



# **PRIORITIES FOR THE 2019 UNITED NATIONS GENERAL ASSEMBLY**

The Syria Justice and Accountability Centre



In preparation for the upcoming high-level week of the United Nations General Assembly, SJAC is outlining its advocacy priorities. SJAC hopes that Member States will use the opportunity afforded by the General Assembly to pressure the Syrian government, its allies, and refugee host-countries on urgent human rights issues, and that Syrian civil society organizations will have the opportunity to communicate priorities to the UN Special Envoy, as well as receive substantive updates on his efforts. The UN, not rival efforts in Astana or elsewhere, must be the forum for establishing a just peace in Syria.

During the high-level week, SJAC urges the Special Envoy and member states to focus their efforts on the following priorities:

**The Release of Detainees -- 2**

**Lasting Ceasefire and Humanitarian Access in Idlib -- 3**

**Protecting Refugees from Forced Return -- 4**

**Cessation of Property Crimes -- 5**

**Justice in Northeast Syria -- 6**

---

The Syria Justice and Accountability Centre (SJAC) is a Syrian-led, multilaterally supported non-profit that envisions a Syria defined by justice, respect for human rights, and rule of law — where citizens from all components of Syrian society live in peace. SJAC promotes transitional justice and accountability processes in Syria by collecting and preserving documentation, analyzing and cataloging data, and promoting public discourse on transitional justice — within Syria and beyond. Learn more at [www.syriaaccountability.org](http://www.syriaaccountability.org).

# THE RELEASE OF DETAINEES

The release of all political detainees continues to be the top priority of Syrian civil society organizations. Reports indicate widespread abuses in both government and non-state detention facilities, while families suffer without knowledge of the fate of their loved ones. Negotiations on detainees through the “Astana Track” have failed to produce results beyond small scale exchanges of fighters. While initially voicing his support for detainee release, the UN Special Envoy has failed to provide substantive updates on his efforts either publicly or directly to civil society and did not attend a recent UN Security Council briefing with Families for Freedom focused on this issue.

## **UN member states should push for:**

- An immediate release of all political detainees in Syria, not limited to fighters and prisoners of war
- A halt to arrests of returning displaced persons and refugees returning to Syrian government-controlled territories
- The release of information as to the status, whereabouts and charges against any remaining prisoners
- Suspension of the Military Field Tribunals and the Terrorism Court, and a freeze on all death sentences issued from these courts
- Access for monitoring groups (such as ICRC) to Syrian government and non-state prisons and detention centers

## **To achieve this, UN Member States should advocate the following steps:**

- An end to the “Astana Track” monopoly on negotiations for detainees and the return of the discussion to the UN-sponsored track in Geneva
- Ensure regular contact between Syrian civil society organizations and the UN Special Envoy’s Special Advisor on Detainees
- Continued scrutiny from the UN Security Council on this issue, including a resolution incorporating the above points on detainees in Syria

# A LASTING CEASEFIRE AND HUMANITARIAN ACCESS TO IDLIB

UN member states need to prioritize a durable ceasefire and access to humanitarian aid in Idlib, where millions of civilians, many of whom are internally displaced, are suffering under bombardment and lack of basic aid. While a tenuous ceasefire is in place, it has already been violated. The last four months of airstrikes have resulted in the targeted destruction of many medical facilities, as well as the displacement of between 400,000 - 900,000 civilians.

## **UN Member States should advocate the following steps:**

- The implementation of a permanent ceasefire in Idlib, with close monitoring to track any and all violations to the ceasefire
- A shift of negotiations on Idlib from Astana to the UN, ensuring the international community is better able to ensure the durability of the agreement and monitor it
- Access for urgent humanitarian and medical aid to Idlib
- Funding for humanitarian aid to Idlib, regardless of Hayat Tahrir al-Sham's (HTS) presence in the governorate
- An agreement between Europe and Turkey allowing endangered civilians in Idlib to cross the border and seek refuge in Turkey

# PROTECTING REFUGEES FROM FORCED RETURN

In 2019, Lebanon and Turkey adopted harsh measures to increase refugee returns. Syrians in Lebanon and Turkey have been arbitrarily deported by local security forces in violation of the principle of non-refoulement. Some Syrians in Turkey reportedly have been detained for weeks without due process and forced to sign 'voluntary' return statements. In addition, the Lebanese government has set coercive policies aimed at driving out Syrians by eliminating their access to employment, education, housing, and other basic resources. Returns under such coercive conditions are not voluntary. Syrians should not be pressured to return, as the country remains unsafe.

## **UN Member States should advocate the following steps:**

- The immediate cessation of forced deportations to Syria
- The halt of government arrests and detention of returnees
- Pressure Turkey to halt any deportations of Syrians and to suspend the rule requiring unregistered Syrian refugees in Istanbul to leave the city by October 30th
- Halt other government measures which may lead to deportation or involuntary return, such as Lebanese government measures including forced demolition of refugee shelters and obstacles to Syrians obtaining legal work authorizations
- Insist that UNHCR has a leading role in facilitating all returns and ensuring that they are voluntary
- Focus aid on supporting refugees where they are, to ensure that refugees are not incentivized into unsafe returns by low standards of living in host countries
- Condition aid to host-countries on their respect for international law and continued protection of refugee communities

# A CESSATION TO PROPERTY EXPROPRIATION AND DESTRUCTION

Syrians, whether they have fled the country or been displaced internally, should have the right to return to the homes they left. However, after a long war and massive displacement, many homes have been destroyed or taken and sold during the original owner's absence. This problem is being exacerbated by Syrian government policies, such as Law 10, which allow the Syrian government wide discretion in rezoning residential areas for reconstruction and expropriation, without providing adequate monetary compensation to those who are displaced. Such legislation is being used as a tool for demographic change and could become a major impediment to refugee return.

To date, refugees' and IDPs' homes have been demolished by the Syrian government in the city of Qaboun, and demolition and reconstruction under law 10 is moving forward in Barzeh. A property restitution program will be necessary in order to administer disputes and ensure an equitable return for IDPs and refugees. In the meantime, the Syrian government must freeze property destruction and expropriation efforts, so as not to further complicate future restitution and peace efforts.

## **UN Member States should advocate for the following steps:**

- The UN Special Envoy should highlight the need for property restitution in ongoing peace negotiations.
- An advisor to the UN Special Envoy's office should be appointed who has expertise in property restitution programs and Syrian property law.
- The Syrian government must halt all rezoning and expropriation efforts, and refrain from passing any new property laws until the conflict has ended, at which time needed legislation can be passed in consultation with a property restitution mechanism.

# JUSTICE IN NORTHEAST SYRIA

In the aftermath of the territorial defeat of ISIS, local authorities in Northeast Syria are struggling to process thousands of detained ISIS fighters and affiliates, and families are still searching for loved ones who were detained by ISIS or went missing during coalition airstrikes. The Syrian Democratic Forces (SDF) have arrested thousands of former ISIS fighters, and placed tens of thousands of ISIS-affiliated women and children in detention camps. At present, around 73,000 women and children are detained in dire conditions in Al Hol. While some Syrian ISIS member and families have been released by the SDF, the fate of most detainees remains in limbo. Many countries are refusing to repatriate their citizens who joined ISIS or were born under its control.

Meanwhile, countless civilians remain missing in NE Syria. Mass graves have been discovered across former ISIS territory. In Raqqa, more than a dozen graves have been discovered since 2018, containing more than 5,000 bodies. First responders currently lack the resources and expertise to preserve forensic data and invaluable evidence is being lost and destroyed. Families are waiting for information on the fate of their loved ones, and no reparations have been paid to victims of coalition airstrikes.

## **UN Member States should advocate the following steps:**

- Foreign governments should repatriate citizens currently held in SDF detention for prosecution or to serve out sentences.
- Coalition countries should provide financial support and expertise for the prosecution of war crimes in NE Syria, and an international mechanism should be created to monitor and ensure that due process and fair trials are given to all accused persons.

- Any efforts at prosecution should also integrate investigations into missing persons, the location of mass graves, detention centers, and other ISIS crimes. Imprisoned fighters may possess knowledge that could help grieving families learn about the fate of their loved ones.
- Funding should be provided for a re-integration program for ISIS families and the communities they are re-entering.
- Local authorities should ensure that children born under ISIS to Syrian mothers and foreign fathers are granted the same rights as Syrian citizens, including access to medical care and education.
- International governments should provide funding and resources for an exhumation and missing persons program.
- Coalition states should investigate civilian casualties that resulted from coalition airstrikes and provide financial reparations to surviving family members.