

The Independent Institution on Missing Persons in Syria: Tasks, Terms of Reference and the Role of Victims' Families in Guiding its Work



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This facts sheet outlines the context of the issue of missing and forcibly disappeared persons in Syria and presents simplified information about the Independent Institution on Missing Persons in the Syrian Arab Republic, its tasks, Terms of Reference (ToR), as well as the importance of active participation of victims, survivors and families in decision-making and guiding the work of the institution. It also emphasizes managing the expectations of families and amplifying their voices, which will increase the chances of achieving the desired progress in this issue

The Right to Truth:

The ongoing Syrian conflict since 2011 has affected all joints of life in the country. Parties to the conflict have varied and Syria's geography has been divided into different areas of influence/control between them. Regional and international parties got involved in the Syrian conflict to further complicate the situation.

Repercussions of continuing the conflict in Syria were the destruction of infrastructure and deterioration of social services which left massive humanitarian needs and pushed millions of Syrians to leave the country and seek asylum in Europe or in neighboring countries. Let alone the gross violations of human rights that the Syrian people have been subjecting to within the different areas of control. More than 350,000 Syrians were [killed](#) due to the conflict over a decade, according to the [United Nations](#). Tens of thousands of civilians who were arbitrarily detained remain [forcibly disappeared](#), while thousands more were subjected to ill-treatment, torture, including sexual violence or died in custody.

Arbitrary detention and enforced disappearance are intrinsic features of the Syrian conflict; they represent major reasons of enforced asylum and displacement as well as obstacles to safe, dignified and voluntary returns of Syrians to their homeland. In all conflicts, , enforced disappearance poses one of the most significant barriers to achieving peace, and thus, it represents one of the greatest challenges to genuine transitional justice in subsequent stages.

The issue of enforced disappearance is not a new phenomenon in Syria. Since the late 1970s, the Syrian authorities have pursued a policy of enforced disappearance against anyone who followed the path of political opposition, expressed critical opinions, or engaged in human rights activities.

The use of this policy has increased considerably since the onset of the conflict in Syria in 2011. Today, the exact number of missing and forcibly disappeared persons in Syria cannot be determined precisely, as the vast majority of prisons and detention centers remain inaccessible to monitors. However, Syrian organizations indicate that their number amounts to tens of thousands.

United Nations Security Council [Resolution 2139](#), adopted in February 2014, strongly condemned the abductions and enforced disappearances in Syria and demanded the prompt cease of such practices and the release of all those forcibly detained. Nevertheless, no concrete steps have been taken to implement this resolution, and multiple attempts at political negotiations have failed to achieve any progress.

After 2016, associations of survivors, victims and their families began to form, taking on the responsibility of demanding for their missing loved ones. Later, 10 of these associations launched [The Truth and Justice Charter](#), which sets out the victims' vision for justice, which includes both short-term measures, such as the urgent release of detainees and determining the fate of the forcibly disappeared, and long-term measures, such as reparations and holding perpetrators accountable. In line with this vision, a study was

conducted on the necessity of establishing a dedicated mechanism to uncover the fate of the missing in Syria, titled "[Humans, Not Numbers](#)".

On December 24, 2021, the United Nations General Assembly adopted [Resolution 76/228](#), requesting the Secretary-General of the United Nations to conduct a study in consultation with the Office of the High Commissioner for Human Rights on how to enhance efforts, including through existing measures and mechanisms, to clarify the fate and whereabouts of missing persons in Syria, identify human remains, and provide support to their families.

Months later, the long-awaited [study](#) came to meet the aspirations of the families, recommending the establishment of an institution concerned with uncovering the fate of the missing and supporting the victims. The United Nations General Assembly reaffirmed its commitment to addressing the issue of missing persons through its Resolution 230/77, issued on December 15, 2022, pledging to take further actions to address the issue of missing persons while ensuring the involvement of survivors and their families at all stages of the process.

On June 29, 2023, the United Nations General Assembly adopted [Resolution A/77/L.79](#), which called for the establishment of an international independent institution dedicated to uncovering the fate of the missing persons in Syria and providing support to their families. The resolution was supported by 83 countries, with 62 countries abstaining and only 11 countries opposing.

The decision to establish the Independent Institution was the outcome of years-lasting struggle led by Syrian families, networks, victim associations, civil society partners, and it is expected that the independent institution, based in Geneva, will commence its work in April 2024.

This independent [institution](#) focused on the missing persons and victims and their families, will serve as a center for collecting and organizing relevant data about the missing persons and standardizing these data in coordination with other existing mechanisms. Its aim is to determine the fate and whereabouts of the missing persons, identify the burial sites of the deceased among them, determine their identities, and return them to their families. Additionally, it will provide support to the victims, survivors, and their families.

Tasks and ToR of the Independent Institution on Missing Persons in Syria:

On December 1, 2023, the Secretary-General of the United Nations issued his report, which includes the IIMP's [ToR](#), mandate, authority, scope, legal framework, working methods, structure, composition, and collaboration with other relevant stakeholders of the Independent Commission for Missing Persons in Syria.

Some of the key points included in the UN Secretary-General's report regarding the mandates of the Independent Commission include:

- ✓ The Independent Institution shall work to clarify the fate and whereabouts of all missing persons in Syria and provide adequate support to the victims, survivors and families of those missing; which means it shall primarily work to determine whether they are alive or deceased, their whereabouts, and the circumstances in which they went missing. Then, it will seek to reunify the person with the family- if the person is alive- or seek to release the person if the person is found to be arbitrarily detained/arrested, or facilitate the return of the remains to the family if the person is found to be dead;
- ✓ The Independent Institution shall apply a victim- and survivor-centered approach, shall be inclusive of families of the missing and the forcibly disappeared and shall be guided by the principles and fundamental features of non-discrimination, do-no-harm, independence, impartiality, transparency, and confidentiality of sources and information. The Independent Institution shall also apply the operational standards of presumption of life;
- ✓ In the absence of a specific definition in international law for “missing persons”, the Independent Institution shall draw on the definitions used by existing specialist actors, interpreting its mandate to cover any person whose fate and/or whereabouts are not clearly known, irrespective of the reasons and causes for them going missing, whether they relate to acts of other persons or not, and whether there is a link or not to the armed conflict. The expression “missing persons” shall also include persons who have already been reported missing to another institution, national or international, and persons whose fate and/or whereabouts have only been partially clarified;
- ✓ The expression “missing persons” also includes those individuals who went missing as a result of abductions, arbitrary arrest, and enforced disappearance. It also covers people who go missing in other contexts, such as displacement or as a result of military operations;
- ✓ Persons are no longer considered as “missing” after their families and/or another legitimately concerned individual have received reliable information clarifying their fate and whereabouts. However, even when the fate and whereabouts have been clarified, the mandate of the Independent Institution may encompass additional tasks relevant to the full discharge of its mandate, such as seeking the release of detainees or facilitating the return of human remains to families;
- ✓ The geographical and temporal scopes of the IIMP’s mandate encompass all missing persons in Syria or are related to Syria irrespective of their nationality, or whether they went missing before or after the creation of the institution. This includes persons who are currently believed to be missing in the country, regardless of where they may have gone missing initially, as well as those who initially went missing in

the country, irrespective of where they may be believed to be currently missing. The Independent Institutions may decide to prioritize those who went missing since 2011, while, taking into account the principle of presumption of life, not necessarily excluding cases prior to this date;

- ✓ The Independent Institution shall take into account existing international standards relevant to the situation of missing persons. These encompass, in particular, the obligation of all the parties to the conflict to account for the missing and, when necessary, to recover their bodies, as well as the families' right to know the fate and whereabouts of their missing relatives, including the right to receive information on the circumstances under which the person went missing or, if the person is dead, the circumstances of the death and place of burial, if known, and to receive the person's mortal remains;
- ✓ Regarding support to the victims, survivors and families of those missing, the Independent Institution shall provide adequate support that aligns with their rights and needs, either directly or through referrals to existing actors, be it individual or collective, taking into account that needs may change over time. The Independent Institution has not determined the form or type of support it will provide or facilitate to be provided by other actors but will map the needs of families, in close consultation with them, in particular with families who contacted or registered a case with the Independent Institution, as well as with other relevant stakeholders, including non-governmental organizations;
- ✓ The Independent Institution shall develop a set of policies and procedures specifically addressing the ways and means of engagement and participation of victims, survivors and families with the Independent Institution and to inform them of its work, its activities and the progress made in fulfilling its mandate;
- ✓ The Independent Institution shall take appropriate measures to ensure respect for the confidentiality, privacy, interests and personal circumstances of victims, survivors and families;
- ✓ The establishment of the Independent Institution notwithstanding, under international law the primary responsibility to respect, protect and fulfil human rights, including the right of victims to know the truth, continues to rest with the Syrian government. Non-State Armed Groups (NSAGs) exercising effective control of a territory (such as the opposition Syrian National Army/SNA, the Syrian Democratic Forces/SDF, and Hayat Tahrir al-Sham/HTS) should also observe international human rights standards, as they are in a position to affect the human rights of individuals under their control. Furthermore, parties to the conflict must comply with their obligations with regard to the search for missing persons and the families' right to

know the fate and whereabouts of their relatives. Finally, other States may also have obligations towards missing persons;

- ✓ The Independent Institution shall be headed at the level of Assistant Secretary General. The Head shall be of high moral character and integrity, possessing the highest level of professional competence and extensive experience in dealing with missing persons; working with victims, survivors and families in conflict and post conflict settings; and conducting complex and sensitive negotiations. Consistent with applicable regulations, rules and policies of the United Nations, the Head shall demonstrate commitment to ensuring victim- and survivor-centric approaches and gender equality in the structure and work of the Independent Institution. Both the Head and the Deputy shall be appointed by the UN Secretary-General, upon consultation with the United Nations High Commissioner for Human Rights;
- ✓ The staff of the Independent Institution shall include a “Victims’ Advocate”, to assist, advise and facilitate, as appropriate, victims, survivors and families in their engagement with the Independent Institution;
- ✓ Governance of the Independent Institution shall include an advisory board, composed of Syrian and international independent experts, sitting in their personal capacities, including representatives of victims, survivors and families, who will meet regularly to provide confidential views and advice to the Head of the Independent Institution on its programs and operations;
- ✓ With respect to reporting, the Secretary-General, in consultation with the Head of the Independent Institution, shall report annually on the activities of the Independent Institution, as requested in [Resolution 77/301](#). The Head of the Independent Institution shall ensure that its outreach strategy includes regular communication of update on the activities of the Independent Institution, in particular for families;
- ✓ By its [Resolution 77/301](#), the General Assembly called upon all States as well as all parties to the conflict in Syria to cooperate fully with the Independent Institution, in line with their obligations under international law. Furthermore, it also called upon other relevant actors, including international institutions and CSOs, to cooperate with the Independent Institution and to promptly respond to any requests, including access to information, data and documentation, as well as any other forms of assistance necessary to fulfil the mandate of the Independent Institution.

Moreover, the UN Secretary-General outlined the expected tasks of the Independent Institution between April 1 and December 31, 2024, as follows:

- Ensure that a comprehensive security risk assessment is conducted, and appropriate security risk management measures are established;
- Consider and adopt internal procedures and methods of work;

- Consider and conclude cooperation agreements with relevant actors;
- Map the needs of families, as well as existing actors holding relevant information on missing persons in Syria or carrying out activities relevant to the mandate of the Independent Institution;
- Design a system that ensures the meaningful and full participation of victims, survivors and families in the work of the Independent Institution, as well as regular engagement with women's organizations and other CSOs;
- Design an appropriate information management system in line with its mandate and ToR, in particular to consolidate existing information and data;
- Design an initial search plan in coordination with relevant actors, in particular families;
- Recruit members of its secretariat;
- Develop and implement an initial outreach policy, set up working procedures for registering claims, and duly organize case files, information and data;
- Continue to liaise with relevant actors, including the United Nations and other entities or bodies, with Member States and with families and CSOs.

Importance of the Effective Participation of Victims, Survivors and Their Families:

Victims, survivors, families of missing persons, detained, and the forcibly disappeared play crucial roles in this issue. The establishment of the IIMP is therefore a significant opportunity to enhance the victims' participation in implementing justice initiatives in the context of ongoing conflict and mass displacement. Furthermore, it is an opportunity to fully integrate expertise and knowledge of the victims and families of the missing in the work of a new institution of its kind. This is because this institution was the outcome of efforts made by associations of victims and families of those missing in order to advance the search operations for the missing, detained, and forcibly disappeared by all parties to the conflict in Syria.

According to the ToR of the new institution, a victim- and survivor-centric approach will be applied and shall be inclusive to all families of the missing and the forcibly disappeared. Therefore, the participation of victims and families should be effective and rooted in all stages of the institution's work. This include their engagement in formal processes and mechanisms (such as to allowing victims to give advice and consultation to the Independent Institution with respect to its policies and methodologies, providing data, evidence, and analysis, participate in the search efforts and reporting information for the decision-making process), as well as informal aspects (such as advocacy, mobilizing, organizing, awareness-raising, providing services to the victims; mental health and psychological support services, capacity building, and protection.)

The complexity of the ongoing Syrian conflict since 2011, coupled with the exacerbating crisis of the missing persons, underscores that cooperation and coordination among Syrian organizations, as well as with international institutions dealing with the issue of the missing, are insufficient. Particularly in terms of gathering and exchanging information and data about the missing. Consequently, such processes should be carried out with active participation from families of the missing, detained, and forcibly disappeared. This is essential to continue and enhance their efforts to advocate for addressing the issue of the missing and forcibly disappeared in Syria.

Building upon the active and wide role played by Syrian families, networks, and associations of victims and survivors in recent years regarding the issue of detained, forcibly disappeared and missing persons in the country, it is imperative to capitalize on the current international momentum and political will to support the efforts of Syrian families and victim-led initiatives in determining the fate and whereabouts of Syrian missing persons, entailing actively advocating for the rights and interests of victims and their families with relevant local and international mechanisms and bodies.

Following the establishment of the IIMP, it is significant to intensify advocacy efforts to ensure a comprehensive process centered around victims and survivors. To adopt a holistic approach in addressing the suffering endured by families and upholding the rights of victims and survivors in matters of justice, equality, and compensation, it is crucial to complement the institution's work with initiatives led by victims to uncover the fate of their missing loved ones, offer psychological and social support to victims, survivors, and their families, as well as provide legal counsel, and aid in safeguarding them from secondary trauma, extortion, and further marginalization.

Victims, survivors, and families must play a significant and outstanding role in all areas of the Independent Institution, whether individually or within their groups and associations. This is particularly crucial in oversight, operational, and advisory capacities, as they are the primary concerned with the institution's establishment and are most directly affected by this issue. The institution should ensure "the full participation and representation of victims, survivors, and families of the missing."

This will contribute to increased recognition - both within Syrian society and on the international stage - of the experiences of victims and survivors, as well as the necessity of achieving justice and fairness through meaningful and effective participation in policy-making, political processes, and public discourse. This will lead to the adoption of more enduring and impactful approaches and policies aimed at addressing the issue of missing persons in Syria. Such efforts will in turn contribute to the attainment of lasting and sustainable peace and reconciliation, putting an end to systematic human rights violations and ultimately benefiting the entire Syrian society.

Synergy Association for Victims will persist in its endeavor to seek justice for victims, survivors, and families of the missing, detained, and forcibly disappeared, whether independently or in collaboration and jointly within the Truth and Justice Charter, or alongside broader civil society partners. Synergy adopts an approach centered on the experiences, perspectives, and priorities of victims, survivors, and their families. It strives to empower and enable all victims of the violations accompanying the conflict in Syria to represent themselves, demand their rights, and actively participate in efforts to uncover the truth, ensure accountability, and achieve justice.

Expectation Management:

Addressing the issue of the missing, detained, and forcibly disappeared individuals in protracted conflicts, such as the ongoing Syrian conflict since 2011, may entail a prolonged period and significant effort, especially given the involvement of all conflict parties in committing arbitrary detention and enforced disappearance, as well as due to their reluctance to cooperate with families, institutions, and organizations striving to ascertain the fate and whereabouts of the missing persons.

Even though tangible results are not anticipated promptly from the independent institution, it remains hopeful for the return of the missing and forcibly disappeared. It refuses the issue of the missing to be forgotten or relinquish the right to demand their return. Moreover, it emphasizes the importance of families of the missing to continue leading purposeful efforts to uncover the fate of their loved ones, actively participating in decision-making and guiding the directions of the new institution; the chances of making the desired progress in this issue are therefore increased.

From our perspective, the Independent Institution can naturally develop plans and strategies, conduct surveys, and identify known and potential sites used for detention by all conflict parties. It can locate sites using maps, satellite imagery, individual and mass burial sites, both recognized and unrecognized, and gather data, evidence, and testimonies for comparison and analysis with the aim of uncovering the fate of the missing and forcibly disappeared individuals.

It is expected that the independent institution, by exerting appropriate pressure on all actors in Syria, will be able to gain access to all mass graves and detention centers, both declared and clandestine, belonging to all parties involved in the conflict. This would enable it to uncover the fate of those who are still alive or those who have been forcibly disappeared, and to identify the remains of the deceased and return them to their families.

Even if the institution is unable to carry out directly within the Syrian territory, it will still be capable of operating from outside the country and providing some answers to the questions of the families of the missing and forcibly disappeared. The mere presence of this institution will itself exert pressure on the various parties involved in the political process to allow its access into Syrian territory whenever and wherever possible. Prominently, the existence of

the Independent Institution will ensure that Syrian victims have the right to know and the right to truth, preventing the neglect or marginalization of this right once the conflict ends.



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Hevdestî - Synergy Association for Victims, is a non-governmental, non-profit organization, aimed at educating and providing a platform and a space for victims to represent themselves and claim their rights. Synergy was founded on March 11, 2021, to seek justice for the victims of conflict in North and East Syria and to contribute to the process of accountability and justice.

We work to document all human rights violations in North and East Syria, and preserve evidence, documents and testimonies in order to contribute to the processes of truth-revealing, accountability and justice. In addition to build the capacities of the victims and advocate for their issues, with the aim of building a society demanding its rights.

We are committed to the highest degrees of accuracy and integrity, including seeking multiple perspectives to develop an in-depth and analytical understanding of events. We are cognizant of our responsibility towards the victims and witnesses who share their experiences with us. We are working closely with a wide range of actors in local and international civil society to achieve the greatest possible impact.



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