



MIZAN Organization's proposals regarding

the procedural elements for the Missing Persons Foundation

MIZAN Organization for Legal Studies and Human Rights welcomes General Assembly Resolution 79/77 dated April 23, 2023, which establishes an independent international organization dedicated to addressing the issue of missing persons. This organization aims to determine their fate and provide support to them, their families, survivors, and female survivors, with their active involvement as structural components of the institution.

As an organization that views this decision as a precedent in international law and practically focuses on the pivotal role of victims, we highly value the International Commission of Inquiry's proposals and the efforts of the Commission on Human Rights, along with the support of the Secretary-General and the positive votes of 83 member states. We greatly appreciate the courage, determination, and knowledge demonstrated by the families and victims' associations. We emphasize that this decision would not have come to fruition without their unwavering commitment to truth and justice.

Our organization's consultant participated in separate consultative sessions with the Commission on Human Rights in Geneva in early April 2022, which concluded with a proposal document sent to the Commission's office in Beirut. Following our meeting with the Commission on August 23, 2023, we submit the following proposals to the Commission through MIZAN and look forward to their consideration and inclusion in the procedural elements of the new institution:



First - In the structure,

and in order to balance the needs of effective participation of victims' representatives with the requirements of technical performance entrusted to experts and specialists, we propose designing the institution with a model different from the IIIM model, and resembling the structure of the International Commission of Inquiry, as follows:

1. Commissioners, seven in number, including the president, three of them representing the victims. They are selected by the associations and families on a rotational basis, taking into account the presence of one woman from the families and one woman from the female survivors.
2. Teams responsible for communication, investigation, documentation, auditing, information collection and analysis, report drafting, and outcomes formulation, to be chosen by the United Nations from its specialized staff, as well as Syrian activists and experts.
3. An advisory council comprising representatives from Syrian human rights organizations working in the field, and relevant international organizations. This council meets regularly with the institution at the commissioners and management levels to discuss results and provide suggestions, ensuring the effective participation of women.

Secondly – Jurisdiction,

- 1- The geographical scope includes all missing persons in Syria, both Syrians and non-Syrians, as well as all missing persons who left Syria after 2011, including Syrians and those under their jurisdiction, such as Palestinians.



- 2- The temporal scope includes all missing persons after 2011 and extends to include missing persons in Syria since 1970.
- 3- The Committee adopts a comprehensive criterion for receiving and recording reports and a scheduled criterion for investigation and inquiry, with a hierarchy starting with incidents occurring on Syrian territory after 2011.

Thirdly - Regarding Funding,

- 1- The institution is allocated a separate item in the United Nations annual budgets, and the parties in the Fifth Committee work to expedite response to cover operational expenses, including the development and capacity-building for victims, families, and Syrian organizations.
- 2- We call upon donor countries to increase their contributions to the United Nations Voluntary Fund for the Victims of Torture and recommend that the fund allocate funds to Syrian victims proportionate to the increase in their numbers and their significant suffering. This should include cases of enforced disappearance and families as victims of torture.
- 3- We call on OCHA and other humanitarian actors within the United Nations, donor governments, international and Syrian organizations to allocate sufficient resources for families and victims to secure their livelihood, education, healthcare, and other essential needs.
- 4- We aim to establish a coordination mechanism through which the new institution can collaborate with donors and implementers of protection, documentation, governance, awareness, training, and capacity-building projects, with a priority focus on benefiting victims. This includes



allocating a percentage of project staff to female survivors, male survivors, and families.

- 5- We urge donors to preferentially direct support related to the institution's jurisdiction to cooperating civil society organizations and allocate credits for projects aiding Syrian victims in the budgets of donor governments and international organizations.

Fourthly - Regarding Working Mechanisms,

- 1- The new institution will be capable of receiving and examining satellite imagery - both live and historical - for all potential locations of secret and public prisons, checkpoints, detention centers, military and exceptional courts, hospitals, and mass graves at varying intervals determined by the committee.
- 2- International entities involved in documentation shall share data related to the institution's jurisdiction.
- 3- Syrian documentation entities are invited to share missing persons' files with the institution, taking into account the right of witnesses and families to provide informed consent.
- 4- The institution will use modern technology and design its own electronic applications or artificial intelligence programs for data collection, analysis, and storage.
- 5- The institution will provide electronic reporting channels that are easily accessible, as well as physical access through its branches or teams in various regions where witnesses and families are located.
- 6- The institution will collaborate with human rights organizations to raise awareness of the importance of documentation for the sake of truth,



justice, accountability, and prevention of recurrence. It will provide the necessary human and logistical resources for this purpose.

- 7- The institution will issue periodic reports, inform the Secretary-General, the Security Council, the General Assembly, and the Human Rights Council of its findings every three months, make them public on its website, and specifically inform families of any results that may have been reached regarding the fate of their loved ones.

Fifthly - Concerning Effectiveness,

- 1- Friendly countries and all United Nations entities will use all available means in international law to compel the Assad regime to cooperate with the institution and allow it access to and inspection of secret and public prisons, hospitals, graves, and examination of records of detainees, deceased, and patients, among other things.
- 2- The United Nations recommends the governments of neighboring and transit countries to cooperate with the mechanism, provide available data, facilitate its work, and allow the movement of its teams and witnesses.
- 3- The new institution will comply with requests from international courts and the comprehensive jurisdiction European courts and its public prosecutors and will share the files related to the cases before them.