

DISCUSSION POINTS

STRENGTHENING PARTNERSHIPS TO BUILD A MISSING PERSONS STRATEGY FOR SYRIA

I. THE CURRENT SITUATION

1. A large number of Syrians are missing from atrocities before 2011 and the ensuing war. The estimates run as high as 200,000. They include persons missing as a consequence of summary execution, arbitrary and incommunicado detention, kidnapping and abduction, enslavement, sarin gas attacks, forced displacement and migration, as well as other human rights abuses. The fighting and day-to-day ravages of war have also resulted in combatants and civilians of many nationalities going missing.
2. Under international law, the state is responsible for finding missing persons, investigating their disappearance, and securing the rights of families of the missing to justice, truth and reparations. The Syrian regime has not only categorically failed to meet these obligations, it has used – and continues to use – enforced disappearances as a weapon against the population.
3. This criminal contempt on the part of the Syrian regime has meant that any serious, large-scale investigation into missing persons cases inside Syria has been virtually impossible to carry out, especially in regime-held areas. Further complicating the issue is the normalization of relations with the Syrian regime in the Arab world, and the reduced prospects of accountability on this issue.
4. Consequently, work carried out to date by Syrian organizations and international organizations has largely focused on reporting and analyzing human rights abuses and other atrocities relevant to missing persons cases, and documenting missing persons cases, including the names, locations and circumstances of disappearance, and possible perpetrators, either through the collection of data directly from families of the missing, or from witnesses, or by triangulating open-source information and satellite/aerial imagery. The establishment of the Independent Institution on Missing Persons in Syria by the United Nations offers an opportunity to address this issue. However, it is not clear yet how the Independent Institution on Missing Persons (IIMP) will ensure the cooperation of the Syrian regime, and indeed what its outcomes will be.

II. POINTS FOR DISCUSSION

5. Significant effort and resources have been dedicated to addressing the issue of missing and forcibly disappeared persons in Syria. The creation of the Independent Institution on Missing Persons (IIMP) is an important juncture and has the potential to deliver not only progress but results. However, creating a strategic vision on how to tackle the issue – and any progress achieved as a result of this – will largely depend on Syrian civil society and its interaction with the IIMP, and on cooperation with other international organizations.
6. The following points for discussion are designed to facilitate formulating a way forward in the face of continuing obstruction by the Syrian regime and with a view to building and demonstrating consensus among civil society actors and survivors together with international organizations and others.

➤ **Strategic objective: Joint action in the absence of cooperation of the Syrian Regime**

7. Since securing the cooperation of the Syrian regime is the most intractable challenge, what measures can be undertaken? Some possible steps could include:
- Ensuring that Syrian civil society, including families of the missing, participate across political divides in actively supporting and influencing policy measures to find all missing persons and to secure the rights of all families, regardless of ethnic or religious origin, or role in the conflict;
 - Promoting measures to ensure that States hosting Syrian refugees cooperate through the facilitation of efforts to work with Syrian groups, and to allow them to report missing persons cases, including Turkey, Lebanon, Jordan, Iraq, Egypt, Germany and other countries that host large numbers of Syrian refugees; and,
 - Undertaking systematic investigations inside Syria through cooperation with – and fostering cooperation among – Syrian human rights and first responder organizations including through human identification work undertaken to the highest scientific standards.

➤ **Strategic Objective: Create a knowledge and data base that supports finding missing persons**

8. Given that many Syrian and international organizations have collected data on missing persons over the years, steps need to be taken to create a unified system that incorporates collected data and preserves the privacy rights of families of the missing and the integrity of the data. Possible steps include:
- Structuring data management systems – including categories for data collection, data protection and access – with the participation of families and civil society;
 - Enhancing the capacity of relevant Syrian groups and institutions to document missing persons cases;
 - Documenting missing persons cases to international standards of evidence required in courts of law;
 - Working towards a situation where Syrian civil society, including families of the missing, is actively engaged in investigations through continuous dialogue with investigators and case managers, including through the provision and updating of their data and contributing data to the investigation of other cases about which they may have knowledge; and,
 - Ensuring that families of the missing and witnesses have 24/7 access to a fully interactive data processing platform.

➤ **Strategic objective: Syrian Civil Society Organizations (CSOs) participate in European Union (EU) and Global efforts to locate Syrians missing from migration and human trafficking**

9. Europe today has the highest number of dead and missing migrants and refugees in the world. Among them are many Syrians. Only a small number have been accounted for. Addressing the intransigence of the authorities in Syria requires building cooperation among other States, including those that have missing Syrians in their own territory. Measures to do this include:
- Participating in existing intergovernmental forums, such as the ICMP-facilitated Joint

Process, which includes Cyprus, Greece, Malta and Italy, to develop cooperation in finding missing migrants and refugees;

- Ensuring that all data regarding missing Syrian refugees is incorporated in a unified data system; and,
- Preparing for eventual circumstances in which a large-scale missing persons process can be launched.

➤ **Strategic objective: Preparing for eventual circumstances in which a large-scale missing persons process can be launched**

10. If the political conditions were to exist in the future, what will be required for the new government to engage in a large-scale missing persons process? The existence of the IIMP could be an advantage, and it will be important to ensure a transition from an international entity to a domestic one. The Syrian Policy Group has published a set of documents that explore how a future peace agreement and constitution can meaningfully address the missing persons issue. Other measures include:

- Creating a domestic law on missing persons that secures the rights of families to justice, truth and reparations;
- Establishing an inter-ministerial Commission or institution on missing persons. The crosscutting missing persons issue will require the engagement of the ministries of Justice, Health, Foreign Affairs, Interior, and Defense, as well as judges, prosecutors and investigators. An inter-ministerial institution must also incorporate families of the missing and civil society and should be credible and transparent in the exercise of its functions; and,
- Creating a Syrian Central Record on missing persons.