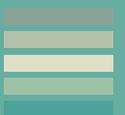




Establishing a U.S. Amends Program in Northeast Syria

Syria Justice and
Accountability Centre



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The Syria Justice and Accountability Centre

About the Syria Justice and Accountability Centre

The Syria Justice and Accountability Centre (SJAC) strives to prevent impunity, promote redress, and facilitate principled reform. SJAC works to ensure that human rights violations in Syria are comprehensively documented and preserved for use in transitional justice and peace-building. SJAC collects documentation of violations from all available sources, stores it in a secure database, catalogues it according to human rights standards, and analyzes it using legal expertise and big data methodologies. SJAC also supports documenters inside Syria, providing them with resources and technical guidance, and coordinates with other actors working toward similar aims: a Syria defined by justice, respect for human rights, and rule of law.

Learn more at SyriaAccountability.org

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Cover photo: Al Dare'ea neighborhood, Raqqa (September, 2021)

All photos taken by the Syria Justice and Accountability Centre

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Introduction

Although the U.S. military took measures to spare civilian lives during the joint operation to defeat ISIS in Syria, it acknowledges U.S. responsibility for civilian deaths, injuries, and property damage. Yet remedies for harm unintentionally caused by the U.S.-led coalition have not been afforded to civilians. Consequently, the U.S. should establish an amends program in Northeast Syria, implemented by the U.S. Department of State, that provides targeted support to those who were injured or lost a loved one during U.S. airstrikes, as well as community level support to help deal with the aftermath of the destruction caused by Coalition airstrikes.

The array of interventions proposed below begin with recommendations targeted towards the specific victims of U.S. airstrikes, and end with broad infrastructure repair programs, meant to support whole communities that have suffered as a result of the Coalition bombings. This structure ensures that the U.S.



Damaged buildings, Al Dare'ea neighborhood, Raqqa.

makes specific amends when possible, but that victims who may not apply for targeted amends because of lack of supporting evidence for the incident or because of cultural discomfort with receiving a financial payment upon the death of a loved one, can still receive amends on a community level. While amends programs have historically been implemented directly by the U.S. military, in the case of Syria, the Department of State would be better placed to implement the support suggested. The local population closely associates programs run by State and the military, such that a program implemented by the Department of State will still strengthen trust in the military and will not decrease the symbolic significance of the amends.

Ex Gratia Payments

Syrians who were injured by or lost family members to Coalition actions should be provided ex gratia payments, including both monetary compensation as well as official apologies. An ex gratia program is feasible and appropriate considering the legacy of civilian casualties because of U.S. military action, the continued presence of the U.S. military, and local cultural norms. Additionally, human rights organizations, including the Syria Justice and Accountability Centre may be able to provide supporting documentation and verify information relevant to claims.



National Hospital Neighborhood, Raqqa.

The U.S. should **establish a standardized and accessible system to apply for financial amends.**

Such a system should allow for applications submitted by victims, third parties such as NGOs, as well as Coalition personnel. Submissions should be accepted online, in-person, or over the phone, and in English, Arabic, or Kurdish. Every claim should be investigated utilizing records and documentation held by the U.S. government, as well as open-source records and those collected by NGOs. Each investigation should culminate in a report detailing the claim and the reason it was authorized or denied. The system should allow for claims regarding incidents dating back to the beginning of the U.S. intervention in 2014. Finally, the U.S. should also take steps to publicize such a program, collaborating with local NGOs and other actors to ensure that communities know they have the right to apply.

Visas

For some Syrians injured by Coalition airstrikes, a onetime financial payment will not be sufficient to address the harm done. Due to a lack of medical infrastructure locally, these victims may require treatment in the United States.

Additionally, thousands of Syrians risked their lives in support of the U.S. mission in Northeast Syria and as a consequence face harassment and death threats by various parties. Granting visas to a select group of Syrians who either supported or were directly affected by the U.S. mission and establishing annual immigration set-asides for vulnerable people would help protect those who served with U.S. military personnel and allow physical healing for those injured by Coalition airstrikes. Accordingly, the U.S. should consider the following recommendations.

First, **Congress should amend the National Defense Authorization Act to include a Special Immigrant Visa (SIV) program for select Syrians.** Similar to the programs for Iraqis and Afghans, the NDAA should allow for fast-tracked refugee resettlement processes for individuals and their families who have supported the U.S. military, humanitarian missions, or American NGOs since 2014. Eligibility should be granted to translators, interpreters, soldiers, advisors, and others whose lives were threatened because of their work in support of the U.S. mission to defeat ISIS. The SIV process should not make impossible demands of applicants and should occur within the congressionally mandated timeframe of nine months allocated for the Iraq and Afghanistan programs.



Al-Basel Street, Raqqa.

Second, **B-2 visas should be granted to individuals with serious health concerns resulting from their support of the U.S. mission to defeat ISIS, in addition to civilians harmed because of the mission, and medical expense waivers should be secured.** When allocating B-2 visas, officials should consider the situation of the person, the proper treatment, and whether adequate medical care is available in Syria. Particular consideration should be given to children who lost limbs during Coalition bombing and who are unable to access needed medical treatment, such as fitted prosthetics that must be changed as children grow.

Missing Persons

When ISIS entered Northeast Syria, those who stood up against the group were kidnaped and disappeared. Families of the missing and kidnapped hoped that information would come to light after the U.S. and its allies defeated the terrorist group in March 2019, but information remains extremely difficult to collect, including for the 12,000 families who have reported missing persons to the local First Responders Team. While the U.S. may have secured the territorial defeat of ISIS, resolving missing persons cases is an integral step in helping the region recover, and the U.S. is uniquely situated to support the search. Accordingly, the U.S. should take the following actions.

First, **the U.S. should open an investigation and review of evidence of ISIS crimes collected by the U.S. and Kurdish forces.** During the fight against ISIS, the U.S. and allied forces entered ISIS facilities, collecting a wide variety of data, including physical documents, computers, and hard drives. This data should be thoroughly searched for information regarding those kidnaped in Northeast Syria. Declassifying some of the information and sharing it with human rights organizations engaged in investigations could provide strong leads and help families in the search for their loved ones.

Second, **the U.S. should facilitate the interrogation and questioning of detained ISIS fighters in Northeast Syria** regarding the issue of those missing and kidnapped by ISIS. ISIS fighters are the single best source to obtain information on the missing, including the location of ISIS prisons and mass graves. The SDF must integrate questions regarding the names and possible locations and fates of missing persons into interrogations of detained ISIS fighters.

Third, **the U.S. should collaborate with the Syrian Democratic Forces (SDF) to facilitate contact between families and those currently detained at SDF detention facilities** to address widespread fear that those kidnapped by ISIS may be wrongfully detained alongside ISIS fighters. While many families have received ad hoc information that this may be the case, there is currently no path for them to confirm who is in SDF custody.

Displaced Persons

Coalition airstrikes against ISIS and Kurdish forces advances directly resulted in largescale population movements, contributing to Syria's displacement crisis. The majority of displaced civilians, particularly those of Arab background, remain displaced well after hostilities have ended, and will need approval by the Syrian Democratic Council to return to their homes. The U.S. should take the following steps to assist displaced persons.

First, the US should **support the Syrian Democratic Council in vetting civilians and securing their right to return to their homes**. Currently such return is being blocked because of claims of ISIS affiliation of large swaths of the civilian population, which is increasing tension between civilians and the SDC. Field offices should be established at which individuals can submit requests to return, be promptly vetted, and then be allowed to securely and freely access their original towns and villages.

Second, the U.S. should **work with municipalities to establish a streamlined process for IDPs to recover documents damaged, destroyed, or lost because of displacement**. The process should be nondiscriminatory and should not require IDPs to return to their area of origin to obtain documents. Technical support and training should be administered to local authorities so they can provide documentation-related services consistently across IDP communities. Alternative methods rooted in international human rights law can be used to settle problems related to identity, age, etc. when Syrian statutory law or federal mechanisms are unfeasible.

Demining and Infrastructure Repair

U.S.-led Coalition airstrikes against ISIS led to widespread destruction of community infrastructure in cities throughout Northeast Syria. The U.S. should provide direct support in reconstruction. However, ISIS left behind thousands of landmines, munitions, and other improvised explosives that impede local attempts at reconstruction. The devices have claimed civilian lives and caused long-term physical and psychological trauma for survivors and their families. Thousands of people fear returning to their homes in uncleared areas and remain displaced. For those who remain near uncleared areas where essential infrastructure is unsafe, underlying vulnerabilities are worsened by restraints on access to medical services, access to education, and the right to agricultural work on which many civilians in Syria's contaminated areas rely. The United States can support local communities as they rebuild in the wake of Coalition airstrikes through the following actions.

First, **the U.S. should provide the funding and the technical knowledge needed to rehabilitate soil contaminated by oil spills.** During the Coalition airstrikes, a number of oil refineries were bombed, leading to oil spills that have created an environmental disaster and impacted the daily lives of nearby residents. Notably, the landscape of polluted soil and water has rendered agriculture impossible in some areas. Farmers have lost their land, as well as their animals which feed on lethal grass and drink contaminated water. The United States should support local communities by helping to stop leaks and safely store waste. It should also train communities to monitor water and soil in case of future spills.

Second, **the U.S. should restart demining efforts in order to allow for local reconstruction.** The United States contributed to humanitarian mine action efforts in the Northeast amounting to more than \$81 million between 2013 and 2018. However, these efforts were stopped in late 2018, despite the continued existence of mines which are undermining the ability of communities to undertake reconstruction efforts in the wake of Coalition airstrikes. As with other U.S.-sponsored demining initiatives (e.g., Iraq, Lebanon, and Vietnam) the U.S. should partner with entities that have the technical knowledge to clear mines, as well as strong local ties to ensure that community needs are met. An initiative like the one coordinated by the State Department, Mines Advisory Group, and Facebook (to facilitate risk education to Iraqis living in areas liberated from ISIS via geographically-targeted Facebook ads) could yield positive results and help stabilize affected areas in Syria.



Destroyed Apartment on Train Street, Raqqa

Conclusion

Through a comprehensive amends program in Northeast Syria, the United States can address unintentional harm caused by the Coalition while promoting social and political harmony through the healing of individuals and communities. Such a program would help Syrians to feel a sense of reparation and allow them to be the first segment of Syrian society to embrace aspects of transitional justice through US facilitation.



Destroyed Apartments on Train Street, Raqqa.

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