Diakonia International Humanitarian Law Centre

Syria

"Urgent Call to Protect Mass Graves and Uphold the Rights of Families of the Missing in Syria"

Against the backdrop of complex evolving circumstances on the ground in Syria, including the release of hundreds of detainees from the prisons of the former Syrian authorities, and the ongoing or potential discovery of mass graves and other burial sites, the Diakonia International Humanitarian Law Centre (the Centre) calls on all concerned parties, especially those exercising effective control over various regions in Syria, to prioritize this critical issue. This includes ensuring the security and protection of these sites and preventing any unauthorized and unprofessional interference that could compromise the integrity of the evidence.

The Centre reminds all parties of their obligations under international law concerning respectful treatment of the dead, the management of mass graves and burial sites, and their duties towards the families of the missing. Protecting these sites is paramount, as they may hold crucial information and evidence that will support accountability and contribute to safeguarding the right to truth, effective remedies, and reparations for the families of the missing and deceased.

International humanitarian law (IHL) requires that all feasible measures be taken to search for the dead and missing without adverse distinction. This obligation is linked to the customary legal duty to respect and comply with the right of families to know the fate of their relatives. Furthermore, authorities are obliged to share relevant information with families regarding the fate of their loved ones. IHL also mandates the protection of burial sites, emphasizing the prohibition of despoilation or desecration of the remains of the deceased. The acting authorities must take immediate and decisive action to implement mechanisms that allow the public to report any potential burial sites. They must also establish a swift and effective system to protect these sites from tampering, excavation, or the removal of bodies by untrained or unauthorized individuals. This is in line with the emphasis of the United Nations Security Council in its Resolution 2474 (2019).

The Centre also underscores the need to establish communication and cooperation channels with the Independent Institution on Missing Persons in the Syrian Arab Republic (IIMP), the international body authorized to clarify the fate and whereabouts of all missing persons in Syria. The IIMP is uniquely equipped with the expertise necessary to facilitate handling these sites and to analyze information obtained from them. This contributes not only to uncovering the fate of the missing but also to supporting the families' right to truth and closure.

Local and international actors must adhere to and apply the provisions of international law, treating this humanitarian issue as a priority, of equivalent importance to the release of all arbitrarily detained persons.