

**PROFILES OF THE MISSING
SYRIA: AN EFFECTIVE RESPONSE**

Berlin, 10 December 2018

SUMMARY OF KEY POINTS

1. On 10 December 2018 at the Representation of the European Commission in Berlin, the International Commission on Missing Persons (ICMP) organized a conference on “Syria: Effective Responses,” as part of its Profiles of the Missing series.
2. Profiles of the Missing is a public forum that brings together families of the disappeared to examine core elements of the missing persons issue, raise public awareness, make recommendations and demonstrate to policymakers that tackling this issue is central in efforts to support human security, conflict-prevention, peace building and justice. The participation of surviving relatives of the missing is central to the Profiles approach.
3. The conference was introduced by Richard Kühnel, Head of the European Commission Representation and Kathryne Bomberger, ICMP Director-General, after which there were opening remarks by Hilde Hardeman, Director and Head of Service, Foreign Policy Instruments, European Commission; Rüdiger König, Director-General, Humanitarian Assistance, Crisis Prevention Stabilization and Post Conflict Reconstruction, the German Federal Foreign Office; Mazen Darwish, Founder/Director of the Syrian Center for Media and Freedom of Expression; and Her Majesty Queen Noor, ICMP Commissioner.
4. The panel discussion was moderated by Yousef Wehbe, Programmes, Manager of the Syrian Center for Media and Freedom of Expression.
5. Panelists were:
 - Noura Ghazi, Human Rights Lawyer and Co-founder of Families for Freedom;
 - Fadwa Mahmoud, Activist and Co-founder of Families for Freedom;
 - Wafa Mustafa, Activist and Member of Families for Freedom;
 - Kutaiba Almashaan, Activist and Member of the Caesar Families;
 - Anwar Albuni, Human Rights Lawyer and Head of the Syrian Center for Legal Studies and Research;
 - Munira Subasic, President of the Association Mothers of Srebrenica and Zepa Enclaves;
 - Michelle Jarvis, Deputy Head of the International, Impartial and Independent Mechanism (IIIM) to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011;
 - Patrick Kroker, a Lawyer with the European Center for Constitutional and Human Rights in Berlin;
 - Mazen Darwish and Kathryne Bomberger also spoke in the panel discussion.

6. The panel discussion addressed strategies to advocate for and secure the rights of surviving families of the missing to truth, justice and reparations, and examined the issue of collecting data on missing persons.

I. KEY POINTS

7. The Head of the European Union Representation in Germany Richard Kuhnel noted that, as the 70 years of peace in the European Union (EU) has not been the experience of other countries, “it’s Europe’s responsibility to help in this important work,” and he said that the presence of Hilde Hardeman at Profiles of the Missing was evidence of the seriousness with which the EU takes the missing persons issue.
8. Hilde Hardeman, Director and Head of the Foreign Policy Instruments Service at the European Commission, welcomed the opportunity afforded by Profiles “for families of the missing to speak about their experiences and their needs, and for all of us to listen, to start on the journey we all need to embark upon to help them find their missing loved ones.” She stressed that “all families regardless of religious or national or ethnic background have rights.”
9. “The role of the International Commission on Missing Persons is crucial to support and strengthen (the work of civil society organizations) at the local level” Ms. Hardeman said. “I am proud that the European Commission through the FPI supports this important work. As High Representative of the EU for Foreign Affairs and Security Policy Federica Mogherini stressed last week in Brussels, accounting for missing persons is key to the European Union’s engagement in Syria and elsewhere. It is key to the European Union’s work for transitional justice and accountability. This work is crucial to the future of Syria and it touches on the very core values upon which the European Union is based. We should not forget our own history and what our parents and grandparents have gone through.”
10. Ms. Hardeman alluded to FPI’s support for ICMP’s effort “to put the fate of missing persons and their families firmly on the peace agenda” at the Paris Peace Forum, and she added that “the EU will host the Brussels III conference on the future of Syria and the region in April next year and the fate of missing persons and the question of accountability will take a central place at that conference.”
11. Rudiger Konig, Director General, Humanitarian Assistance, Crisis Prevention Stabilization and Post Conflict Reconstruction, at the Federal Foreign Office, said ICMP is playing an important role in securing peace and justice. He added that his own family had experienced the trauma of not knowing the fate of a loved one. “My grandfather is missing in action. We lost sight of him towards the end of the Second World War and never had the possibility to find out his whereabouts and what happened to him. My grandmother until her death was still looking for her husband, looking for the father of her four children. And you will find in Germany many, many families that have similar experiences. This is deeply rooted in German society. We know in Germany what it means if you have missing persons and how important it is to support other families and countries in helping them to find missing persons from conflict.”
12. He said Germany understands how important this issue is for peace and reconciliation and for justice. “Wherever there is a victim we might find someone who is also responsible, who has brought about the grievances of the families, and it’s only natural that reconciliation and peace cannot go without justice. It’s not just that the family should know. It’s also important to bring those responsible to justice.” He added that ICMP “is the basis for justice.”

13. Mr. König said: "It is important that Germany is supporting ICMP, and we will continue to do so I promise. We are in the wake of a new budget year and I can assure you that we will continue in 2019 what we have been doing in years past."
14. Mr. König said that hearing the testimony of families at the Profiles event "shows exactly what that kind of contribution can bring (in terms of) change in Syria and also in other countries, where many, many Syrian refugees came from 2015 onward, so we have a direct source of contact and information on the Syrian crisis that goes well beyond our political engagement to bring about a peaceful solution to the conflict."
15. He said: "Germany is upholding international law, humanitarian principles and human rights through the International Community and the mechanisms in the International Community."
16. Her Majesty Queen Noor noted that in the 17 years since she became a Commissioner "ICMP has been at the forefront of a revolution in dealing with the issue of missing persons numbering in the millions – an issue that is now recognized as a global challenge. ICMP has emerged as the organization that can meet that challenge." She said ICMP's goal "is to help establish an effective and sustainable process to account for the tens of thousands who are missing – whether from the decades before the conflict, or as a direct result of the conflict, as fatal casualties of the Mediterranean crossing, or as victims of human trafficking," adding that "as a result of EU support, ICMP is able to provide real and practical assistance to Syrian Civil Society and reach out to families in order to collect information. With the cooperation of European states, this can be used in some cases immediately, for example, to help locate family members who have been separated in the chaos of migration, children who end up in one part of Europe and parents in another. Information can also be recorded and safely stored for future use, for example, when it becomes possible to account for missing persons on a large scale inside Syria. As well as collecting information, ICMP is consulting families on the best way to ensure that the issue of the missing is addressed in a future peace agreement, and the most effective ways of accessing the right to truth, justice and reparations."
17. Michelle Jarvis, Deputy Head of the International, Impartial and Independent Mechanism to assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, said the IIIM represents a new approach as "the more typical accountability pathways have been blocked in Syria". While the IIIM cannot issue indictments or prosecute cases, it "can do essential preparatory work that will lay foundations for the day accountability pathways open up."
18. Ms. Jarvis said there are clear connections between accountability and missing persons, and IIIM is looking for ways to cooperate ICMP. Noting that the International Criminal Tribunal for the former Yugoslavia (ICTY) had assembled millions of pages of evidence, some of which could help in locating mass graves, she said: "The challenge has been how to make sure this information can be made available for searching for missing persons. If we are proactive in the way we collect and organize evidence, we can link with ICMP and others who have a mandate to search for missing persons, and we can achieve a lot. The volume of material is staggering. Even for us, only having collected material since May, we already have terabytes and terabytes. The imperative is to make sure we put the material together in a way that we can find the pieces of evidence that are going to be helpful not only for our work but also to the work being done by others who have a mandate to search for the missing." She said the IIIM is in dialogue with ICMP "to find the best framework for supporting our efforts mutually" and noted that the IIIM is tagging evidence, "so, when we bring evidence in, we have subjects were looking for. This could be tagged relevant for searching for the missing."

19. Patrick Kroker, from the European Center for Constitutional and Human Rights (ECCHR) said the ECCHR has been working on Syria since 2012. “We set out to target high-level people that are responsible for torture prisons run by the Syrian government. We filed criminal complaints here in Germany against the top leadership. We wanted to make a tiny crack in the wall of impunity.” He said torture and disappearance by detention are systematic in Syria, “and if you want to make a hole in the wall of impunity you have to go after the system itself.”
20. Mr. Kroker stressed that “these are criminal proceedings. Although these are mass crimes and so horrendous that there are strong sentiments for a judgment, you have to account for every single death, case of torture, disappearance and you need evidence for one trial. Any kind of documentation is extremely helpful.” He said that in the case of disappearances, evidence is often difficult to obtain. “It’s important that this evidence is preserved” because it may provide proof in individual cases.
21. Mr. Kroker said the process “gives a voice” to individuals. “Every person who was disappeared has a family. All these stories are so important to be told and by this work being done and headed by CSOs it makes sure that justice is not simply technical – every one of these persons had a sister, a mother, a brother. In Syria there are hundreds of thousands of people who have the right to international justice. To have these avenues where it’s clear that something is being preserved and can be used one day is very important.”
22. Mazen Darwish, Founder and Director of the Syrian Center for Media and Freedom of Expression, said: “We are speaking of something that touches every family in Syria. There isn’t a single family in Syria that doesn’t have a missing or a disappeared loved one. It’s a catastrophe affecting 23 million people.” But he stressed that “the issue of the missing is not an issue of numbers: these are individual cases.”
23. Mr. Darwish said families cannot be expected to forget, and accounting for the missing is the key to peace. “Another war would unfortunately be based on revenge, on the anger, the rage of the victims and the lack of confidence in justice.” He said: “Justice is not about revenge,” and all Syrians need is justice “regardless of their political allegiances. Even the perpetrators have an interest in justice for the sake of their children, to ensure peace in the future.”
24. Mr. Darwish said that rather than being simply victims, families of the missing “are the people we take our energy and hope from. Without you, we can’t do anything on the ground. You are the guarantee that we won’t forget” and he called for “ethical international leadership” noting that “every day that passes feeds into extremism in Syria and the world.”
25. He said it had taken six months after his release from detention before he was able to speak about the experience.
26. Activist and Co-founder of Families for Freedom Fadwa Mahmoud said: “The reconstruction of Syria is important but some things of the greatest value may be buried under the ground. We will continue to look for our loved ones. What happened to those people who disappeared into thin air? What happened to them? This is not something that should be a bargaining chip. We must try to save lives, we have to know what became of them. I want the international community to stand beside the Syrians and be serious about your efforts and have real action to account for those who are missing. We need your support; we need your solidarity to put an end to this catastrophe.”
27. Ms. Mahmoud said it was important to listen to those who suffer “every moment and every day.

You go into your home and sit in peace but when I go back to my home I cannot live without knowing what happened to them. To the Syrian mothers I want to send a message: if you can speak, then raise your voices. We will continue to demand in Syria or in Europe, wherever we are, because we have the right to know the fate of our loved ones and to see them again.”

28. Human Rights Lawyer Anwar Al-Bunni said there are an estimated 60,000 cases of “people killed in prisons and buried in unknown locations or burned”, and that the missing persons issue “is the most important problem we face” in Syria. “Of this large number, every person has a family that wants to know what happened to that person. They cannot think about peace or reconstruction or coexistence before they find peace, before they know what became of their loved one and know exactly where they are. This is a critical problem facing the reconstruction of Syria. No one can feel that they have found justice or that they have secured their rights without knowing what became of their loved ones. If we want justice in Syria this includes finding the perpetrators. Every hour in Syria a detainee dies in detention.”
29. He added that any politician who thinks they can find a solution, a political solution, a military solution, any kind of solution, if they ignore this issue – accountability and missing people – it will go without any results. This issue must be in the first step to any solution. We cannot build peace in our society, in our country without solving this issue.
30. Wafa Mustafa, a Member of Families for Freedom, said: “The main challenge in the issue of detainees is a psychological one. When you lose a loved one, one of your relatives, when they are detained or when they disappear it’s like waking up one day and realizing that you have lost a limb. It’s as difficult and critical as that. In order to understand and believe and accept and deal with this reality and move forward requires a lot of time. You can’t have a family member detained and expect life to go on.”
31. Ms. Mustafa said: “The only choice we have is to go on, and find a way to approach others who are in a similar situation and this is an important part of the psycho-support. I find people are scared, intimidated without hope, they feel it’s not going to lead anywhere and this makes our mission much harder. I would ask for a platform, a chance and time to speak up, to achieve solidarity.”
32. She also added it was important not to treat survivors solely as victims. “By treating us as victims, you reduce us. I wish to do my utmost not because I’m a Syrian refugee, but because of who I am. I know my duty and this is what I am trying to do.”
33. Kotaiba Al-Mashaan, who left Syria for Turkey in 2015 when his hometown, Der Ezzor, was occupied by Da’esh, and is a Member of the Caesar Families, said: “The public must put pressure on governments to look at the Syria issue as an issue of genocide. They have to feel what is happening to us. Europe suffered a lot in the past and the situation it is in now – with stability and peace – I want that situation in my country.”
34. He said civil society organizations cannot simply set themselves up as representatives of the public in Syria but must listen to stakeholders. “We would like to ask you to allow us to be your voice in countries that are considered to be pillars of courage and freedom. Hope is our only choice. Maybe it will take time before we can find a solution, maybe we will die and our children will continue with this journey. We can learn from what happened in the Balkans and hopefully we will continue.”
35. Noura Ghazi, Human Rights Lawyer and the widow of Bassel Khartabil, a Syrian democracy

activist who was detained and executed by the Syrian Regime, said: “Detention in Syria is a kind of kidnapping – it’s not an arrest: There is no “why” (grounds for arrest) or “who” (arresting authority), so, families and detainees have no information. Families of detainees live without information about the whereabouts of the one who is missing or how he was arrested. We don’t know even know if there are mass graves. It is important to achieve justice through accountability. My hope is to push the person who hurt me with no reason to admit one day that . . . I hurt you, and I am sorry. My hope is that for a new generation in Syria there will be no arrests, no disappearances. My hope is that one day I will be able to go back to my country.”

36. “There is a certain complementarity between the work of human rights activists and the families,” she said. “We cannot do anything without international support. There must be political decisions but first it is a good idea to hear families, to allow them to represent themselves. As activists, we can’t represent all Syrians. There’s more credibility in hearing directly from them. They have a fundamental right to say what they need and what they have suffered, what justice is for them, what they need to help us support them. We don’t have many options; we have to struggle for justice. We cannot give up.”
37. Munira Subasic, President of the Association Mothers of Srebrenica and Zepa Enclaves, recalled that a major step forward in Bosnia and Herzegovina occurred when the Mothers of Srebrenica reached out to mothers from other communities. “We realized that our issue wasn’t just among us, it was out there. We managed through our dialogue, through the feelings of the mothers to gather information about gravesites and this was important. After the gravesites were opened, the identification process began, and every bone that was found was sacred. If a mother found a single bone she would wrap it up in silk. We learned that we worked more effectively when we worked together, so, to the mothers of Syria I say, you have to work together. Only that way, will you succeed.”
38. “The world and Europe, no matter how much they claim they are not responsible they are and they have to realize this. The focus must be on missing persons. We can’t build the future without truth and justice and the truth is that the accountable should be held accountable.”
39. ICMP Director-General Kathryn Bomberger brought the evening to a close by thanking all of the participants and noting that the object of the Profiles of the Missing series is to hear the testimony of families. She reiterated the point that families should not be treated – in a condescending way – as victims. She said that governments in countries bordering Syria and in Europe where families have been separated are faced with a difficult task. “ICMP is an intergovernmental organization, so we act as a bridge between families of the missing and governments themselves, to ensure respect for the rights of all families of the missing. We try to remind governments of their obligations under international law. We want to act as a bridge. We want to ensure that governments take on the role to help you, so that we can help you. In the end, we need to help Syria build institutions of accountability so that you can find your loved ones.”

II. ABOUT ICMP

40. ICMP is a treaty-based international organization with headquarters in The Hague, the Netherlands. Its mandate is to secure the cooperation of governments and others in locating and identifying missing persons from armed conflict, human rights abuses, disasters, organized crime, irregular migration and other causes and to assist them in doing so. It is the only international organization tasked exclusively to work on the issue of missing persons.

41. ICMP's Syria/MENA Program, launched with EU funding in 2017, is working with Syrian civil society organizations, community leaders, policymakers and families of the missing on a range of activities including collecting personal data from families – a key step toward establishing an effective process that can be expanded after a peace settlement. ICMP supports the rights of families regardless of the circumstances of the missing person, their ethnic, or religious background, or their role in the conflict.