

A dark, narrow hallway with peeling white walls and a concrete floor. On the left wall, there is vertical Arabic graffiti that reads "يمنع دخول السجن تحت طائلة المسؤولية" (Prohibits entry to the prison under penalty of responsibility). On the right wall, there is a small sign above a doorway that says "إزالة النقرة" (Removal of the notch). A large, dark, irregular stain is visible on the floor in the center of the hallway. The overall atmosphere is somber and suggests a place of confinement or neglect.

PRIORITIES FOR THE BRUSSELS VII CONFERENCE

The Syria Justice and Accountability Centre
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Ahead of the 2023 Brussels VII Conference ‘Supporting the future of Syria and the region’, the Syria Justice and Accountability Centre (SJAC) is outlining its policy priorities for EU member states.

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DETER NORMALIZATION WITH THE SYRIAN GOVERNMENT

In the aftermath of February's earthquake, Syria's neighbors have fast-tracked normalization with the Assad government, culminating in Syria's reinstatement into the Arab League despite a complete lack of progress on human rights issues. The Syrian government continues to enjoy impunity for war crimes and crimes against humanity, and persists in committing serious crimes against civilians.

EU member states must not accept any level of political normalization in the absence of concrete progress towards the cessation of violations, respect for human rights, and respect for the rule of law and due process. Any discussion of normalization must center on how such a process could leverage concrete policy changes to provide immediate benefits to Syrians, such as the release of political detainees.

The EU should:

- » Retain a unified EU position against normalization without concrete progress to cease human rights violations, release detainees, and uphold due process and the rule of law.
- » Continue to prioritize and support criminal trials against Syrian perpetrators in Europe.

HALT EFFORTS TO REPATRIATE SYRIAN REFUGEES/ASYLEES

Refugee host countries in Europe and the Middle East continue to violate the rights of refugees, including by conducting illegal pushbacks and deportations, often fueled by anti-refugee political sentiment. Türkiye and Lebanon, in particular, have fallen into an annual cycle of stoking anti-refugee sentiment to correspond with donor calendars, especially ahead of the Brussels conference. In both countries, Syrians have been deported against their will, or under the pretense of “voluntary” return agreements signed under duress. Using coercion and violence to force Syrians to sign “voluntary” return papers constitutes refoulement.

Likewise, several EU member states have reduced protections for asylum seekers and in some cases issued threatening letters to Syrian children instructing their families to leave or face possible deportation or indefinite detention. Greece, Denmark, and other EU states have committed abuses against asylum seekers, or fund agencies, including FRONTEX, which do so. The EU and member states must immediately cease these practices and fulfill their obligations under international law to protect asylum seekers, establishing safe and legal pathways for migration rather than resorting to inhumane pushbacks and involuntary repatriation.

The EU should:

In Europe:

- » End indefinite detention of Syrians who cannot return to Syria;
- » Halt any deportation of Syrian refugees and asylum seekers to third countries such as Turkey and Rwanda. Reject efforts to establish further “third country” asylum processing facilities outside of Europe;
- » Investigate states and entities conducting violent push-back of migrants at Europe’s borders and at sea, including by FRONTEX. Pursue judicial actions against said states and entities by, inter alia, the European Parliament, European Court of Human Rights, European Anti-Fraud Office, and the International Criminal Court;
- » Relax restrictions on Syrian-issued documents as a requirement for legal residency, in recognition of the increasing difficulty of obtaining or renewing a Syrian passport.

In the Middle East:

- » Recommit to supporting refugee host countries, especially Türkiye and Lebanon, to mitigate the economic stressors that have turned public opinion against refugees and excluded them from wider domestic economies;
- » Consider establishing a multi-year, predictable funding stream for both countries to preempt annual cycles of violence against refugees in advance of donor conferences;
- » Leverage diplomatic and humanitarian channels to obligate Lebanon and Türkiye to halt organized returns to Syria that are tantamount to involuntary repatriation.

ENSURE EQUITABLE EARTHQUAKE RELIEF

The EU-led and partner supported pledge of €7 billion in emergency relief was a much-needed response to the devastation and destruction brought by the February 2023 earthquakes. The addition of humanitarian exemptions to sanctions for six months likewise abated the chilling effects of overcompliance. Overall, however, aid to Syria was neither distributed sufficiently rapidly nor equitably.

As aid is distributed and reconstruction efforts progress, donor countries should ensure that rigorous tracking and monitoring requirements are reinstated to facilitate transparency, efficiency, and donor accountability.

The EU should:

- » Prepare a path to reimplement rigorous tracking and monitoring requirements for donor aid which were relaxed in the rapid dispersion of emergency relief;
- » Implement monitoring and evaluating procedures to ensure aid is not being unnecessarily diverted, utilized to evade targeted sanctions against the Syrian government and its allies, or illegally sold for profit;
- » Ensure sufficient aid is reaching northwest Syria and call for a UN investigation into its emergency response failures;
- » Negotiate additional humanitarian border crossings between Turkey and Syria in addition to those that the UN reopened in the second week after the earthquake;
- » Evaluate EU earthquake aid disbursement to the Turkish government to verify it is equitably distributed to all survivors of the earthquake based upon need and irrespective of national origin, in compliance with its international obligations, including the 2016 EU-Turkey Statement of Cooperation;
- » Consider increasing its intake of refugees from the region to alleviate the exacerbated humanitarian disaster in the aftermath of the quakes.

BUILD COOPERATION FOR THE SEARCH FOR MISSING PERSONS

In August of 2022, the UN OHCHR released a long-awaited report detailing the possible structure and mandate for a proposed institution tasked with searching for missing persons in Syria. While a welcome step towards identifying the fates of missing persons and reuniting families, any future mechanism's efforts will be hampered by a lack of access to the country and cooperation from the primary perpetrator, the Syrian government.

The EU and member states have an opportunity to leverage the recent momentum of normalization to persuade the Syrian government to cooperate with such a mechanism. Such negotiation would not require western states to engage in normalization, but rather EU states can work with regional allies that are providing economic aid to Syria, to ensure that this support is conditioned on concrete progress, including prisoner releases.

The EU should:

- » Decouple the issues of detainees from political negotiations and Resolution 2254 and offer real, concrete incentives that encourage Damascus to release detainees and locate missing persons;
- » Engage with states that have normalized relations with the Syrian government to negotiate conditioning economic and other support on specific aims, including halting further enforced disappearance, releasing prisoners, and cooperating with the ICRC.
- » Encourage the SDF to cooperate with the ICRC to ensure that families of detained accused ISIS fighters can know the location of, and be in communication with, their loved ones.

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