

Written Memorandum Regarding the Independent Institution² on Missing Persons³ September 6, 2023

To: The Office of the High Commissioner for Human Rights

Subject: Support for the Independent Commission on Missing Persons

We support Resolution [77/301](#), dated June 29, 2023, adopted by the United Nations General Assembly on the establishment of the dedicated Institution to uncover the fate of missing individuals in Syria. We welcome the Secretary-General's plan to conduct extensive consultations with diverse stakeholders, including all relevant and affected parties in shaping and defining the scope of the Institution's work, and establishing a timeline for its commencement. This commitment to communication and consultation represents a guarantee for the success of the Institution and the achievement of its goals.

Terms of Reference:

The Institution should have a broad mandate to uncover the fate and whereabouts of all missing persons in Syria, irrespective of their affiliations and that is centered around the victims and their families. The definition of missing should focus on the act of disappearance rather than assumed associations of the missing individual. This group includes but is not limited to:

1. Individuals detained by government forces or government-affiliated militias, regardless of the motives behind these detentions, including the suppression of protests or demonstrations, or using individuals as tools for investigation, in addition to arbitrary arrests.
2. Individuals abducted or detained by de facto authorities, including extremist organizations that held individuals as hostages for recruitment purposes, or to use as leverage.
3. Individuals who disappeared under mysterious circumstances, where it was sometimes challenging to ascertain the responsible party for a specific person's disappearance.
4. Individuals who went missing during armed conflict or as a result, including those who disappeared during attacks or military operations, or those who went missing while attempting to flee conflict zones.
5. Individuals abducted for the purpose of extortion, either for ransom or exchange with detainees held by other parties

We believe in the importance of recognizing the right to know the fate of all missing individuals in and outside Syria over the past fifty years. However, we emphasize the significance of the Institution giving special attention at the outset of its work to search for all individuals who have disappeared forcibly or under mysterious circumstances in Syria since the beginning of the conflict in 2011, without regard to their affiliation or role. The Institution should be flexible in its directives to expand its temporal and geographical scope in subsequent stages, encompassing individuals missing for fifty years inside and outside Syria.

²We refer to the Independent Institution on Missing People in Syria by the Institution...

³This written memorandum was drafted by a group of Syrian women within the seventh "Space for Collaboration" conference, which was held between the 24th and the 31st of August 2023. This memorandum was included in the [final statement](#) that was signed by a group of Syrian organizations.

Engagement of victim groups, families, and initiatives that represent them:

Effective engagement of victims and families necessitates a comprehensive approach that ensures their rights, needs, and preferences are considered in all aspects of the process, thus supporting the Independent Institution on Missing Persons and enhancing its mission effectively. It is imperative to ensure the participation of at least 50% of Syrian women. Direct involvement is crucial, with various roles including advisory and oversight functions, considering the local context and the expectations and needs of all victims' families.

Engagement of civil society organizations and human rights activists:

1. Establish partnerships and agreements to help define roles and responsibilities, work collaboratively, and methods for information and data exchange.
2. Ensure that training and technical and professional development cover topics such as best practices for data collection and storage and how to interact with families who have lost loved ones.
3. Engage in advocacy with governments and international Institutions, urging them to adopt concrete actions on the issue of missing persons to amplify our collective impact.
4. Share information and data and work collaboratively on analyzing this information and use it to improve strategies and programs, in addition to developing mechanisms for verifying the accuracy and validity of information.
5. Enabling effective and direct contributions with the independent Institution on missing persons is vital to achieving its goals and ensuring the continuous and transparent inclusion of Syrian perspectives and approaches in all aspects of the Institution's work.

Principles of Engagement:

- **Inclusivity:** Ensuring victims and their families have a direct and ongoing role while also achieving balanced and diverse representation, framing participation within the structure of the Independent Institution on Missing Persons.
- **Direct Participation:** The imperative to directly influence decision-making and policy formulation within the Institution and a commitment to the outcomes of the participation process.
- **Building Trust:** The direct involvement of victims and their families in the Institution on missing persons enhances the local community's trust in the Institution.

The advisory and oversight Role:

The advisory role provides an objective perspective and maintains neutrality. While the oversight role is fundamental in any organizational structure, it is essential to enhance the effectiveness and credibility of the independent Institution on missing persons among families and civil society. It also assists in ensuring transparency, accountability, and the Institution's adherence to international laws and standards.

Civil Society participation:

We support forming a working group among civil society organizations through continuous coordination and advisory support. This working group should consist of one male representative and one female representative from each organization, with an advisory Committee, elected every two years, comprising six female members and six male members from various organizations and networks. The Advisory Committee will convene every two months to discuss progress and address emerging issues. It should function as an independent body of civil society representatives and regularly host experts to support and monitor the activities of the Institution, ensuring compliance with laws and standards. This monitoring committee is an integral part of the structure of the Independent Institution on Missing Persons. It is responsible for:

- Attracting a wide range of experts and involving the local community to achieve progress in the work of the Institution.
- Engaging family representatives in the efforts to uncover the fate of the missing persons and in monitoring, evaluation, and reporting.
- Monitoring progress, identifying challenges, evaluating the effectiveness of the Institution, and uncovering any issues that may require correction.
- Providing regular reports to the public and stakeholders about its activities, achievements, and challenges.
- Offering means for individuals and groups to facilitate the work of the Institution and to file complaints or grievances regarding the decisions or actions of the Institution.

In addition to any other tasks that support the optimization of the work of the Independent Institution on Missing Persons in Syria.

Growing Concerns and Expectations:

We appreciate the establishment of the Independent Institution on Missing Persons in Syria to support the victims' families and reiterate the necessity of knowing what happened to the missing persons as a fundamental step towards achieving justice. However, we share some concerns that we discussed:

1. Pressuring families to relinquish their demands for criminal accountability in exchange for information about the fate of their loved ones.
2. The inability of the Institution to access detention facilities and databases of conflicting parties within Syria, thus failing to uncover the fate of the missing.
3. Routine, bureaucratic procedures and internal divisions that may hinder the Institution's work, lack of clarity in procedures and outcomes, sources of funding for the Institution, and failure to employ qualified Syrian professionals for necessary tasks under the pretext of neutrality.
4. The non-binding nature of the General Assembly's decisions, hence the potential ineffectiveness of the Institution in case of non-cooperation from all parties, especially given the Syrian government's declaration of non-cooperation.

5. Emotionally draining families and the continuous demand for information without making the most of the data already available to other UN mechanisms and Syrian organizations.
6. Focusing solely on legal, financial, and psychological support at the expense of discovering the fate of the missing persons.
7. The influence of Syrian, regional, or international entities in the Institution's affairs in ways that serve their interests.
8. The repetition of problems and shortcomings in similar international mechanisms or organizations.
9. Failure to distinguish between reliable and unreliable information and the inability to handle internal tensions and divisions that hinder the Institution's work.
10. Overlooking some marginalized or vulnerable groups in the process, resulting in the Institution's work lacking inclusivity.

There is a strong expectation of providing protection for the Institution's officials and workers, especially those engaged in fieldwork, and for ensuring guarantees to protect the missing persons from potential retaliatory actions and safeguarding the missing person's family members who may provide information that could anger conflict parties.

There is a strong expectation for the Institution to achieve tangible progress quickly and secure financial and political support for its long-term endeavors.

Recommendations:

1. The working group mentioned above should be formed, including the election of a monitoring committee, to ensure active participation of civil society organizations, human rights activists, victim groups, and families, and representing initiatives within the framework of the Independent Institution on Missing Persons. We recommend:
 2. Ensuring that the Institution's current or future work does not interfere with accountability pathways.
 3. Emphasizing the freedom of choice of the stakeholders engaged with the Institution in determining how to proceed with accountability and criminal accountability procedures.
 4. Developing effective strategies and tools to deal with challenges related to safely and effectively accessing detention facilities in Syria.
 5. Seeking international support to create external pressure on the Syrian government and other parties to cooperate with the Institution.
 6. Utilizing the UN Special Envoy's office as a negotiating intermediary.
 7. Affirming the primary objectives of the Institution and avoiding deviation from them due to external pressures or financial challenges while securing multi-source funding to mitigate external influences. Implementing operational measures that contribute to overcoming bureaucracy within the UN system.

8. Establish specialized units to handle the issues of victims and families, actively monitor cases, and immediately respond to inquiries, ensuring that families are not left alone in their search journey.
9. Conduct regular surveys to ensure all affected voices are represented and heard, including minorities and marginalized groups.
10. Create a user-friendly mechanism for submitting suggestions and complaints, clarify the reporting process and what to expect after reporting, and ensure that it addresses the complaints seriously.
11. Provide multiple reporting channels, including telephone, internet, and local offices, and ensure that the information provided will remain confidential and that the person making the report will not be at risk.
12. Ensure access to the Institution by Syrians from all neighborhoods and local areas, not just urban centers.
13. Utilize information verification techniques, source examination, and engage local experts with deep knowledge of the local context to ensure the quality and accuracy of information.
14. Implement awareness campaigns to inform people about how to report missing persons and emphasize the issue's importance.
15. Ensure families and victims have the necessary means and resources to participate fully.
16. Provide comprehensive support – psychological, social, technical, legal, and financial – to families during the search for their loved ones, including programs for facial recognition and forensic specialists and psychological support throughout the search journey on their loved ones. This support could be similar to the one provided to the families of Caesar Report.
17. Provide safe spaces for victims and the families of missing persons to express their observations and concerns and offer legal support to families in their search efforts and in addressing legal issues.
18. Apply the principle of transparency throughout the entire process, making victims and families aware of all steps and decisions taken. Hold the institution accountable to the people it seeks to assist and provide regular reports and updates on the work, including successes and challenges.
19. The Institution should have mechanisms to prevent failure or corruption and establish knowledge exchange and training programs between the Institution and similar international organizations.
20. Ensure the integration of the work of specialized organizations into the new Institutions to avoid duplication, effectively utilize available resources and data, and show respect for

the suffering of families. For example, the Institution should not ask families of missing persons to provide DNA samples if they have already provided them to the International Commission on Missing Persons.