *General Allegation – Syrian Arab Republic – February 2023*, para. 10 (February 2023).

⁶⁹ Working Group on Enforced or Involuntary Disappearances, *General Allegation – Syrian Arab Republic – February 2023*, para. 10 (February 2023).

⁷⁰ Working Group on Enforced or Involuntary Disappearances, *General Allegation – Syrian Arab Republic – February 2023*, para. 5 (February 2023).

⁷¹ Working Group on Enforced or Involuntary Disappearances, *General Allegation – Syrian Arab Republic – February 2023*, para. 5 (February 2023).

⁷² Working Group on Enforced or Involuntary Disappearances, *General Allegation – Syrian Arab Republic – February 2023*, para. 5 (February 2023).

⁷³ Working Group on Enforced or Involuntary Disappearances, *General Allegation – Syrian Arab Republic – February 2023*, para. 5 (February 2023).

⁷⁴ Working Group on Enforced or Involuntary Disappearances, *Enforced or involuntary disappearance: Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/51/31, para. 77 (August 12, 2022).

⁷⁵ *Id.*

Latakia and Rif-Dimashq.”⁷⁶ As of February 2023, the Working Group had not received a response.⁷⁷ That month, the Working Group sent Syria a second general allegation, in which the Working Group expressed concern regarding Syria’s failure to adopt preventative measures, to effectively investigate enforced disappearances, and to hold perpetrators to account.⁷⁸

B. The immense emotional, social, and economic harm caused by enforced disappearances, to both the disappeared person and their relatives, can amount to torture or inhuman treatment as defined in international law.

34. Several human rights bodies have recognized the impact of enforced disappearances on abductees and their relatives as constituting at least cruel, inhumane, or degrading treatment, and in some cases, as constituting torture. These include the United Nations Human Rights Committee, the European Court of Human Rights, the African Commission on Human and Peoples’ Rights, and the Inter-American Court of Human Rights.⁷⁹

35. In Syria, the Working Group has noted on multiple occasions that enforced disappearances have amounted to torture or inhuman treatment. In its General Comment on the Right to the Truth in Relation to Enforced Disappearance, the Working Group indicated that “the right of the relatives to know the truth of the fate and whereabouts of the disappeared persons is an absolute right, not subject to any limitation or derogation . . . such restriction only adds to, and prolongs, the continuous torture inflicted upon the relatives.”⁸⁰ More recently, in its Report on Enforced Disappearances in the Context of Migration, the Working Group emphasized that, “enforced disappearance is a crime which entails multiple human rights violations and constitutes itself a form of torture or inhuman treatment, not only concerning the disappeared person but also to her/his relatives, because of the anxiety and anguish they suffer as a result of the disappearance of their loved one.”⁸¹

1. Enforced disappearances in Syria are causing relatives and loved ones immense anguish and suffering.

⁷⁶ Working Group on Enforced or Involuntary Disappearances, *General Allegation – Syrian Arab Republic – February 2023*, para. 2 (February 2023).

⁷⁷ *Id.*

⁷⁸ *Id.* at para. 3.

⁷⁹ *Id.* at 6; Bernard Duhaime, Juan E. Méndez, Pau Pérez-Sales, *Current debates, development and challenges regarding enforced disappearance as torture*, 3, 5 TORTURE JOURNAL 31(2) (2022).

⁸⁰ Human Rights Council, *Report of the Working Group on Enforced or Involuntary Disappearances*, A/HRC/16/48, (Jan. 26, 2011) at 15.

⁸¹ U.N. General Assembly, *Report of the Working Group on Enforced or Involuntary Disappearances on enforced disappearances in the context of migration*, A/HRC/36/39/Add.2, para. 61 (July 28, 2017).

36. For the disappeared person, an enforced disappearance necessarily implies extreme anguish and psychological harm.⁸² Disappeared persons experience “the violence of the abduction, [and] the anguish of being held defenceless in an unknown place.”⁸³ As discussed above, individuals who have been disappeared by the Syrian government are subjected to torture and cruel, inhuman, or degrading treatment during their time in detention.⁸⁴
37. Enforced disappearances also cause relatives and loved ones immense anguish and suffering. Relatives of disappeared persons often struggle to deal with grief and mourning in light of the uncertainty regarding the fate of the disappeared person. Enforced disappearances can cause family members to experience challenges to identity and dignity, including the questioning of social and political values, humiliation and brokenness, blame, and stigma and shame.⁸⁵ The disappearance can cause suffering linked to traditional cultural dynamics.⁸⁶ For example, the spouses of the disappeared may have new obligations or duties towards their in-laws, and may experience the possibility of losing offspring, or the ownership of land or property.⁸⁷ Housing, land, and property documents in Syria often exclude the names of women, so female-headed households may face challenges proving inheritance rights.⁸⁸
38. For the children of the disappeared, the enforced disappearance often results in “the loss of not one parental relationship, but two, as the remaining caregiver struggles to deal with the psychological harm caused by the disappearance, while shouldering the new [economic and familial] responsibilities that have been thrust on them.”⁸⁹ Enforced disappearances can also disrupt families given that Syrian women are subject to discrimination under Syrian law. In Syria, the guardianship of a minor is entrusted to the

⁸² Bernard Duhaime, Juan E. Méndez, and Pau Pérez-Sales, *Current debates, developments and challenges regarding enforced disappearances as torture*, 3, 4 TORTURE JOURNAL 31 (2022).

⁸³ Bernard Duhaime, Juan E. Méndez, and Pau Pérez-Sales, *Current debates, developments and challenges regarding enforced disappearances as torture*, 3, 4 TORTURE JOURNAL 31 (2022).

⁸⁴ Working Group on Enforced or Involuntary Disappearances, *supra* note 15, at para. 9.

⁸⁵ Bernard Duhaime, Juan E. Méndez, and Pau Pérez-Sales, *Current debates, developments and challenges regarding enforced disappearances as torture*, 3, 7 TORTURE JOURNAL 31 (2022).

⁸⁶ Bernard Duhaime, Juan E. Méndez, and Pau Pérez-Sales, *Current debates, developments and challenges regarding enforced disappearances as torture*, 3, 7 TORTURE JOURNAL 31 (2022).

⁸⁷ Bernard Duhaime, Juan E. Méndez, and Pau Pérez-Sales, *Current debates, developments and challenges regarding enforced disappearances as torture*, 3, 7 TORTURE JOURNAL 31 (2022).

⁸⁸ Independent International Commission of Inquiry, *Death Notifications in the Syrian Arab Republic*, para. 6 (Nov. 2018), https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coisyria/DeathNotificationsSyrianArabRepublic_Nov2018.pdf

⁸⁹ Working Group on Enforced or Involuntary Disappearances, *General Allegation – 123rd session: Syrian Arab Republic*, para. 13 (2021).

father.⁹⁰ Under Article 172 of the Syrian Personal Status Law, if the father dies or is absent, guardianship goes to the paternal grandfather or to one of the father's other relatives.⁹¹ The mother's guardianship rights come last.⁹²

2. Enforced disappearances can cause relatives severe economic harm.

39. As indicated by the Working Group,⁹³ enforced disappearances can cause families to fall into extreme poverty, particularly when the family breadwinner is abducted. As indicated by the organization Women Now for Development, in Syria, men are typically the main breadwinners in the family, and when a breadwinner is disappeared, their wives may struggle to afford basic necessities, as these women are often only able to access low-wage work.⁹⁴ Further, working women often become responsible for both household labor and paid employment simultaneously, thus taking on an enormous amount of labor.⁹⁵ As is the case all over the world, women must assume all of these responsibilities while they pursue actions to obtain truth and justice regarding their loved-ones' disappearance.⁹⁶

40. Families of disappeared persons often face challenges managing the assets and property of disappeared persons. Judges sometimes refuse to assign legal representatives or agents to missing persons.⁹⁷ The challenges related to managing assets have increased since the Syrian Ministry of Justice issued Circular No. 30 in September 2019.⁹⁸ This law requires an individual to obtain a security clearance before applying for a power of attorney for an

⁹⁰ International Commission on Missing Persons, *Syrian Legislation Related to Missing Persons: Towards the Adoption of a Law on Missing and Disappeared Persons in Syria*, para. 7 (March 11, 2022).

⁹¹ International Commission on Missing Persons, *Syrian Legislation Related to Missing Persons: Towards the Adoption of a Law on Missing and Disappeared Persons in Syria*, para. 7 (March 11, 2022).

⁹² International Commission on Missing Persons, *Syrian Legislation Related to Missing Persons: Towards the Adoption of a Law on Missing and Disappeared Persons in Syria*, para. 7 (March 11, 2022).

⁹³ See Human Rights Council, *General comment on women affected by enforced disappearances adopted by the Working Group on Enforced or Involuntary Disappearances at its ninety-eighth session*, A/HRC/WGEID/98/2 (Feb. 14, 2013).

⁹⁴ Women Now for Development, *Shadows of the Disappeared*, 32 (Nov. 15, 2018), https://women-now.org/wp-content/uploads/CS4_Eng_InDesign.pdf

⁹⁵ Women Now for Development, *Shadows of the Disappeared*, 32 (Nov. 15, 2018), https://women-now.org/wp-content/uploads/CS4_Eng_InDesign.pdf

⁹⁶ See Human Rights Council, *General comment on women affected by enforced disappearances adopted by the Working Group on Enforced or Involuntary Disappearances at its ninety-eighth session*, A/HRC/WGEID/98/2 (Feb. 14, 2013).

⁹⁷ International Commission on Missing Persons, *Syrian Legislation Related to Missing Persons: Towards the Adoption of a Law on Missing and Disappeared Persons in Syria*, para. 6 (March 11, 2022).

⁹⁸ International Commission on Missing Persons, *Syrian Legislation Related to Missing Persons: Towards the Adoption of a Law on Missing and Disappeared Persons in Syria*, para. 6 (March 11, 2022).

absent or missing person.⁹⁹

41. The financial uncertainty caused by the disappearance of the family breadwinner acutely harms children. It puts young women and girls at risk of forced and child marriage.¹⁰⁰ Following the disappearance of a family breadwinner, young men and boys in Syria often “step into stereotypically male adult roles, including by becoming income earners, to meet the needs of the family.”¹⁰¹ As a result, the forcible disappearance of a male breadwinner increases the risk that young men and boys will be forced into child labor.¹⁰² In Syria, young men and boys whose parent is disappeared start to work from around the age of 10.¹⁰³ Although the Working Group’s sources suggest that young men and boys in Syria are more likely to be forced into child labor as a result of a forced disappearance, young women and girls are also sometimes affected.¹⁰⁴
42. The enforced disappearance of a family member, and particularly of a family breadwinner, has been shown to cause a reduction in children’s educational development. Young Syrian women and girls have expressed that “losing their father meant losing a pillar of support for their education.”¹⁰⁵ They are often forced to pause their education in order to work or provide additional domestic support.¹⁰⁶ Young men and boys have also stated that, following the disappearance of a family breadwinner, “education was incompatible with their new role within the family, as they took on responsibilities including earning to support the family and the care of younger siblings.”¹⁰⁷

IV. CONCLUSION

⁹⁹ International Commission on Missing Persons, *Syrian Legislation Related to Missing Persons: Towards the Adoption of a Law on Missing and Disappeared Persons in Syria*, para. 6 (March 11, 2022).

¹⁰⁰ Working Group on Enforced or Involuntary Disappearances, *General Allegation – 123rd session: Syrian Arab Republic*, para. 15 (2021).

¹⁰¹ Working Group on Enforced or Involuntary Disappearances, *General Allegation – 123rd session: Syrian Arab Republic*, para. 16 (2021).

¹⁰² Working Group on Enforced or Involuntary Disappearances, *General Allegation – 123rd session: Syrian Arab Republic*, para. 17 (2021).

¹⁰³ Working Group on Enforced or Involuntary Disappearances, *General Allegation – 123rd session: Syrian Arab Republic*, para. 17 (2021).

¹⁰⁴ Working Group on Enforced or Involuntary Disappearances, *General Allegation – 123rd session: Syrian Arab Republic*, para. 18 (2021).

¹⁰⁵ Working Group on Enforced or Involuntary Disappearances, *General Allegation – 123rd session: Syrian Arab Republic*, para. 15 (2021).

¹⁰⁶ Working Group on Enforced or Involuntary Disappearances, *General Allegation – 123rd session: Syrian Arab Republic*, para. 15 (2021).

¹⁰⁷ Working Group on Enforced or Involuntary Disappearances, *General Allegation – 123rd session: Syrian Arab Republic*, para. 18 (2021).

43. Available documentation shows that enforced disappearances continue to take place in Syria at an alarming rate. Many of those detained are subject to torture and ill-treatment during their time in detention. Family members of the forcibly disappeared often experience immense anguish and suffering and are frequently subjected to harassment and reprisals when attempting to investigate the fate of the disappeared. Enforced disappearances often cause significant economic strain to the families of the disappeared, particularly when the family breadwinner is taken. The families of the disappeared often pay large amounts of money to brokers in exchange for information. Additionally, the disappearance of a family breadwinner increases the risk that children will be forced into child labor, often to the detriment of their educational outcomes. The existing Syrian institutions are inadequate to address the crisis, offering little by way of investigatory and accountability mechanisms.

I declare under penalty of perjury that the foregoing is a true statement of my independent professional opinion.

Executed on 16 April, 2024 in Montreal, Canada.

A handwritten signature in black ink, appearing to read "Bernard Duhaime". The signature is stylized and somewhat cursive.

Bernard Duhaime

EHIBIT A: BERNARD DUHAIME – CURRICULUM VITAE

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University of Notre Dame LL.M. in International Human Rights Law, <i>summa cum laude</i>	Notre Dame, IN 2001
Bar of the Province of Quebec Canada	Quebec, Canada 1999
McGill University B.C.L. (Civil Law), <i>Distinction</i>	Montreal, Canada 1998
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WORK EXPERIENCE

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International Commission of Jurists <i>Commissioner</i>	2023 – Present
United Nations Working Group on Enforced or Involuntary Disappearances <i>Chair</i> <i>Vice-Chair</i> <i>Member</i>	 2017 – 2019 2015 – 2017 2014 – 2015
University of Southern California (USC) Annenberg School of Communications, Center on Public Diplomacy <i>Canada-US Fulbright Visiting Chair in Public Diplomacy</i>	Los Angeles, CA 2011
Inter-American Commission on Human Rights Organization of American States <i>Attorney, Human Rights Specialist</i> <i>Assistant to the President</i>	Washington, DC 2002 – 2004 2001
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International Labour Organization	
<i>Law Clerk, Equality and Human Rights, Coordination Branch (Switzerland)</i>	2000
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<i>Consultant, Guatemala</i>	1998
International Criminal Tribunal for the Former Yugoslavia	The Netherlands
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<i>Law Clerk</i>	1999
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Procuraduría de los Derechos Humanos de Guatemala	Guatemala City, Guatemala
Guatemalan Ombudsman of Human Rights	
<i>Intern</i>	1996

RESEARCH FELLOWSHIPS

University of Victoria,	Victoria, Canada
Faculty of Law and Center for Global Studies	2019
<i>Visiting Scholar</i>	
New York University School of Law,	New York, NY
Center for Human Rights and Global Justice	2018
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Law Department <i>Visiting Fellow</i>	2012
University of Palermo, Faculty of Law, Centro de Estudios en Libertad de Expresión y Acceso a la Información (CELE) <i>Visiting Professor and Investigator</i>	Buenos Aires, Argentina 2012
Harvard Law School, Human Rights Program <i>Visiting Fellow</i>	Cambridge, MA 2011
Aristotle University, Institute of Public International Law and International Relations, Summer School on International Criminal Law <i>Visiting Fellow</i>	Thessaloniki, Greece 2001
Royal University of Groningen, Faculty of Law <i>Semester of Study</i>	Groningen, The Netherlands 1997

CONTRIBUTIONS AS LEGAL EXPERT OR LEGAL COUNSEL

- Legal expert in the context of more than twenty observation missions or human rights defense missions, in Albania, Argentina, Bosnia and Herzegovina, Cambodia, Cameroon, Colombia, Dominican Republic, Guatemala, Haiti, Iraq, Kyrgyzstan, Mexico, Morocco, Republic of Korea, El Salvador, Senegal, Sudan, Sri Lanka, Tajikistan, Turkey, etc. Consultations with the government authorities and civil society; trainings; visits to prisons, courts, hospitals and other public institutions, etc. (1996-).
- Expert for various international organizations:
 - « Commentaire au projet de lignes directrices sur les disparitions forcées de la Commission Africaine des Droits de l'Homme et des Peuples », African Commission on Human and Peoples' Rights, 69th ordinary session, Novembre 5, 2021, Banjul, Gambia (video conference).
 - Legal Expert for the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (October 2021-)
 - Legal Expert for the Venice Commission (Council of Europe) and the Office for Democratic Institutions and Human Rights (Organization for Security and Cooperation in Europe) on the Right to Freedom of Association (2014). See European Commission for Democracy Through Law and OSCE Office For Democratic Institutions and Human Rights, Joint Guidelines on Freedom of Association, Study no. 706/2012 OSCE/ODIHR Legis-Nr: GDL-FOASS/263/2014.
 - Participation in the consultations of experts organized by the Venice Commission (Council of Europe) and the Office for Democratic Institutions and Human Rights (Organization for Security and Cooperation in Europe) on the Right to Freedom of Association, Warsaw, Poland (April 2014).
 - Candidate expert for United Nations Human Rights Council special procedures mandates (2011); short-listed candidate for the position of UN Special Rapporteur on the Rights to

- Freedom of Peaceful Assembly and of Association (February 2011) and for the position of UN Independent Expert on Human Rights and International Solidarity (June 2011).
- Legal Expert for various agencies of the Organization of American States, including the Inter-American Commission on Human Rights, and the Permanent Council's Political and Legal Affairs Committee (2004-).
 - Expert on human rights education:
 - Expert during more than twenty training courses for human rights advocates, officials, judges, etc. (Argentina, Bolivia, Canada, Dominican Republic, Senegal, Switzerland, etc.).
 - Invited expert to train, assist and evaluate clinical teaching programs in collaboration with universities and civil society (Brazil, Spain, France, Luxembourg, Uganda, etc.).
 - Expert in the consultations conducted by the Inter-American Organization for Higher Education on the establishment of the Inter-American Training Network on Governance and Human Rights, Montreal, Canada and Washington, DC, USA (2007).
 - Expert on the Inter-American System of Human Rights:
 - Consultations held at the University of Notre Dame, South Bend, United States (2014).
 - Consultations held at the American University, Washington DC, USA (2006).
 - Legal expert for several human rights non-governmental organizations, including Amnesty International Canada (francophone), Fundacion para la Justicia y el Estado de Derecho Democratico, European Human rights Policy Center, Rights and Democracy, the Washington Office for Latin America, the *Centre International de Ressources Juridiques, Développement et Paix*, Lawyers Without Borders Canada, the *Groupe d'Appui aux Réfugiés et Rapatriés*, Kay Fanm, *Centro Cultural Dominicano Haitiano*, Southeast Asian Press Alliance, Asian Forum for Human Rights and Development, etc. (2004-).
 - Legal expert on indigenous peoples' rights:
 - Legal expert for several indigenous peoples' organizations, including the First Nations Assembly of Quebec and Labrador, the First Nations Education Council of Quebec, *Quebec Native Women*, the *Organización Nacional Indígena de Colombia*, the *Consejo de Organizaciones Aborígenes de Jujuy*, and Continental Network of Indigenous Women, etc. (2005-2009).
 - Legal expert for the creation and supervision of training sessions on the right to equality of aboriginal women in Quebec, in collaboration with Quebec Native Women, in 8 Quebec aboriginal nations: Mashteuiasth (Innu nation) August 2010, Mingan (Innu nation) September 2010, La Tuque (Attikamewk nation) November 2010, Kawawachikamach (Naskapi nation) April 2011, Val d'Or (Crie nation) April 2011, Kitigan Zibi (Algonquin nation) April 2011, Listuguj (Miq'maq nation) May 2011, Kanasatake (Mohawk nation) August 2011, in collaboration with Quebec Native Women and the Quebec Ministry of Education.
 - Legal adviser to law firms:
 - Legal Counsel to Heenan Blaikie s.e.n.c. srl, attorneys for the State of Ivory Coast (2010).
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 - Climate Emergency and Human Rights, (2023) Inter-Am Ct HR (Sér A) (*Amicus curiae*) (topic: environment, states of emergency).
 - Communication no. 4040/2021, Mrs. Rosa María Cruz López, Flora Mercedes Bustamante Cruz and Ana Isabel Bustamante Cruz v. Guatemala (2023), Human rights Committee (*Amicus Curiae*) (topic: enforced disappearances, torture)

- *Scope of state obligations under the inter-American system with regard to the guarantee of trade union freedom, its relationship to other rights, and its application from a gender perspective* (2020) Inter-Am Ct HR (Sér A) 27/21 (*Amicus curiae*) (topic: freedom of association, trade union freedom, ILO).
 - *Alvarado Espinoza et al. (México)* (2018), Judgment of November 28 2018. Inter-Am Ct. H.R., (Ser. C) No. 370 (*Amicus curiae, as WGEID*) (topic: enforced disappearances in Mexico).
 - *Mohammed Abdullah Saleh Al-Asad v. The Republic of Djibouti*, African Commission on Human and Peoples' Rights, Communication No. 383/2010 (2017) (*Amicus curiae, as WGEID*) (topic: enforced disappearances, extraordinary renditions).
 - *Nadège Dorzema et al. (Dominican Republic)* (2012), Judgment of October 24, Inter-Am Ct. H.R., (Ser. C) No. 251 (representative of the victims) (topic: migrants rights, equality and discrimination, impunity).
 - *S.L. (Haïti)* (2011) Inter-Am. Comm. H.R. Case 13. 699 (Representative of the Victim) (topic: sexual violence, women rights, reproductive rights, right to health).
 - *Chitay Nech et al. (Guatemala)* (2010), Judgment of May 26, 2010, Inter-Am Ct. H.R., (Ser. C) No. 212 (representative of the victims) (topic: enforced disappearances, indigenous peoples' rights, armed conflict).
 - *Control of due process in the exercise of the powers of the Inter-American Commission on Human Rights* (2005) Inter-Am Ct HR (Sér A) 19/05 (*Amicus curiae*) (topic: jurisdiction of the IACHR).
 - *Caesar (Trinidad and Tobago)* (2005) Inter-Am Ct. H.R., (Ser. C) No. 123 (adviser for the Inter-American Commission on Human Rights) (topic: rights of the detainees, corporal punishment).
 - *Baena Ricardo et al. (Panama)* (2003), Judgment of November 28, 2003, Inter-Am. Ct. H.R., (Ser. C) No. 104 (2003), (adviser for the Inter-American Commission on Human Rights) (topic: freedom of assembly, principle of legality).
 - *Lysias Fleury Case (Haïti)* (2003), Inter-Am. Ct. H.R. (Ser. E) (2003), (Adviser for the Inter-American Commission on Human Rights) (topic: human rights defenders, provisional measures).
 - *Hilaire, Constantine and Benjamin et al. (Trinidad and Tobago)* (2002), Inter-Am. Ct. H.R., (Ser. C) No. 94 (adviser for the Inter-American Commission on Human Rights) (topic: capital punishment).
 - *Prosecutor v. Goran Jelusic*, International Criminal Tribunal for the Former Yugoslavia, Judgment of 14 December 1999, Case no: IT-95-10-T (1999), (law clerk advisor to the Office of the Prosecutor) (topic: genocide, armed conflict).
- Expert witness
 - *Guzman Medina c. Colombia*, Inter-American Court of Human Rights, San José, Costa Rica, 31 January 2023, Merits, Reparations and Costs. Judgment of August 23, 2023. Series C No. 495.
 - Case 22.074/2014, caratulada “N.N. s/ privación ilegal de la libertad (Victima Franco Casco), Tribunal Oral Federal 2 de Rosario, Rosario, Argentina, 10 November 2022.
 - Hearing before the UN Working Group on Enforced or Involuntary Disappearances, Expert for the International Rehabilitation Council for Torture Victims (IRCT) and the Organisation Mondiale Contre la Torture, Geneva, Switzerland, 23 September 2022.
 - “The African Commission Draft Guidelines on Enforce Disappearances,” African Commission on Human and Peoples' Rights, 71st Ordinary Session, 10 May 2022.
 - « Plainte contre X », testimony to the Belgian federal prosecutor on the legal status of victims of enforced disappearances, Brussels, Belgium, January 2022.
 - *Acción de Inconstitucionalidad local*, AIL-3/2021, Tribunal Constitucional Local del Estado de Coahuila de Zaragoza, Cohauila, Mexico, 20 Septiembre 2021.

- « Les droits humains en Amérique latine, réflexions sur le Système interaméricain et le Canada, sur les disparitions forcées en contexte de migrations, » *Migration Challenges and Opportunities for Canada in the 21st Century*, Standing Committee on Citizenship and Immigration, 42nd Parliament, 1st Session, Meeting 128, Parliament of Canada, Ottawa, Canada, 25 Octobre 2018.

AFFILIATIONS

Geneva Academy

Associate Research Fellow

2021 – Present

University Network for Human Rights

Board Member

2019 – Present

Centre Raoul Wallenberg pour les droits humains

Senior Fellow

2019 – Present

Center for Human Rights and Legal Pluralism

McGill University

2019 – Present

Centre interdisciplinaire de recherche en développement international et société

Université du Québec à Montréal

Member

2012 – Present

Associate Member

2010 – 2012

Centre de recherche interdisciplinaire sur la diversité au Québec

Université du Québec à Montréal

Associate Member

2012 – Present

Member

2010 – 2012

Centre d'Études interaméricaines

Laval University

Associate Member

2007 – Present

Center for the Study of International Law and Globalization

Université du Québec à Montréal

Member of the Steering Committee

2004 – 2011

Institut de recherche et d'études féministes

Université du Québec à Montréal

Member

2010 – Present

Observatoire des Amériques

Université du Québec à Montréal

Member

2004 – 2011

Association francophone pour le savoir*Member*

2008 and 2012

Latin American Studies Association*Member*

2007

Latin American Studies Network of Montreal (RELAM)*Member*

2014 – Present

HONORS & AWARDS

Honorary title of Senior Counsel, Barreau du Québec	2021
Award, Pierre Elliott-Trudeau Foundation	2017
Excellence in Teaching, Faculty of Political Science and Law, Université du Québec à Montréal	2010
Personality of the Week, La Presse/ Radio-Canada	2006
Award, Relève 2006, Collège Jean-de-Brébeuf	2006
Academic Scholarship, Institute of Public International Law and International Relations, Aristotle University	2001
Academic Scholarship, University of Notre Dame	2001
Young Professionals Scholarship, Canadian Ministry of Foreign Affairs and International Trade	2000
Foreign Studies Scholarship, Quebec Ministry of International Relations	1999

LANGUAGES

French (mother tongue); English (working proficiency); Spanish (working proficiency); German (read and spoken); Latin (read); Dutch (elementary proficiency); Italian (elementary proficiency).

PUBLICATIONS

Books, Edited Collections, and Special Issues in Peer-Reviewed Publications

1. In collaboration with Rachel Hatcher and Noémie Boivin Eds., “S’ouvrir aux Amériques pour mieux protéger les droits humains et s’engager dans la réconciliation », RQDI Special Edition, Fall 2022, 254 pp.
2. In collaboration with Mariana Castilla and Pau Pérez-Sales, Eds. Special issue “Enforced Disappearance as Torture”, (2021) *Journal on Rehabilitation of Torture Victims and Prevention of Torture (Torture Journal)*, Special Edition, Vol. 31 (2), 146 pp.
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4. In collaboration with Christopher Campbell-Duruflé, Eds. « Defending the Human Rights of Migrants in the Americas: The Nadège Dorzema et al v Dominican Republic Case », *Quebec Journal of International Law*, Special Edition (2013) 486 pp.
5. In collaboration with Gordon Mace and Jean-Philippe Thérien, Eds., «Protecting Human Rights in the Americas: the Inter-American Institutions at 60», *Quebec Journal of International Law*, Special Edition (2011) 192 pp.

Articles and Book Chapters in Peer-Reviewed Publications

1. In collaboration with Léa Lemay Langlois, « Le Système interaméricain de protection des droits humains : contributions et défis à venir », in Kristine Plouffe-Malette and Stéphane Paquin Eds., *Organisations internationales. Droit et politique de la gouvernance mondiale*, Les Presses de la SQDI, 2024, Montréal, pp. 93-109.
2. “Enforced disappearances in the contemporary world: the recent contributions of the United Nations Working Group on Enforced or Involuntary Disappearances”, in *The crime of enforced disappearance: Between law and psyche*, Dir. Maria Giovanna Bianchi and Monica Luci, 2023, Routledge, London, pp. 19-35.
3. In collaboration with Stefen Dyck, « Les développements en droit interaméricain pour l’année 2022», (2023) *Annuaire canadien de droit international*, Vol 60, 219-241.
4. In collaboration with Stefen Dyck, « Les développements en droit interaméricain pour l’année 2021», (2022) *Annuaire canadien de droit international*, Vol 59, 401-430.
5. In collaboration with Rachel Hatcher and Noémie Boivin, « S’ouvrir aux Amériques : Introduction to the Special Edition », “S’ouvrir aux Amériques pour mieux protéger les droits humains et s’engager dans la réconciliation », *RQDI Special Edition*, Fall 2022, 5.
6. In collaboration with Nancy Tapias Torrado, "The Inter-American System’s Recent Contributions to the Development of Women’s Human Rights Standards”, in “S’ouvrir aux Amériques pour mieux protéger les droits humains et s’engager dans la réconciliation », *RQDI Special Edition*, Fall 2022 211.
7. In collaboration with Rhiannon Painter "International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) ", in Christina Binder, Manfred Nowak, Jane A. Hofbauer and Philipp Janig (dir.), *Elgar Encyclopedia of Human Rights*. Edward Elgar Publishing: Cheltenham, 2021.
8. « Les développements en droit interaméricain pour l’année 2020 », (2021) *Annuaire canadien de droit international*, Vol 58, 408-434.
9. In collaboration with Juan Méndez and Pau Pérez-Sales, “Current debates, developments and challenges regarding torture, enforced disappearances and human rights”, in *Enforced Disappearance as Torture*, (2021) *Journal on Rehabilitation of Torture Victims and Prevention of Torture (Torture*

- Journal*), *Special Edition*, Vol. 31 (2), 3-13.
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 11. In collaboration with Éloïse Ouellet-Décoste, « De Genève à San José : Les normes de l'OIT et le Système interaméricain de protection des droits humains » (2020) *International Labour Review*, Vol 159 (4), 585-606.
 - Translated and re-edited : « From Geneva to San José : From Geneva to San José: The ILO standards and the Inter-American System for the protection of human rights » (2020) *International Labour Review*, Vol 159 (4), 525-544.
 - Translated and re-edited : « De Ginebra a San José: las normas de la OIT y el sistema interamericano de protección de los derechos humanos» (2020) *International Labour Review*, Vol 159 (4), 577-597.
 12. In collaboration with Élise Hansbury « Les développements en droit interaméricain pour l'année 2019 » (2020) *Annuaire canadien de droit international*, Vol 57, 386-414.
 13. « Les disparitions forcées dans les Amériques, la mémoire, la vérité et le droit international », dans Perspectives sociales et théoriques sur la vérité, la justice et la réconciliation dans les Amériques, Leila Celis Dir. Presses de l'Université Laval, ethnicité et citoyenneté, UQAM, 2020, 203-218.
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 15. In collaboration with Éloïse Ouellet-Décoste, « Les développements en droit interaméricain pour l'année 2018 » (2019) *Canadian Yearbook of International Law*, Vol. 56, 365-391.
 16. « Multilateral Human Rights in a Shifting World Order: Perspectives from a UN Special Procedure Mandate » (2018) 31.2 *RQDI*, 213-218.
 17. In collaboration with Elise Hansbury, « Les développements en droit interaméricain pour l'année 2017 » (2018) *Canadian Yearbook of International Law*, Vol. 55, 1-25.
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 - Translated and re-edited: « La protection des migrants contre les disparitions forcées ou involontaires : une approche basée sur les droits humains», (2017) *Revue Internationale de la Croix Rouge*, Volume 99, Issue 905, 1-19.

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 26. « La pertinence de l'approche clinique pour enseigner le droit international dans un contexte mondialisé », in Xavier Aurey, dir, *Les cliniques juridiques*, Caen, Presses universitaires de Caen, 2015, 125-134.
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 27. « Les cliniques juridiques : l'expérience canadienne », in Xavier Aurey, dir, *Les cliniques juridiques*, Caen, Presses universitaires de Caen, 2015, 37-48.
 28. In collaboration with Elise Hansbury, « Les enjeux de la corruption sur le continent américain : une réflexion sur le rôle du Système interaméricain de protection des droits humains dans la consolidation des politiques de lutte contre la corruption », (2015) *Canadian Yearbook of International Law*, Vol. 52, 77-128.
 29. In collaboration with Elise Hansbury, « Les développements en droit interaméricain pour l'année 2014 », (2015) *Canadian Yearbook of International Law*, Vol. 52, 301-348.
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31. In collaboration with Jacynthe Poisson « International Law and the Silencing of Social Protest », in Margaret E. Beare & Nathalie Des Rosiers, dir, *The State on Trial: Policing Protest*, Vancouver, UBC Press, 2015, 196-213.
32. « Standard of Review in the Practice of the Inter-American Human Rights Institutions: *Subsidiarity and the struggle against impunity in the Americas: what room is there for deference in the Inter-American system?* », in Gruszczynski, Lukasz & Wouter Werner, dir, *International law between constitutionalization and fragmentation: the role of law in the post-national constellation*, Oxford, Oxford University Press, 2014, 289-315.
33. In collaboration with Elise Hansbury, « Les développements en droit interaméricain pour l'année 2013 » (2014) *Canadian Yearbook of International Law*, Vol. 51, 319.
34. In collaboration with Carmen Herrera, « La pobreza de las mujeres indígenas en México », (2014) 25 *Debate Feminista* 263.
 - Reedited in Juan A. Cruz Parcerero & Rodolfo Vásquez, dir., *Mujeres, familia y trabajo*, Mexico City, Mexico, Suprema Corte de Justicia de la Nacion and Editorial Fontamara, 2014, 199-219.
35. In collaboration with Ismene Zarifis, « Using Public Interest Litigation & Advocacy as a Tool For Social Change: Clinical Experiences in the Americas & in Africa » (2013) 2 *African Journal of Clinical Legal Education and Access to Justice* 119.
36. In collaboration with Christopher Campbell-Durufié, « Introduction to the special edition », in « Defending the Human Rights of Migrants in the Americas : The Nadège Dorzema et al v Dominican Republic Case », *Quebec Journal of International Law, Special Edition* (2013) 486 pp., p. 1.
37. In collaboration with Catherine Lafontaine, « Equality Rights and Migrations in the Americas: Revisiting the Dorzema et al. Vs. Dominican Republic Case », « Defending the Human Rights of Migrants in the Americas : The Nadège Dorzema et al v Dominican Republic Case », *Quebec Journal of International Law, Special Edition* (2013) 486 pp., p. 449.
38. In collaboration with Catherine Lafontaine, « Migrations et droits humains dans les Amériques : réflexions entourant l'affaire Dorzema et al. C. République Dominicaine », in *Droits de la personne : La circulation des idées, des personnes, des biens et des capitaux, Actes des Journées strasbourgeoises 2012*, Yvon Blais, Cowansville, 2013, 217-255.
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40. In collaboration with Jacynthe Poisson « Protesta social y libertad de expresión en Canadá: reflexiones y lecciones aprendidas de los eventos de junio de 2010 a cerca del G20 en Toronto », *Derecho Comparado de la Información Law Journal*, No. 19, Universidad Autónoma de México (2012) 95-136.
41. «Concluding thoughts: Changing times, rights and institutions», in «Protecting Human Rights in the Americas: the Inter-American Institutions at 60», *Quebec Journal of International Law, Special Edition* (2011) pp. 183-192.

42. « L'OEA et le Protocole de San Salvador », in Lucie Lamarche and Pierre Bosset Eds., Donner droit de cité aux droits économiques, sociaux et culturels - La Charte des droits et libertés du Québec en chantier, Yvon Blais, Cowansville (2011) pp. 363-405.
43. In collaboration with Josée-Anne Riverin, « Understanding Double Discrimination and Equality Rights of Indigenous Women in Québec », University of Miami Law Review, Volume 65 (3), 2011, 903-922.
44. « Strengthening the protection of human rights in the Americas : a role for Canada? », in Monica Serrano Ed., Human Rights Regimes in the Americas, Tokyo, United Nations University Press (2010) 84-113.
45. « Vers une Amérique plus égalitaire? L'interdiction de la discrimination et le système interaméricain de protection des droits de la personne », in Ludovic Hennebel and Hélène Tigroudja, Eds., Le particularisme interaméricain des droits de l'homme, Paris, Pedonne (2009) 151-182.
46. In collaboration with Ariel E. Dulitzky, « Review of the Case Law of the Inter-American Human Rights System in 2007 », 20(2) *Quebec Journal of International Law*, (2007), 299.
47. «Protecting Human Rights in the Americas: recent achievements and challenges,» in Gordon Mace, Jean-Philippe Thérien & Paul Haslam, Eds., Governing the Americas: Regional Institutions at the Crossroads, Boulder, Lynne Rienner Publishers (2007) 131-149.
48. «Experiencias clínicas en Canadá y la defensa mundializada de los derechos humanos», 25 *Anales de Derecho*, Universidad de Murcia, Spain, (2007), 395.
49. Reviewing « Todd Landman, Protecting human rights : a comparative study, Georgetown University Press, 2005 », 22(1) *Canadian Journal of Law and Society*, (2007) 159.
50. In collaboration with Ariel E. Dulitzky, « Review of the Case Law of the Inter-American Human Rights System in 2006 », 19(2) *Quebec Journal of International Law*, (2006), 331.
51. «Le système interaméricain et la protection des droits économiques, sociaux et culturels des personnes et des groupes vivant dans des conditions particulières de vulnérabilité », 44 *Canadian Yearbook of International Law*, (2006) 95.
52. « Commission interaméricaine des Droits de l'Homme en 2005 : enjeux », *Assymétries, analyses de l'actualité internationale*, 1 (2005) 138.
53. «Le crime de génocide et le Guatemala: une analyse juridique», 29(3) *Recherches amérindiennes au Québec*, (1999) 101.
54. «L'administration de la justice et les droits des peuples autochtones - l'apport canadien au débat guatémaltèque», 29(1) *Recherches amérindiennes au Québec* (1999) 106.

Articles and Book Chapters

1. In collaboration with Valérie Kelly, Anne-Marie Savard, Christine Vézina, Antoine Pellerin, Alexandra Popovici, Camille Betencourt, Christine Morin, Emmanuelle Bernheim, Gaële Gidrol-

- Mistral, Jessica Thibault-Hubert, Julie Desrosiers, Lucie Lamarche, Marie Annik Grégoire, Marie-Claude Prémont, Marie-Hélène Dufour, Martin Gallié, Monica Popescu, Pierre Issalys, Souhila Baba, « L'abandon par l'État des personnes âgées face aux promoteurs immobiliers », *Journal de Montréal*, 1 November 2023, <https://www.journaldemontreal.com/2023/11/01/labandon-par-letat-des-personnes-aiees-face-aux-promoteurs-immobiliers>
2. In collaboration with Anna Fischer and Lene Guer, “Consultation on draft General Comment No. 1 on Enforced Disappearances in the context of Migration” Committee on Enforced Disappearances, United Nations, 20 June 2022, online: <https://www.ohchr.org/en/calls-for-input/2022/call-input-consultation-concept-note-general-comment-no-1-enforced>
 3. In collaboration with Pierre-Gilles Bélanger, Pierre Foucher and Nelson Ovall, « Canadá », *Constitución y estado de derecho. Experiencias comparadas*, Claudio Nash, Constanza Núñez, Natalia Morales, Marie-Christine Fuchs Eds., Konrad-Adenauer-Stiftung & Tirant lo Blanch, Bogota, 2021, pp. 207-250.
 4. In collaboration with Vardit Ravitsky, Cindy Blackstock, Nathalie Bondil, Timothy Caulfield, Carlo Handy Charles, Jocelyn Downie, Steven J. Hoffman, Mohammad Karamouzian, Rt. Hon. Beverley McLachlin, Eric M. Meslin and André Picard, "A commitment to action declaration", April 2021, online: <https://www.trudeaufoundation.ca/sites/default/files/2021-05/A-Commitment-To-Action-Declaration.pdf>.
 5. In collaboration with Léa Sérrier, « Canadá debería unirse a la Convención Americana sobre Derechos Humanos », *Aportes DPLF*, Vol 23, 2021, pp. 10-13.
 - Translated and edited « Why Canada Should Join the American Convention on Human Rights », *Aportes DPLF*, Vol 23, 2021, pp. 10-13.
 6. « Protéger les droits humains au temps de la pandémie », *La Presse*, August 9 2020, online : https://plus.lapresse.ca/screens/9851963d-cd56-4a9f-8623-8dab8b852823__7C__0.html
 7. « Les disparitions forcées en contexte de migration : responsabilité actuelle et devoir de mémoire » *Sans Frontières*, Num. 41, 2019, pp. 14-15.
 8. In collaboration with Beverly Jacobs and Fannie Lafontaine, « 101 experts dont des membres du PCJI signent une lettre ouverte appuyant le projet de loi C-262 » 8 May 2019, online <https://cpji-pcji.ca/fr/101-experts-dont-des-membres-du-pcji-signent-une-lettre-ouverte-appuyant-le-projet-de-loi-c-262/>
 9. « Women's Rights in Recent Inter-American Human Rights Jurisprudence », *Proceedings of the ASIL Annual Meeting*. Cambridge University Press, 2017. p. 258-260.
 10. L'approche clinique de l'enseignement du droit international des droits de la personne », in Elise Poillot Ed., *L'enseignement clinique du droit: Expériences croisées et perspective pratique*, Larcier, Luxembourg, 2015, 97-114.
 11. « Discrimination against indigenous peoples in North America », *proceedings of the conference IACHR/McGill University, Special Forum on Race Discrimination and ESC Rights in North America*, McGill University Faculty Of Law, 22-23 November 2013, pp. 26-37.
 12. « Les droits des personnes en situation de handicap : une perspective internationale », *proceedings of*

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14. « Clinical education and international human rights law: retrospective on UQAM's pedagogical methodology », *Proceedings of the 104th Annual Meeting of the American Society of International Law*, 2011, pp. 88-92.
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**EXHIBIT B:
INDEX OF MATERIALS CITED IN EXPERT REPORT OF BERNARD DUHAIME**

I. PUBLICLY AVAILABLE MATERIALS CITED IN EXPERT REPORT OF BERNARD DUHAIME:

A. International Treaties

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