

Syrian Center for Media and Freedom of Expression

مركز توثيق الانتهاكات في سوريا  
Nanvenda Belgekirina Binpekirinan li Suriya  
Violation Documentation Center in Syria

Cover Image: VDC



**The Mass Grave, Al-Ahm Hole  
Looking for my son, but afraid to find him**

November 2021

# About the VDC

[The Violations Documentation Center \(VDC\)](#) is a project by the Syrian Center for Media and Freedom of Expression. VDC monitors and documents human rights violations in Syria and contributes to promoting human rights culture and concepts in Syria. VDC leads a network of 30 activists, most of whom are inside Syria, who monitor and document violations by all parties to the conflict.

# Acknowledgments

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# Introduction

After the 2011 uprising started, Syria underwent major political, military, and social transformations. However, the impunity enjoyed by all parties to the conflict has been a constant fact. The Syrian government and other parties continued to commit massive violations of human rights and International Humanitarian Law, including crimes against human beings of murder, torture, imprisonment and wasting of dignity and freedom. At the time of writing, tens of thousands of civilians who were arbitrarily detained in prisons and detention centers are still subject to torture, sexual violence, intentional negligence and torture leading to death and inhuman treatment. The fate of tens of thousands of civilians who were forcibly disappeared, abducted and imprisoned by the parties to the conflict remains unknown. Those ongoing crimes against every missing or disappeared person and their families as well cause constant trauma and seriously undermine basic human rights.

“ While I was searching for my missing son, I went to the valley, the bodies were scattered. I saw a recently dead girl dressed in blue jeans and a pink sweater. I was not scared, my concern was to look for my son, and I was afraid to find him among those bodies. ”

J.A. did not find her son there. ”

The VDC report “The Mass Grave, Al-Ahm Hole: looking for my son, but afraid to find him” presents a sample of these complex and intertwined violations in a geographical area whose dimensions do not exceed tens of meters in Maaret Misrin district in Idlib governorate, northwest Syria. This area contains the remains of more than 150 victims who were possibly subjected to extrajudicial executions, arrests, enforced disappearances and torture. Those victims fell among the thousands of missing people during the conflict, which is marked by multiple and changing controlling forces, including the various factions of the “Free Syrian Army”, and extremist organizations such as Jabhat al-Nusra and others. This situation represents hundreds of similar areas in Syria, and indicates the complexity of the conflict, the identity of the actors and their structures, and their involvement in human rights violations, and the degradation of human dignity. The identities of some of the victims and their sectarian or political affiliation, which was a sufficient reason to execute them, provide a glimpse into the social repercussions of the conflict, which are considered the most dangerous for its deep and long-term impact. The excessive violence by the government against civilians, and the

deterioration of national identity over decades also impacted the relations within society and the production of violence, its normalization and justifying it.

This also resulted in a deep social division that moved from the vertical phase on the two sides of the conflict to endless sub-divisions.

The “Al-Habat Quarry” is the mass grave in which the bodies of the victims have been buried since 2011, and which was the scene of field executions by various factions. It also provides a sample of the extent of the armed opposition’s involvement in violations, albeit at a rate that cannot be compared to the violations by the Syrian government. Due to the absence of historical experience in state building, the absence of institutional memory in the country ruled by the Assad family for more than half a century, and the lack of experience in management, the revolution deviated from its course and was divided into sectarian and nationalist tracks and territorial interests. The different armed opposition did not present models or practices in governance that differed from those in the government-controlled areas. The de facto forces have shown no respect for basic rights and freedoms, where arrests take place in the complete absence of judicial oversight over detention centers, and under judicial entities that do not apply minimum standards of fair trials.

The report also sheds light on the missing people, enforced disappearance, extrajudicial executions, and mass graves like the al-Ahm hole. Even if it is not possible to know the identities of the bodies in it, knowing their number, the direct and indirect responsible party for them and how they got there is an essential step in dealing with the mass graves, as evidence that helps to understand them not as a reaction or immediate behaviour, but as a series of organized crimes and excessive violence that was accepted and reproduced many times. As well as evidence of conviction that cannot be tampered with, and does not lose its value with the passage of time. Stalin’s crimes and the mass graves carried during the Great Purge from 1937 to 1938 are being investigated and discovered until today. The graves of Russians who were killed in 1994 in Chechnya were discovered in 2008. The mass grave after the military coup and the Turkish invasion of Cyprus in 1974 is still being investigated to this day.

The report comes in line with SCM’s vision that the right to know the truth is a fundamental right for all Syrians and for future generations guaranteed by international covenants and charters, as a right for victims and survivors to know the circumstances of serious violations of their rights, the identity of those responsible, and the right of all members of society to know the truth that is part of the national memory that must be protected from tampering and from any kind of manipulation in the narrative of historical events. This ensures collective recognition of the occurrence of violations and informing survivors and subsequent generations of the events during which they suffered as a first step to reconciliation and transitional justice and one of the ways to turn the page on the past and reconcile with it without erasing it or trying to forget it. This is an inalienable right that cannot be waived and does not fall within the statute of limitations. It constitutes, along with other rights of victims of other human rights violations, a roadmap for the recovery of the entire society from its effects. We are talking here about the right to a remedy that effectively gives victims the ability to defend themselves against violations, the right to justice that involves prompt and effective treatment to stop human rights violations, an obligation to fight impunity and bring perpetrators to justice, and the right to reparation that guarantees compensation, rehabilitation, satisfaction, and guarantees of non-repetition. The right to know the truth obliges the state to investigate human rights violations and reveal the identity of the perpetrators and the fate of the victims, and resolves the struggle over control of national or collective memory that lies at the heart of accountability policies that follow post-conflict situations or the fall of power.

Finally, and within its general framework, the report falls within the human rights effort aimed at putting pressure on the parties to the conflict and their regional and international sponsors to stop the grave violations of international humanitarian law, to start holding the perpetrators accountable and to address the climate of impunity. Mass graves emerge as evidence in trials, truth commissions, compensation procedures, historical testimonies, and other mechanisms that the Syrians may agree on in the future, and which should be addressed with great caution so as not to be used as a pretext for normalization with the saying that all the missing in the war died and were buried in mass graves.



## Methodology

The VDC team relied on field research, in-depth analysis and direct inspection of the location of violations and incidents in the mass grave in death hole/al-Ahm hole in Maaret Misrin district in Idlib city, northwest Syria to produce the report «The Mass Grave: The Death Hole/ Al-Ahm Hole». The remains of dozens of unidentified bodies that no party has investigated the circumstances of the death and fate. In addition to interviewing witnesses and doctors, field researchers documented other forms of physical evidence, including photographs and aerial photos, considering that the site itself is part of the ongoing violation of a mass grave. Experts in analyzing photos and videos provided their opinions before presenting the material to witnesses to match their statements with the coordinates and photos of the site to form a preliminary conception of the number, distribution and condition of the bodies in the grave.

The information was analyzed and verified, and the reliability of the sources was ensured by the VDC monitoring and documentation team, and the legal support department experts in International Humanitarian Law. Despite the narrow spatial scope, the site was used for several violations committed by the warring parties in Idlib governorate, which were extensively reviewed. The complex nature of those violations was clarified as they target a number of basic rights and freedoms for individuals and collective rights, foremost of which is the right to know the truth. Knowing the fate of the missing, redressing its victims and respecting the right to know the truth is an obligatory gateway to any form of transitional justice in the near and medium future in Syria.

Chronological order from oldest to the most recent event was used in classifying the facts in this report. These facts represent models whose sources have been verified and do not in any way include all the facts and events associated with the location of the hole. VDC complied with the professional rules and regulations governing the process of documenting violations that impose professional and ethical obligations and responsibility in the monitoring, collection and listing processes, while adhering to complete impartiality and objectivity. VDC also did not provide any material or in-kind reward or any form of promises to those who provided testimonies. The names and descriptions of witnesses were withheld at their request or based on the assessment of VDC that revealing them would jeopardize their security or their ability to work in Syria. VDC will not mention full names of victims and suspects but will use abbreviations instead.



While working on the report, challenges emerged, perhaps the most important of which were:

- The situation on the ground is extremely complex. Within a limited geographical area, there are many parties that engage in violations, as well as many dominant forces during the time period covered by the report. Several forces and factions contested control of the region. Crimes linked to the social heritage and the culture of revenge were also a factor.
- The general security situation in the region, and the arrest campaigns carried out by Hayat Tahrir al-Sham against journalists and those who document human rights violations, increased the difficulties of field research and conducting interviews, which were conducted in complete secrecy and with the help of techniques that ensure the safety of witnesses who requested that their names be withheld.



A picture of Al-Habbat Quarry

Source: VDC



# Chapter I : The Death Hole/ Al-Ahm Hole



## 1. Idlib governorate and its map of control

### Background:

Idlib governorate is located among the governorates of Aleppo, Hama, Latakia, and Iskenderun, and is divided into five regions (Idlib, Ariha, Jisr al-Shughur, Maarat al-Numan and Harem). It is the last of the big strongholds controlled by the Syrian opposition, and it hosts about 4 million people, more than half of which are displaced from other opposition areas, after the government launched large-scale military operations, backed by Russian aircraft and Iranian militias.<sup>1</sup> Idlib governorate is the fourth de-escalation zone that was agreed upon between the guarantor states of the Astana process, Turkey, Russia and Iran, in which Turkish army forces are deployed as military observation points under the agreement.<sup>2</sup> The governorate is experiencing catastrophic humanitarian conditions as a result of years of conflict, almost relentless bombing, the repercussions of displacement and the collapse of infrastructure on the economy of the area. It was subjected to decades of negligence and marginalization before the conflict.<sup>3</sup>

In 1970, as a result of severe partisan differences between the regional leadership of the Baath Party (Hafez al-Assad and his companions) and the National Command (Salah Jadid and his companions), President Nureddin al-Atassi announced his resignation from his positions as President of the Republic, Secretary-General of the ruling Baath Party and as prime minister, in an exceptional meeting of the National Command of the Baath Party, in October 1970. This resulted in a unanimous decision of 82 out of 85 votes calling for Defense Minister Hafez al-Assad and Chief of Staff Mustafa Tlass to give up their positions in the armed forces, prompting al-Assad to accelerate his coup, which he called the "Corrective Movement", and prompted the formation of a temporary national leadership of the party. The national leadership decided to name Ahmed al-Khatib, the Arabic language teacher from Daraa, as head of state and assign Hafez Assad as a prime minister while keeping his positions as the minister of defence, and commanded of the Air Force, until the parliament convenes and a new president is nominated.<sup>4</sup>

Between his coup in October 1970 and his formal taking of power in Syria in February 1971, al-Assad toured the Syrian governorates to promote himself and gain popular support. When he arrived at Idlib city to get its people's support, its residents threw tomatoes and shoes at him, one of which almost hit his head, but his deputy at the time, Abdullah al-Ahmar, prevented it. After this incident decades of marginalization and deprivation of development for the entire Idlib governorate started.<sup>5</sup> Al-Assad decided to punish the governorate, which is supposed to be the northern gateway to the Levant towards Turkey and Europe. He prevented the main international highways from passing through Idlib city, and moved the roads of Aleppo-Damascus and Aleppo-Latakia about 20 km east of it. He deprived the entire governorate of development projects or even investment. His hostility to Idlib intensified after it became clear that one of those who tried to assassinate him was from Kafranbel city in the governorate, and was the only one who managed to escape leaving Syria in 1980,<sup>6</sup> the same year in which government forces carried out the massacre of Jisr al-Shughur.<sup>7</sup> The city whose people went out to demonstrate in solidarity with Hama, during the Muslim Brotherhood's rebellion, when the army carried out raids, arrests and arbitrary field executions of more than 150 of its people within three days. The army's operations extended towards Jabal al-Arbaeen and Maarat al-Numan, leaving hundreds dead and thousands of detainees and missing persons, while decades of marginalization continued after 2000 and bequeathing the presidency.

### ◀ The controlling parties in Idlib during the Syrian conflict:

On March 25, 2011, demonstrations took place in several towns in Idlib, such as Binnish and Saraqib, and quickly spread to neighboring cities, such as Maarat al-Numan and the northern countryside of Idlib to the entire governorate. At the end of the same year, Idlib countryside became one of the areas where people took up arms to protect the demonstrators from government forces. In June 2011 a massacre occurred in Jisr al-Shughur city as a result of members of a security center in the city trying to defect. Government forces bombed the center with airstrikes and killed about 80 members. After this, Lieutenant-Colonel Hussein al-Harmoush defected from the Syrian army, and the «Free Officers Brigade» was formed as the first military battalion composed of defected soldiers, to later merge with the «Free Syrian Army», which was initially established by Colonel Riad Al-Asaad in Idlib governorate as well.<sup>8</sup> During 2012, many villages and towns in Idlib countryside fell out of government control, when the Free Syrian Army was able to control the towns of Saraqib, Jabal al-Zawiya, Maarat al-Numan and other southern countryside of Idlib. With the expansion of its areas of control and the increase in its numbers, some brigades were formed, the most important of which was Suqur al-Sham Brigade, which was led by Ahmed al-Sheikh, known as Abu Issa.<sup>9</sup> This Brigade was divided into three brigades and twelve battalions, most notably «Fajr al-Islam», «Siyouf alHaq» and «Daoud». The number of its fighters during that period was about nine thousand, and formed the most prominent faction in the region until the Islamic Front for the Liberation of Syria was formed on September 12, 2012,<sup>10</sup> which included «Suqur al-Sham» and «Liwa al-Tawhid» in Aleppo, «Ansar al-Din Gathering» and «Ibad al-Rahman Brigade» in Maarat al-Numan, and several other battalions.

Gradually, during the years 2013-2014, the governorate got out of the control of the Syrian government, which retained control of the city of Idlib until the announcement of the establishment of the “Jaish alFatih” on March 23, 2015,<sup>11</sup> an alliance of factions operating in the governorate, of “Ahrar al-Sham Movement”, “Jabhat al-Nusra”, “Faylaq al-Sham” and others. Jaish alFatih began on the same day, the first of its battles, which lasted for five days and ended with the control of the city, to become the second governorate center after Raqqa to be out of the control of the Syrian government.<sup>12</sup> On September 9 of the same year, Jaish alFatih announced tightening control over the entire Idlib countryside and city, after its control over Abu al-Duhur military airport in the eastern countryside of Idlib, which was the last stronghold of the government in the governorate. However, with the end of 2015, Jaish al-Fateh began to disintegrate after its failure to break the siege on the city of Aleppo twice, as well as its internal fighting with «Jund al-Aqsa» faction, which was accused of affiliation with the “Islamic State”, and which ended with the transfer of many of its members to areas controlled by ISIS east of Syria.

Despite this, Jaish al-Fateh’s control over the city and the military operations in the governorate continued before a conflict began between Jabhat al-Nusra, which later announced its disassociation from al-Qaeda and renamed itself Jabhat Fateh al-Sham on the one hand, and Ahrar al-Sham Movement, along with Suqur al-Sham. Jabhat Fateh al-Sham, which formed a new alliance with small factions close to it previously known as «Hayat Tahrir al-Sham», managed to impose its control over most of the city’s facilities, thus becoming the largest force in the governorate. It formed a civil government close to it in the city under the name “the Salvation Government” headed by Muhammad al-Sheikh, Dean of the Free Idlib University and took over the management of civil activities.<sup>13</sup> During 2016-2017, the control map in the governorate was divided under “Free Army” factions in Saraqib, Maarat al-Numan, and a section of Jabal al-Zawiya. As for Hayat Tahrir al-Sham, it controlled Idlib city, the crossing and the surrounding areas, Khan Sheikhoun, Ariha, Jisr al-Shughur, the northern countryside and the greater part of the southern countryside.

On September 15, 2017, the guarantor states of the Astana peace process (Russia, Turkey and Iran)<sup>14</sup> announced that they had reached an agreement to establish a de-escalation zone in Idlib governorate. At the end of the sixth round of Astana negotiations, it was agreed to deploy observers in Idlib to ensure respect for the ceasefire between the opposition and the government forces.<sup>15</sup> At the time, the Turkish Foreign Ministry said in a statement that observers from the three countries will be deployed at checkpoints in the safe areas on the borders of the de-escalation zone in opposition-controlled Idlib, adding that their mission is to «prevent clashes or any violation of the armistice.»

Since 2017, Hayat Tahrir al-Sham has imposed its military control over Idlib and its countryside, in the presence of the Salvation Government in addition to some armed factions such as the «National Front for Liberation» affiliated with the «National Army» and «Jaysh al-Izza». During the subsequent years government forces, with Russian support, advanced in the southern and southeastern Idlib countryside, and took control of Maarat al-Numan and Kafranbel in 2020.

#### ● Maaret Misreen:

Maaret Misreen is the center of the northern region of Idlib governorate, to which many villages and towns belong. It is the center of the district named after it, and is 9 km from Idlib in the north, and from Bab al-Hawa border point with Turkey 30 km in the south. The first demonstration against the government took place on April 22, 2011,<sup>16</sup> and its people turned to armament at the end of 2011. The Free Army factions took control of it, most notably “the Idlib Martyrs Brigade”, which operated for the first time under the name «Syrian Liberation Army», but it changed its name by June 2012. On November 5, 2012, its commander was killed in an air strike by government forces.<sup>17</sup>

On December 9, 2013, the Idlib Martyrs Brigade, along with 13 other groups, formed the «Syria Revolutionaries Front».<sup>18</sup> In September 2014, the conflict broke out between the “Syria Revolutionaries Front” and «Al-Nusra Front»<sup>19</sup> and ended in favor of the latter. The Syrian government remained in Misrin district, Bromia farms on the road between the cities of Maaret Misrin and Idlib, the oil factory and the Driving School until 2015, when Jaysh al-Fateh declared its control over Idlib and its entire countryside.<sup>20</sup>

## 2. The Death Hole/ Al-Ahm Hole (Al-Habbat Quarry)

**Video of the Death hole: [link](#)**



Another picture of Al-Habbat Quarry

Source: VDC

Broma quarry, Al-Habat quarry, the death hole, and the valley of death, all of these names were associated with one place, which is a stone quarry, located about 10 km from the city of Maarat Misrin, north of Idlib city. In 1986, Z.H. purchased an uninvested agricultural land with the aim of building the quarry. He worked in supplying building materials requirements. Indeed, the work of the quarry continued for years without stopping, as the quarry contributed to the construction of a huge number of buildings in the city of Idlib and its villages. It met all the public and private construction needs, and its work continued until the end of 2006, when it expanded to an area of 150 meters, from which the entire land area, which is equivalent to 40 thousand square meters, was consumed. After that, the quarry was closed due to the decline in production and the inability to dig further. Only a building and agricultural land owned by the owner of the quarry remained, and it sheltered a guard working in it to this day.

According to VDC documentation, during the conflict the quarry turned into an area for field executions and a mass grave for unidentified bodies. Between the end of 2011 and the control of the Jaish al-Fateh over the area in 2015, the number of bodies thrown into the hole reached approximately 110 members of the government forces or its militias. After 2015, the executions included those who were accused of working for government forces, or the International Coalition Against ISIS, in addition to prisoners affiliated with the government and ISIS. It was also used for those killed under Sharia law and were accused of apostasy, adultery, or homosexuality. All of them were 30 bodies until 2017. Only a few cases were documented as being possibly related to punishment of crimes of murder or other crimes. According to witnesses, the executions stopped because Hayat Tahrir al-Sham changed its policy and began investing in the prisoner exchange with government forces instead of killing them.

Witness F.F., a journalist and member of the political bureau of one of the opposition factions that was active until 2015, stated in his testimony to VDC:

“ Between 2013 and 2014, the quarry became a mass grave, whoever commits a crime throws the body there, and even a civilian confessed to killing another civilian and throwing him into this hole. Also, after expelling ISIS from the area and interrogating captured ISIS members, some of them confessed committing crimes against people and throwing them in the quarry. Hayat Tahrir al-Sham also used the area as a grave to dispose of the bodies of those it executed. A member of the security forces in Tahrir al-Sham, a Jordanian national, residing in Maarrat Misrin, executed three people, on charges of apostasy, then he assigned Z.A., one of his men, to throw the bodies into the quarry. ”

The witness added about the criminal killings:

“ Both A.Q. and S.A., who were affiliated with «Ahrar al-Sham Islamic Movement», carried out kidnappings, murders and rapes, and in the end, the victims' bodies were thrown into the quarry. A woman from Maaret Misrin, who used to visit S.A. in his residence. According to witnesses from the neighborhood, the woman and her mother entered the aforementioned residence, and at a late time their voices rose and then calmed down. In the morning, the girl's father and her sister's husband were informed of the disappearance of the woman and her mother. After a lengthy search, she and her mother found two bodies at the bottom of the quarry. In another incident, a woman, S.I. was reported missing. It was reported she was kidnapped into a van in the evening. After several days, the woman's body was found in the quarry. ”

During the Syrian conflict, stone quarries were a suitable option for burying the bodies that were subjected to violations of extrajudicial executions, arrest, enforced disappearance and torture, as quarries are often far enough from homes and residential neighborhoods, and it is easy to dispose of the bodies by simply dumping them in the holes left by the quarries. Human Rights Watch documented a mass grave for bodies dumped in a gorge in its report on May 4, 2020: “Into the Abyss,”<sup>21</sup>. Human Rights Watch said that ISIS, used a hole in northeastern Syria called al-Hota, as a mass grave for the disposal of the bodies of the victims.

According to the testimonies, 30 bodies were transferred, and they were reburied in an unknown place due to the inability to bury them in public cemeteries for several reasons, including the legal barrier imposed by Hayat Tahrir al-Sham that considers the soldiers affiliated with the Syrian government, the allied militias, or people from Foua and Kefraya who were captured during the battles as infidels, and therefore cannot be buried in Islamic cemeteries. But we believe that the economic factor cannot be ignored to explain the transfer of bodies and not to bury them in the cemeteries. The prices of the majority of the graves in Idlib governorate exceeded 50,000 Syrian pounds at the time, which is equivalent to the value of a monthly rent for a house there, which forms a hurdle, especially for those with limited income who constitute the majority. The burial procedures may cost up to 100,000 Syrian pounds on

average. Therefore, some families are forced to bury the dead in remote areas, due to the request of some cemetery owners and local councils for amounts beyond their ability, which is the problem that the displaced people face more, due to the nature of the family ownership of the graves. The families from any area are assigned to specific parts of the cemetery even if they do not own it. Unidentified bodies also have no place to bury in those cemeteries.

According to his testimony to VDC Z.A. stated:

“ There are many methods of killing, sometimes the killing is done by shooting and then the victim is thrown into the hole, and sometimes the blindfolded person is brought to the edge of the quarry and he is told he will be released, he will have to run forward without looking back, and it is only several steps until he falls into that hole. The perpetrators start to laugh loudly and chant to the victim as he is falling: “Landing, open the parachute.” This story is widely circulated in Maaret Misrin area, and I specifically heard it from what I remember from at least 80 people.



According to the information documented by VDC, since 2012, members of the Idlib Martyrs Brigade have been carrying out field executions of the Syrian government forces and people cooperating with them from the town of Al-Foua,<sup>22</sup> where they were thrown from the top of the valley. Some of them were thrown alive and falling into the valley is enough to kill them, and some others were killed and then thrown into that valley. The order for the executions was given by M.A. and M.S., nicknamed (Al-Ahm), who was killed in February 2015 after he was wounded in the battle of Al-Fuah.

The witness F.F. said:

“ At the end of 2012, the government sent a convoy of a large number of vehicles, armored vehicles and soldiers to the city of Idlib, forcing everyone who went out in demonstrations, carried weapons, or was wanted for another crime to leave the city of Idlib towards the northern countryside. These people settled in the cities surrounding the city of Idlib, such as Binnish, Maarrat Misrin, Hazano, and other cities. The people fleeing Idlib city began to gather themselves under the name «Idlib Martyrs Brigade» and some of them began to commit acts of «shabiha» against the residents of the areas in which they settled, such as seizing homes or farms by force, on the pretext that they wanted them as their headquarters. Or stole imported cars through Bab al-Hawa border crossing with Turkey, in addition to the kidnappings and other violations. After pressure from the residents of these areas and their factions, they were forced to leave them and head to Broma, which is a group of farms close to Idlib city, which was a headquarters for trading drugs, stolen cars, and prisons for arbitrary detention. These groups began kidnappings and exchanging detainees for money, as the kidnappings targeted members of wealthy families. The accusations were ready: “Shabih.” Whoever could

not pay the ransom was destined to be killed. Because of the difficulty of burying the bodies and movement due to the spread of warplanes, and due to their fear of the people of the neighboring areas, they chose the quarry to throw the bodies. ”

Not only the members of the Syrian government and its collaborators are victims of death valley, but ISIS members had their share during the military campaign of the armed factions against it at the end of 2014. Civilians were not spared from the valley as a result of rebellions among them, crimes committed against some of them, or honor crimes. The perpetrators remain anonymous, and this valley was a haven for the perpetrators to conceal their crimes. Whoever lost someone from their family would quickly go to the valley of death to search among the corpses for the person they had lost. In this regard, J.A. from Korin village said in her testimony to VDC:

” While I was searching for my missing son, I went to the valley, the bodies were scattered, and among them I saw a recently dead girl who was wearing blue jeans and a pink sweater. I was not afraid, my concern was to look for my son, and I am afraid to find him among those bodies.

J.A. did not find her son there. ”

During Jaish al-Fateh control and the battle to “liberate Idlib”, Jaish al-Fateh killed some government prisoners in the valley of death, especially the prisoners of the battle of the town of Mhambel (west of Ariha) in May 2015. VDC documented the testimony of A.S., a shop owner in Ain Sheeb village:

” Jaish al-Fateh captured four members of the Syrian government on one day of the battle and took them to the valley of death. The car that was carrying them passed in front of my shop, and it was stopped so that the people watched the fate of the prisoners, then one of the members shouted: Come on! to the valley of death.

In 2015, after the controlling of Idlib city and the opening of the main roads, the factions moved to station themselves in the cities they controlled, with a strategy of preserving prisoners in order to exchange through negotiations with the Syrian government forces. Death valley became somewhat far from its name, and news is rarely reported that there is a dead body there for the Civil Defense to come and extract it and search for its relatives or bury it. On November 22, 2019, the unidentified body of a young man in his late thirties was found in Al-Habat quarry. After the examination of the body, it was found that the cause of death was the bloody hemorrhage following a gunshot wound to the chest, and the time of death was about four days from the time of the examination that was conducted at 6:00 p.m, on November 22, 2019.<sup>23</sup>

On the morning of November 8, 2020, in Idlib countryside, people found the body of a young man in his late twenties who had been killed earlier. After being examined by forensic medics in Idlib, it was found that the cause of death was the hemorrhage following several gunshot wounds to the chest. The forensic medics stated that the time of death was about 3 hours from the time of examination, which was conducted at 10:30 that day.<sup>24</sup>





On October 26, 2020, the Civil Defense found the unidentified body of a woman in her twenties in Al-Habat quarry, and after examining her, it was found that the cause of death was brain damage caused by hitting the head with a hard object, and the time of death was about 12 days from the time of the examination, which was conducted at 1:00 pm on October 27, 2020.<sup>25</sup>

In October 2019, the Ministry of Local Administration and Services in the Salvation Government transformed Al-Habat quarry into a landfill, considering that western area of the landfill was residential. It became a central landfill for the entire region (Maarat Misrin - Kefraya - Al Foah - Binnish - Idlib city).<sup>26</sup>


### 3. Testimonies

In this part, we list the testimonies that were not included in the report. As we mentioned above, the identities of the witnesses, and in many cases, their characteristics, have been concealed, for their security and safety, and at their request.

Journalist H.A. testimony to VDC:

 In the late summer of 2012, after the capture of a Shiite militia member in Al-Foua for six months, members of Al-Ahm Brigade [Hasbna Allah Brigade of the Free Army, which was established in 2012 and dissolved in 2015 after the killing of its founder Mustafa Sami] decided to execute him by throwing him in the hole, they misled the captive that they want to release him. They blindfolded his eyes with a piece of cloth and let him walk towards the hole. He fell into it and was caught by the branches of a fig tree that was on the edge <sup>27</sup>. The captive remained stuck in the tree, did not fall and could not climb, so one of the battalion members shot him with his pistol until he killed him and he fell down the hole. I witnessed this incident with my own eyes. 

Z.A. testimony to VDC:

 After the outbreak of the Syrian revolution in 2011, the transition of part of the peaceful movement to an armed movement and the formation of battalions and brigades of the «Free Syrian Army», this hole was used to kill prisoners from government forces after their detention in battles, or by other means such as ambushes in armed clashes. In the winter of 2012, at night we heard the sounds of gunfire and people chanting «we threw him». The next morning, I looked up from the top to see a dead body lying at the bottom of the quarry. The officers at the police station in Maarat Misrin city, which was affiliated with the Syrian government at the time, refused to go to the location of the hole, so the body was recovered and taken to the police station. The body was identified as Y.K., from Naoura neighborhood in Idlib city. The police station, in turn, did not open an investigation into the crime nor attempted to gather evidence or even go to its place. With this behavior of the police station members, the killer is still unknown, but it is

most likely that the armed factions killed him because the hole is surrounded by villages under the control of these factions. The incident of throwing bodies into the aforementioned hole was repeated until it was not possible to accurately count their numbers. Most of those who were thrown into the hole were known as «shabiha» affiliated with the government. Among the names that were identified:

- 1.- S.A. from Kefraya village. His body was handed over in exchange to his relatives through the Red Crescent.
- 2.- Abu Omar A., from Idlib, the northern neighborhood.
- 3.- M.A., from Idlib City.
- 4- A person with surname: E., from Kaftin village or Beerat Kaftin, which is a 15 minutes' drive from Maaret Misrin.

The list goes on, but the identities of the rest of the people are not known, as their number is estimated to be around 150.



S.D. who works in the area:



On my way in my car to Idlib city after its liberation, I saw a large hole surrounded by young men in their twenties who were taking selfies from the top as if it was a tourist attraction. I approached them and asked them about the name of the area. They laughed and replied, «It's Al-Ahm hole. Look at that corpse hanging from the trunk of the tree.» I looked around and saw the remains of a dead body's clothing hanging from a tree trunk, about 20 meters from the surface of the hole. When I inquired about the meaning of the name of the place and about the body, they told me that it was named after Al-Ahm, who is the commander of a battalion who killed those proven to have cooperated with the Assad regime, by throwing them into this hole.



R.A. testimony to VDC:



In September 2014, during my night work near the hole, I heard the sound of gunfire. When I got close to check the matter, I found that they were shouting at someone they had thrown into the hole, but he fell on a nearby rock and the perpetrators could no longer see it. I went forward and asked them to go down the hole to save him, and I actually tied myself with a rope and came down with their permission and took the man out. When I reached the top they took him and left, and I don't know if they executed him or not, but the man came out alive and they took him to another place.

I also went down once to the bottom of the hole and threw some dirt on the already decomposing corpses, with their bones visible and some cloth on them. Most of the corpses have sunk into the ground with the process of decomposition, and they are almost buried, and from that, the number of corpses was estimated at nearly one hundred in 2015.



Physician and civil/rights activist F.Z. testimony:



Another picture of Al-Habbat Quarry

Source: VDC



I have heard about many executions in this hole since the outbreak of the armed conflict in Syria, specifically between 2011 and 2017. I worked as a doctor in one of the medical centers in the area. One day, one of the gunmen arrived wounded. The injured told us during our chat with him that they had captured a number of soldiers and civilians living in the regime-controlled area of Idlib city, and a number of them would be executed in al-Ahm hole, which turned into a mass grave. I remember that this incident happened at the beginning of the winter of 2017, but I do not remember the exact month, and I think that the injured gunman was affiliated with Jaish al-Islam faction, because I saw the flags and emblem of Jaish al-Islam in the car that took him to the hospital. Some of his companions wore uniforms with a logo of Jaish al-Islam as well, in addition to companions in clothes that indicate their affiliation with other factions, such as Jabhat al-Nusra. The last credible incident that I knew of happened in August of 2017, where I saw the bodies of the two children who fell into the hole while fighting.

Personally, I have not heard or seen any complete transfer of the corpses, and I suspect that some corpses are still at the bottom of the hole, and that most of them have decomposed due to weather and given that the bottom of the hole has calcareous soil, which contributes to a greater and faster decomposition of the corpses.

In the spring of 2016, I was going to my relatives' house near Maaret Misrin and the hole was on the road leading there. I saw many people park their cars on the sides of the road and

go down to look at the corpses at the bottom of the hole. I also stopped and saw two dead bodies in dark clothes, one of them wearing an oil green-colour dress that resembles military uniforms, and most likely these bodies had been recently thrown, considering that after more than a year the bodies in a place like this would be almost completely dissolved, and no features would remain. It is clearly visible from the top of the hole, which is approximately 160 meters deep.



H.A. testimony to VDC:



In the summer of 2014, I don't remember the exact month, I saw two people being killed in the daytime. One of them grabbed a tree near the edge of the hole when he was thrown. Then he was shot, killed and fell to the bottom. At that time there were about 40 people watching the killing. The perpetrators did not carry out these violations in secret, considering that the killing could be justified by the fact that the dead man was a "shabih." I believe that the execution was carried out by Jabhat al-Nusra because the members had long beards and Islamic dress. At that time, Maarrat Misrin was controlled by Al-Nusra, Ahrar al-Sham Movement, and some other factions.

In the fall of 2014, I was in an area next to the hole and saw two cars approaching the hole with armed men inside. I approached the place to find out that they did not mind watching their actions, but sometimes they spread the news so that the people would come and watch the executions. The armed men took down a blindfolded person who appeared to be in his forties and told him to walk non-stop saying: "We have pardoned you because you confessed to us, walk forward and count for a hundred, then remove the blindfold from your eyes". The man walked ten steps and fell into the hole. At the time, they said that he was accused of collaborating with the Assad regime, and that he shared coordinates with the regime from the area, as they claimed.

On one occasion, I saw excavators removing the corpses from the hole, considering that the smell of the corpses began to spread and the place became a place for people to come to see the corpses. This may pose a danger to them in the event that one of them fell. The hole is located on the edge of a secondary road linking the northern countryside of Idlib with Idlib city. I remember that they were saying that they were transporting them to bury them in a hole in the land adjacent to the quarry, I don't know where exactly.





## Chapter II: A legal framework about the missing and the dead

### 1. A general framework on the missing and the dead in international law

Wars and armed conflicts, international and non-international, are usually marked with missing people who left behind thousands of families and countless victims all over the world. The loss does not affect only the missing victims, but its consequences affect the families they leave behind. They remain trapped in vicious circles of hope, despair and uncertainty. They are unable to overcome their suffering, and it is difficult for them to turn this page and go on with their lives even after many years of the incidents of loss. The causes behind the missing people are varied, most notably:

- Attacks and mass killings that may lead to severe mutilation of the bodies of the victims, who are left in the places where they were killed or hurriedly buried in mass graves without verifying their identities or notifying their relatives of their deaths.
- Asylum seekers who try to cross into a country and lose contact with their families, and then they are no longer heard from.
- Loss of people due to natural disasters or organized crime.
- Practices of enforced disappearance, arbitrary arrest and extrajudicial execution.
- The death of some members affiliated with one of the parties to the conflict during military operations without inferring their identities, which appears more in the cases of armed groups, whose members often do not have means of identifying the body, as in the regular armies.

The missing person is defined in Syrian law in Article 202 of the Syrian Personal Status Law as «any person whose life or death is unknown, or whose life has been verified, but whose location is not known.<sup>28</sup> « International law defines missing persons as “those whose fate is unknown, i.e. whose families have no information about them, and/or who are considered missing on the basis of reliable information, as a result of armed conflict, violence or internal disturbances, or any other situation,” or “people whose families do not know where they are, or have been declared missing in connection with an international or non-international armed conflict, a term referring to dead or alive people.” The ICRC defines missing persons as “individuals of whom their families have no news and/or who, on the basis of reliable information, have been reported missing as a result of an armed conflict - international or non-international - or of internal violence, internal disturbances or any other situation that might require action by a neutral and independent body.”

#### The protection of missing persons in international law

The Geneva Conventions, and in particular the Fourth Convention, specify the obligations that the parties to international armed conflicts must fulfil in order to take all possible measures to clarify the fate of the missing. Additional Protocol II to the Geneva Conventions, which complements Common Article 3 covering non-international armed conflicts, also provides for the protection of the civilian population from dangers arising from military operations, so that neither the population nor the civilian population may be the object of attack (Article 13). Also, revealing the identities of the bodies is a humanitarian necessity in the first place, and perhaps a judicial one as well.

The main responsibility lies with the state authorities, to address cases of disappearance and to investigate the fate of missing persons. Compliance with International Humanitarian Law and International Human Rights Law is necessary to prevent disappearances, which take place in international and non-international armed conflicts due to a violation of International Humanitarian Law and International Human Rights Law and the failure to respect the principles of international law that guarantee respect for the safety and dignity of all human beings, including the dead, prisoners and the missing. The rules of international humanitarian law also include provisions to help ensure that no persons are missing, and establish two obligations on states in this regard:

- One of a positive nature (obligation to do), which is to search for the missing and reveal their fate;
- the other is to prevent the loss of persons in the context of armed conflicts and security disturbances, which is of a negative nature (obligation to not do) to refrain from violations related to the loss of persons such as enforced disappearance and extrajudicial executions, and to act on a positive nature (obligation to do) to prohibit these practices and holding the perpetrators accountable.

The rules of International Human Rights Law are concerned with addressing the issue of the missing, in the context of the belief in the dignity of the individual and the protection of human rights and fundamental freedoms in times of peace and war alike. As this violates several individual and collective rights, foremost among which is the right to life. Article 3 of the Universal Declaration of Human Rights and Article 6 of the International Covenant on Civil and Political Rights state that the right to life is an inherent right of every human being. The law must protect this right. No one may be arbitrarily deprived of his life, and in countries that have not abolished the death penalty, this penalty may only be imposed as a penalty for the most serious crimes in accordance with the legislation in force at the time of the commission of the crime and not in violation of the provisions of this Covenant and the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty may only be applied pursuant to a final judgement issued by a competent court.

Article 30 of the Universal Declaration of Human Rights prohibits any State, group or person to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms in the Declaration. Such acts constitute a flagrant violation of human rights and fundamental in the Declaration, and its perpetrators must therefore be prosecuted and held accountable. The International Covenant on Civil and Political Rights also criminalizes acts of arbitrary deprivation of life and liberty, practices of torture, cruel or degrading punishment, and inhuman or degrading treatment.

Acts resulting from human rights violations resulting in missing people also violates the right to a fair trial, i.e. "legal accountability for a person exclusively by the judicial authority represented by a court body with guarantees of fair trial during which legal rules and guarantees, whether national or international, are complied with in their text and content, and within a framework of protection of basic human rights applicable at the time and place of trial" and based on the principle of the rule of law, which provides guarantees against some types of official abuse based on "the obligation of the state to the law, ensuring equality before the law, providing order and ensuring justice efficiently and impartially, and adherence to human rights."

This is also related to the right not to be subjected to arbitrary arrest or detention in any way and in any situation. It is never permissible to deprive anyone of their freedom except for the reasons and conditions in the manner stipulated by law. Arbitrariness is not limited

to behaviors that violate the law, but extends to include inappropriateness, unfairness, arbitrariness, injustice, element of surprise, and everything that affects human dignity in any way. As well as the additional guarantees of death sentences, as they target the right to life on which the entire group of rights and freedoms is based. Under Article 9 of the International Covenant on Civil and Political Rights, the death penalty may not be applied except by a final judgment, and every person sentenced to death has the right to seek pardon or commutation of the death penalty. The death penalty may only be decided upon when the verdict of the responsibility of the accused is based on conclusive, clear, and convincing evidence that leaves no room for another interpretation of the facts of the accusation.

A fair trial is provided in Articles (7), (8), (9), (10), (11) of the Universal Declaration of Human Rights, Article 14 of the International Covenant on Civil and Political Rights, United Nations Standard Minimum Rules for the Treatment of Prisoners, and the Convention on the Rights of Children, the Rome Statute and regional human rights conventions. Commenting on Article 4 of the International Covenant on Civil and Political Rights, the Human Rights Committee affirmed that basic principles of a fair trial cannot be derogated from even in emergency situations.

Acts leading to missing persons violate the right to know the truth, which is a must to achieve balance, trust and peace in societies that have suffered from violence and oppression for long periods. The right to know the truth as a legal concept has gone through multiple stages in which it gradually grew until it gained full recognition from the legislature and the international community. At first, this concept was limited to the right of families to know the fate of the missing, in the first and second Geneva Conventions, which stipulate the obligation to search, care, and reveal the identity of the wounded, sick and dead, and then in the Fourth Convention (Article 26), which obligated the parties to the conflict to facilitate the processes of communication and transfer of information to reunite families separated by war. Additional Protocol I to Geneva (Article 32) considered the right of every family to know the fate of its members as a general principle that cannot be overridden. This concept developed in 1981 when the United Nations Human Rights Committee recognized that the right to know the truth applies to human rights violations in general, and is not limited to enforced disappearance, as the nature of violations committed during periods of mass violence by state agencies and under their auspices, wide temporal and spatial scope, to adopt a broader interpretation of the concept of this right to include, but not be limited to, the right of the families of victims (extrajudicial executions, victims of arbitrary detention, sexual violence, torture, victims of sham trials, and condemned laws that violate the concept of justice, such as anti-terror laws) to know the truth is complete and unmistakable with regard to the violations, the circumstances surrounding them, who participated in them, as well as their causes.

The right to know the truth and the circumstances of the violations and the identity of those responsible for them is not limited to the victims or their families only, but it is the right of all members of society to know the truth that forms part of the national memory, which should be immunized with knowledge and disclosure against any kind of manipulation in the narrative of the events, which guarantees collective recognition of the occurrence of violations, and informing survivors and subsequent generations of the events during which they suffered, which represents the only entrance to reconciliation and transitional justice, restoring trust between the elements of society, preventing future violence, and turning the page on the past and reconciling with it without erasing it or trying to forget it.

## ☛ The protection of the dead in international humanitarian law

The four Geneva Conventions, their Protocols, and customary international humanitarian law contain provisions for the respect and protection of the dead during international and non-international armed conflicts. The provisions of the Geneva Conventions require the treatment of dead bodies in a respectful manner, as well as the respect and maintenance of graves. The dead must be buried, if possible, in accordance with the rituals of the religion to which they belong, and it is forbidden to cremate their bodies except in exceptional circumstances, including compelling reasons of health, or according to the religion of the deceased, or according to the clear desire of the deceased. In addition, the Geneva Conventions prohibits the burial of the dead in mass graves, unless circumstances do not permit their burial in individual graves, or in the event that prisoners of war or civilian detainees are buried in circumstances that necessitate the use of mass graves. Additional Protocol I adds that the parties must reach agreements to protect and preserve cemeteries permanently. Additional Protocol II stipulates the duty to treat the dead in a respectful manner in non-international armed conflicts, and it can be said that this rule reflects a general principle of law requiring respect for the dead and their graves.

International Humanitarian Law places an obligation on the parties to the conflict at all times, and after engaging in combat in particular, to take all possible measures to search, identify and evacuate the dead without unfair discrimination according to Article 15 of the First Geneva Convention, Article 18 of the Second Geneva Convention, and Article 16 of the Geneva Convention. Fourth Geneva, and Articles 32 and 33 of Annex I, Article 8 of Annex II, and Rule 112 of customary international humanitarian law. It also allows parties to the conflict to use the civilian population and relief organizations to search for the dead and report their whereabouts in accordance with Article 71 of the Additional Protocol I. In both international and non-international armed conflicts, it is unacceptable to force victims to collect the bodies of other people of their own ethnic group, and this may amount to torture.<sup>29</sup>

The agreements also establish an obligation for the parties to any dispute to record all data that helps verify the identity of the wounded, sick and dead in their possession. This data includes: the name of the country to which they belong, their personal number or number in the army and squad, first name and surname, date of birth, date and place of capture or death, available information about injuries, illness or causes of death, and any other information recorded in the identity card, according to article 16 of the First Geneva Convention.

The bodies must be thoroughly examined to ascertain the state of death, the identity of the deceased. Each dead person must be buried in cemeteries that can be inferred later. An official cemetery services department should be established to record the data of the dead buried there, and to facilitate the transportation of the bodies to their countries of origin. Article 17 of the First Geneva Convention, and an obligation to take all possible measures to prevent the dispossession of dead bodies in accordance with Articles 15 of the First Geneva Convention, 18 of the Second Geneva Convention, Article 16 of the Fourth Geneva Convention, Article 34 of Additional Protocol I, Article 8 of Additional Protocol II, and Rule 113 from the study of customary international humanitarian law.



## 2. Enforced Disappearance

In the Syrian case, the largest proportion of the missing falls within the crime of enforced disappearance, which appeared as a term in the thirties of the last century, while it is a practice associated with human history and the existence of power. According to Amnesty International, about 82,000 people were subjected to enforced disappearance in Syria from 2011 until 2018, the vast majority of them disappeared into the network of government detention centers, while more than 2,000 people disappeared after being detained by armed opposition groups and the armed group calling itself the “Islamic State.”

While the entire Arab regime is unanimous in denying the missing and the right of their relatives to know their fate, Syria is no exception to this ruling regime, as the file of the missing and forcibly disappeared has extended to Syrians, Lebanese, Palestinians, Jordanians and Iraqis whose fate has not been revealed to this day, and their number is estimated in the eighties of the past century only to be thousands. Today, after ten years of conflict, there are no confirmed numbers for the full number of missing persons, estimated at tens of thousands, while the crime and impunity for its perpetrators continue, as the Syrian government has failed to cooperate or respond to local inquiries regarding the disappeared, and it often obstructs efforts to reveal their fate, and refrain from acceding to the International Convention for the Protection of All Persons from Enforced Disappearance. Between the beginning of 2018 and August 2020, only 991 cases of enforced disappearances were disclosed by the Syrian government, and all of them died in detention in conditions that have not yet been determined.

According to the International Committee of the Red Cross, in Syria, at least 101,678 people were forcibly disappeared between March 2011 and March 2021, 85% of whom were forcibly disappeared by the Syrian government and 15% by other parties to the conflict, including the forces of the Syrian Democratic Forces, the National Army, armed opposition factions, ISIS, and Hayat Tahrir al-Sham, which, according to Human Rights Watch,<sup>30</sup> committed serious violations of international humanitarian law, including kidnappings, torture, and summary executions. According to several human rights organizations, Hayat Tahrir al-Sham has detained hundreds of individuals in areas under its control, often because of their peaceful work in documenting attacks or objecting to its ruling that also tortured and mistreated some of the detainees, some of them turned into forcibly disappeared. Armed groups affiliated with the Turkish government have also practiced arbitrary detention, torture and disappearance of civilians, and the “Islamic State” has kidnapped thousands, the fate of most of whom remains unknown, even after ISIS defeat.

### **Definition of enforced disappearance:**

The International Convention for the Protection of All Persons from Enforced Disappearance defines disappearance as “as the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”

The Convention, which was adopted by the United Nations General Assembly on December 20, 2006, gives the families of the victims the right to seek reparations, and to demand the truth about the disappearance of their loved ones. It includes several provisions related to the prevention, investigation and punishment of this crime, as well as the rights of victims and their relatives, and the unlawful removal of children born during captivity. The Convention

also stipulates the obligation of international cooperation, both in suppressing this practice and in dealing with the humanitarian aspects of the crime. The Convention states in the first article that “No one shall be subjected to enforced disappearance” and in the second article that “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance”. Article 6 of the Convention urges State parties to hold criminally responsible “Any person who commits, orders, solicits or induces the commission of, attempts to commit, is an accomplice to or participates in an enforced disappearance.” Article 24 also stipulates that “Each State Party shall ensure in its legal system that the victims of enforced disappearance have the right to obtain reparation and prompt, fair and adequate compensation” through several methods of compensation, the Convention listed, for example, but not limited to, “restitution, rehabilitation, satisfaction, including restoration of dignity and reputation and rehabilitation, and guarantees of non-repetition.”

Disappearance is based on two basic elements that come together. One of them can be achieved without the other: not knowing the place of disappearance and the identity of the perpetrator of the crime of disappearance. On this basis, enforced disappearance remains in place even if the identity of its perpetrators is known as long as the place of the disappearance remains unknown, and the elements of the crime of enforced disappearance are completed, whether committed by an ordinary person or a terrorist group or an agent or agents working for the state or one of its affiliated agencies or the de facto forces that take the place of the State as the perpetrator of the crime, as confirmed by the International Convention for the Protection of All Persons from Enforced Disappearance of 2007 when it obligated states to investigate, prosecute or extradite those responsible for enforced disappearances, including cases committed by individuals or groups acting “without the authorization, support or acquiescence of the State.”

The United Nations Declaration on Enforced Disappearance states that enforced disappearance constitutes a violation of the right to recognition as a person before the law, the right to liberty and security of the person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life. In addition to violating the basic rights of the victim, the crime of disappearance extends to the economic, social and cultural rights of the disappeared and his family members according to Article 24 of the International Convention for the Protection of All Persons from Disappearance.

The International Criminal Court, defined enforced disappearance as “the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.” Article 7 of the Rome Statute of the International Criminal Court considers «enforced disappearance» a crime against humanity, if it is practiced on a large scale and a systematic policy against civilians.

Amnesty International defined enforced disappearance as “people who have literally disappeared; from their loved ones and their community. They go missing when state officials (or someone acting with state consent) grab them from the street or from their homes and then deny it, or refuse to say where they are.” Amnesty International also stresses that enforced disappearance is a crime under international law.

Enforced disappearance is linked to the extent to which economic, social and cultural rights are enjoyed in any society, the absence of which is directly proportional to the increasing vulnerability to disappearance, which is evident in several cases covered by this report. People who live in poverty do not enjoy several economic, social and cultural rights and they are most vulnerable to enforced disappearance. Many victims of enforced disappearance,<sup>31</sup> in many conflicts come from the poorest areas and the majority of victims are poor. For example, the basic protection against enforced disappearance is lost when the right to housing is no longer guaranteed, and the protective physical barrier provided by homes is no longer valid. In many conflicts, widespread destruction of homes and property has led to an increased vulnerability to enforced disappearance, as has displacement communities and refugee camps. In a related context, children who do not enjoy the right to education, who live in conditions of poverty, live on the streets, or who have been displaced are increasingly vulnerable to abduction, which may turn into enforced disappearance.

### **Kidnapping and enforced disappearance:**

The crime of kidnapping overlaps with the crime of enforced disappearance, and the two legal terms are often confused due to the similarity or even the identicalness of the elements of the two crimes on the one hand and the violation of the same rights and freedoms on the other hand. However, the overlapping between the two terms does not mean that they are identical, under Syrian law the crime of kidnapping constitutes the equivalent for the crime of enforced disappearance in international law, which is implemented by state agencies, political organizations or de facto forces. International law has defined the crime of kidnapping as the crime of hostage-taking stipulated in United Nations General Assembly Resolution No. 10331/ of 1976, which considered the kidnapping of hostages a threatening crime, and threatens human dignity. It is also contained in the provisions of the International Convention against the Taking of Hostages adopted in 1979, which entered into force in 1983, and whose provisions are applied in times of war and peace.

### 3. Extrajudicial, summary or arbitrary Executions

While most states of the world tend to abolish the death penalty, even if it is accompanied by a fair trial (irrevocable punishment and the risk of executing an innocent person can never be eliminated), the Syrian government practices arbitrary executions or summary executions, as a punitive policy, based on purely control to implement executions outside the framework of the law, or by judicial bodies that do not apply the minimum standards of fair trials, and violate applicable legal procedures and principles, while their rulings are based on false confessions extracted under duress, in complete disregard of the original legal principle “the accused is innocent until proven guilty.” It is an illegal societal killing, which contradicts the culture of law, and spreads a culture of revenge among members of society. The same is true in areas controlled by the armed opposition, which also practiced arbitrary and summary executions to impose control, intimidate the population, and silence opponents.

Extrajudicial executions mean killings committed by state authorities or de facto forces outside the judicial or legal framework. It means the quick deprivation of life under a penalty imposed by a summary trial that does not meet the requirements of a fair trial. As for arbitrary execution, it is killing by order of the government, or with complicity with it, or leniency or submission to it without judicial or legal procedures.



Another picture of Al-Habbat Quarry

Source: VDC

Intentional killing falls within the framework of legality for the parties to the armed conflict, as the battles lead to the killing of soldiers between the two parties to the international conflict and, in the case of regular armies, within certain limits, excluding the sick, wounded, detainees, or those who surrendered. In non-international conflicts, killing is only permitted when the targets are directly involved in the hostilities. It is prohibited to pursue them in the course of their daily activities, while the crime of political assassination, as in peacetime, remains a taboo in war and is expressly prohibited by the Hague Convention of 1907 that provides for the basic laws on the conduct of hostilities and the Rome Statute of the International Criminal Court.

Philip Alston, the United Nations the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions defines extrajudicial execution as “the assassination carried out with the deliberate, premeditated use of lethal force, by an actor in international law, that is, by states or their agents acting in accordance with the law, or by an organized armed group in the context of an armed conflict, directed against an individually chosen person without being under the physical custody of the aggressor.”

To classify the crime of murder as an extrajudicial execution, it must meet the conditions of intentionality and persistence, meaning that the death of the target person is the ultimate goal of the operation, unlike the case in which the death is an accidental result of an operation with a different purpose. In times of peace, extrajudicial killing of citizens is prohibited, as it is a basic principle of human rights to protect the right to life and its sanctity, except in cases deemed an imminent and unstoppable threat, such as when law enforcement officials shoot a hostage-taker. However, targets in these law enforcement cases are not predetermined or included in kill lists. So that the police officers begin their missions with the aim of arresting the suspects and bringing them to a fair trial.

The prohibition of extrajudicial executions requires states to order law enforcement officials (members of the police, military or other governmental forces) to use lethal force only in the very narrow cases where other means are ineffective or fail to achieve the desired result in principle 4 of The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Responsibility extends to violations of the prohibition by non-state actors such as militias and armed groups acting in support of or as agents of state authorities.

Governments cannot comprehensively and absolutely derogate from the prohibition of extrajudicial executions, nor invoke force majeure circumstances of war, threat of war, internal political instability or any state of emergency to justify it, under whatever circumstances, even in situations of internal armed conflict, or to justify cases of excessive or illegal use of force by a public official or any other person acting in an official capacity or by a person acting at the instigation or with the express or tacit consent, as well as deaths in custody. The Human Rights Committee commented on Article 6 of the International Covenant on Civil and Political Rights, on the right to life, stressing that state parties have a duty to prevent arbitrary killings by their own security forces, and that the deprivation of life by state authorities is extremely dangerous. Therefore, the law must impose strict control and limit the circumstances that may make it possible to deprive a person of his life at the hands of these authorities.

Despite the absolute prohibition of extrajudicial executions, since the end of 2011, the various parties to the Syrian conflict have committed extrajudicial, summary or arbitrary executions. Primarily, committed by the government forces during their ongoing military campaigns on cities and towns they consider strongholds of the opposition. The government forces and its

militias did not only execute opposition fighters captured after they stopped fighting and no longer posed any threat, but also carried out extrajudicial executions against civilians without regard to their situation, age, or even their mental state.

Several international documents and covenants emphasize the criminalization of extrajudicial, summary or arbitrary executions:

- Article 3 of the Universal Declaration of Human Rights, Article 6 of the International Covenant on Civil and Political Rights, as well as Articles 2, 4, 14 and 15.
- United Nations General Assembly Resolution No. 41144- in 1986 condemning extrajudicial or arbitrary executions that still occur in different parts of the world.
- The International Criminal Court Statute includes acts of killing an individual or a group under specific conditions to constitute genocide, crimes against humanity, or war crimes.
- United Nations Economic and Social Council Resolution No. 198965- Principles for the Effective Prevention and Investigation of Extrajudicial, Arbitrary Summary Executions, Principle 4 of which states the obligation of governments to ensure, by judicial and other means, effective protection for individuals and groups at risk of extrajudicial execution the scope of the law, arbitrarily or by summary procedure, including those who receive death threats.
- The Model Protocol to the Minnesota Protocol of 1989, adopted by the United Nations to demonstrate the implementation of the principles of effective prevention and investigation of extrajudicial, arbitrary and summary executions.
- Economic and Social Council Resolution No. 35 of 1982 establishing the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions. In its resolution 199272/, the Commission on Human Rights renewed the mandate of the Special Rapporteur and expanded the title of the mandate to include “extrajudicial” as well as “summary or arbitrary” executions. This change shows that the members of the Committee have adopted a broader approach to the mandate relating to executions to include all violations of the right to life guaranteed by a large number of international human rights instruments. The mandate of the Special Rapporteur extends to all countries regardless of whether the State has ratified the relevant international conventions.

## 4. Mass Graves

The death hole grave - the subject of this report - is one of hundreds of mass graves scattered in Syria since the eighties of the last century, such as the mass graves at the foot of Jabal Awaimer near Palmyra in 1980, the cemetery of the villages of Sarhin and Buraq in Hama countryside in 1982, and other dozens of graves whose number doubled after 2011, which were founded to conceal crimes and violations by various parties: the Syrian government, the armed opposition, and extremist organizations.

Mass graves offer a temporary solution for military/security establishments that implement systematic policies of human rights violations, to dispose of the bodies of their victims in prisons at the lowest financial and moral costs, carrying the bodies in trucks followed by bulldozers that throw them in areas far from sight. With the passage of time and the continuation of the practices, they turn into permanent graves with unknown bodies.

Civilians themselves may also create mass graves. In cases of siege and heavy bombardment, civilians are forced to bury their dead under fire, and since burial in public cemeteries is impossible, they resort to burying them in public squares, playgrounds, and gardens. Also, shelters and gathering areas that are subjected to heavy bombardment and where corpses

remain under the rubble of buildings for a long time due to the lack of means to exhume them, are transformed into mass graves.

Mass graves intersect with the offense of enforced disappearance in that they conceal the individual identities of the victims, violate the right of each victim to obtain an identity after death, as well as the rights of the families of the victims, who are left not knowing the fate of their loved ones. They also violate victims' rights including burial rites, treating their remains with respect, and contains evidence of serious violations of human rights and humanitarian law, including but not limited to failure to respect the right to life, violation of the prohibition of enforced disappearance, or failure to investigate extrajudicial or extrajudicial killings, and the right to know the truth. They may also be a component of genocide, ethnic cleansing and related crimes, and may indicate the failure of the state or authority to protect the right to life.

The 12 October 2020 report of Agnès Callamard, the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions explains that notwithstanding their historical and contemporary scale and their global ubiquity, there is no international definition of a mass grave. There is no legal consensus on a mass grave's characteristics, including the minimum number of individuals interred. To some jurists, a mass grave is constituted if six or more individuals are buried together; to others, it is simply more than one.

Forensic experts define a mass grave as "burial site containing the remains, often commingled, of numerous persons" with highly varied geometries taking "the forms of a trench, pit, well organized or sectioned and with variable body densities. While some experts tend to stipulate that linking the site to mass human rights abuses imposes an obligation to investigate. Hence, a mass grave is a burial site containing the remains of two or more victims of extrajudicial, summary or arbitrary executions<sup>18</sup> and/or is a potential repository of evidence of mass killings of civilians and prisoners of wars during an armed conflict.<sup>32</sup> This definition was adopted by the Iraqi legislator in the 2006 Iraqi Mass Graves Affairs Law, Article 2.<sup>33</sup>

The Special Rapporteur on extrajudicial, summary or arbitrary executions adopts the definition of mass graves as follows: "a mass grave is a burial site where the "circumstances surrounding the death and/or the body-disposal method warrant an investigation as to their lawfulness." This definition focuses on two aspects of mass graves that otherwise may be neglected or insufficiently highlighted. Regardless of the causes and circumstances of death, what distinguishes mass graves from other mass burial sites is the violation of the "last rights" and burial rituals of each community, including the suppression or even elimination of individual, cultural or religious identity at death. The distinguishing factor is the treatment of corpses at and after death: the manner in which the remains are handled including whether and how the remains are concealed.<sup>34</sup>

International Humanitarian Law requires the governments or the de-facto authority to protect mass graves from tampering with their contents or attempts to obliterate and bulldoze that they may be exposed to in order to hide criminal evidence, or through ignorance and neglect. It also requires the authority to investigate and deal with graves. An obligation that is contradicted with the lack of political will, and the availability of resources and expertise to deal with cemeteries and provide the process of identifying, exhuming and returning bodies to their families, and finding an identification mechanism to archive and manage the collected data, which requires security stability and financial capabilities that are not usually available to societies emerging from armed conflicts. Another factor is the limited capacity of

international organizations specialized in dealing with mass graves in particular and with the missing persons in general.

## 5. International Efforts regarding the Missing Persons

### 1- International Commission on Missing Persons

The International Commission on Missing Persons (ICMP) is specialized in searching for missing persons and determining their identities through specialized teams of scientists, forensic doctors, detectives and others. It was established in 1996 within the framework of the Dayton Peace Agreement, with the aim of helping to solve the problem of missing persons between 1991 and 1995, in both Bosnia and Herzegovina, as well as Croatia, Serbia and Montenegro. Also in Kosovo, after the end of the war in 1999. The ICMP headquarters was initially in Sarajevo, the capital of Bosnia, and then years later, in 2014, the headquarters was moved to The Hague in the Netherlands.

Since 2001, ICMP has been the first to use DNA as a first step in identifying the identities of large numbers of people missing as a result of armed conflict, and it has the largest program in the world to identify victims through DNA. According to ICMP, revealing the fate of people who went missing by violent methods does not help only the families of the missing to have access to their loved ones and know their fate, but this also contributes to knowing the truth and establishing justice, which leads to reconciliation and the consolidation of peace.

ICMP works with governments, civil society organizations, justice institutions, international organizations and with others around the world to address the issue of missing persons in conflict, defending them against human rights violations, disasters, organized crime, etc. The ICMP also supports the work of other organizations, and contributes to the process of achieving justice and equity with a rules-based approach when investigating disappearances and when providing evidence in criminal trials.

ICMP has a dedicated Online Inquiry Center (OIC)<sup>35</sup> and Identification Data Management System (iDMS) that manages all data related to tracing of missing persons. It also operates one of the most productive human DNA identification facilities in the world. It provides educational and training programs to a wide range of individuals, such as: government agencies, judges and prosecutors, NGOs, families of missing persons, and forensic practitioners.

### 2- Working Group on Enforced or Involuntary Disappearances

The Commission on Human Rights decided, by Resolution 20 (D-36) of February 29, 1980, to “establish for one year a working group consisting of five of its members to serve as experts in their personal capacity to examine issues related to enforced or involuntary disappearances of persons,” and to be renewed periodically. The latest resolution providing for the renewal of the working group’s mandate, A/HRC/RES/366/ was adopted by the Human Rights Council in September 2017.

One of the working group’s primary tasks is to help families find out the fate or whereabouts of their members who have been reported missing. In the context of this humanitarian mandate, the Working Group serves as a channel of communication between family members of victims of enforced disappearance and other sources reporting disappearances, on the one hand, and the Governments concerned, on the other. For this purpose, the Working Group receives, studies and transmits communications on cases of disappearance from relatives of the disappeared persons or from human rights organizations working on their behalf. The Working Group requests Governments to carry out investigations and to inform the Working Group of the results. The Working Group follows up on these requests for information on a periodic basis. These cases remain open in the Working Group’s database until the fate or whereabouts of the person concerned are determined.



On December 23, 2010, the International Convention for the Protection of All Persons from Enforced Disappearance entered into force, and concurrently with this, the Committee on Enforced Disappearances was established. As with several other thematic human rights issues, the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances exist side by side and seek to work together and coordinate their activities in order to strengthen joint efforts to prevent and eliminate enforced disappearances.<sup>36</sup>

### 3- International Committee of the Red Cross

A Swiss non-governmental organization whose work is international in nature. It was associated with the codification and adoption of treaties of international humanitarian law, and because it adheres to complete neutrality and impartiality, the warring parties usually allow the commission to carry out its tasks on their territory, which are divided into three areas: protecting war victims, transmitting news through the Central Tracing Agency, and providing relief supplies. The protection of victims of armed conflicts is the original and distinctive message of the work of the International Committee of the Red Cross in implementing the provisions and ensuring respect for international humanitarian law, especially the missing, as mentioned in the four Geneva Conventions and its two Protocols.

The Committee works to confirm the recognition of families' right to know the truth, and contributes to collecting information about missing persons or establishing mechanisms in cooperation with the authorities that aim to clarify the fate of missing persons and provide information about them to their families, based on what can be considered a general principle contained in Article 32 of Protocol I, which establishes that "the activities of the High Contracting Parties, of the Parties to the conflict and of the international humanitarian organizations mentioned in the Conventions and in this Protocol shall be prompted mainly by the right of families to know the fate of their relatives."<sup>37</sup>



## Recommendations

### The international community and the United Nations:

- 1- Establish a joint neutral mechanism or entity to coordinate the exchange of information on the fate of the missing, provide mutual assistance on their whereabouts and identities, and retrieve the remains of the dead - after identifying their identities by forensic medicine - and inform their relatives of any progress in this regard.
- 2- Work to push the political track to reach a solution that guarantees a political transition towards building a democratic and lawful state in Syria, based on Geneva Peace Talks on Syria and relevant Security Council resolutions, considering the detainees and missing persons a priority of a legal nature that is not subject to bargaining or concession, and emphasizing that any solution that ignores the detainees and missing persons, and the causes of conflict, will generate new conflicts and further destabilize the region.
- 3- Put an end to the climate of impunity for the various parties to the Syrian conflict, putting pressure to stop the systematic violations they perpetrate, and putting an end to enforced disappearances, arbitrary arrests, torture and other ill-treatment, and extrajudicial executions. As well as the immediate moratorium on the implementation of any death sentences, and ensure respect for the most stringent international standards of fair trial in relation to procedures relating to any crimes likely to lead to the imposition of such punishment.

## Donors, non-governmental agencies and relevant UN bodies:

1- Raise public awareness of : 1- the value of scientific methods of exhumation and the limits of their ability to identify the dead, 2- the time frame for various exhumation options, 3- the limits of what the exhumation process can achieve, identifying the bodies in order to avoid raising unrealistic aspirations, and urging civilians to refrain from exhuming bodies without technical assistance and supervision to ensure that the remains of all victims are treated appropriately, and that as many victims as possible are identified and reburied.

2- Create a map of mass graves in Syria and identifying the main cemeteries in which evidence of special importance for criminal cases may be available to preserve them and their contents as sound evidence valid for use in trials, fact-finding committees, compensation procedures, historical testimonies and other mechanisms that the Syrians may agree upon in the future, and cooperate with Human rights organizations who have documented grave violations of international humanitarian law during the past decade to be aware of the largest number of them.

3- Develop an integrated plan at the national level for funding and special training for Syrian experts on exhumation and identification so that these efforts are carried out in accordance with international standards, and to ensure that workers use unified scientific protocols and a unified system for numbering and documentation, and to coordinate the methods used to collect evidence of crimes and identify the remains.

4- Fund and train for information collection and preservation programs, expanding capacities in the field of forensic medicine and finding adequate equipment for storing corpses, finding facilities equipped with sufficient equipment for the examination and identification of remains, initiating an integrated plan to take DNA samples from families of missing persons at the national level, and establishing a database for the missing.

5- Establish an independent entity to deal with the issue of missing persons to search for their fate and the bodies of those who were killed and to assist in the recovery of the bodies identification and re-burial in accordance with the expressed or presumed wishes of the victims, and to provide care and legal and social services to victims and their families, and to benefit from previous international experiences, and from the law of missing persons of 2004 of the Dayton Peace Agreement.

6- Emphasize that transitional justice programs include compensation for human rights violations resulting from enforced disappearance, emphasize not to confuse compensation with social protection measures that any existing authority must provide to families who have lost their main breadwinner, as well as preserving the rights of the affected and their families to resort to the judiciary and claim compensation for subsequent forms of psychological and physical damage.

7- Work to establish a national fund to support the families of the missing and disappeared, and to search for permanent and stable funding sources to ensure the provision of medical, psychological, social, economic, legal, humanitarian or other forms of assistance to the direct victims of the violation and others such as members of the victim's family, who have been harmed as a result of the violation regardless of whether the damage is physical, psychological, or financial due to the loss of the breadwinner.

8- Implement transitional justice mechanisms, as a foundational collective remedial justice, regarding the missing. Such as the recognition sessions mechanism that constitutes a basis for building trust and overcoming the past, and the reparation and compensation mechanism that establishes social harmony, restores balance, satisfies the collective sense of justice, and restores the victims' trust in the state. This includes providing treatment to survivors of detention, disappearance and torture, setting up programs for psychological support and rehabilitation, and establishing a fund to finance reparations and compensation for victims of violations and their families from all parties without discrimination.

### **Syrian Salvation Government:**

1- Remove occupancy at Al-Habat quarry and protect it as a crime scene, secure and cordon off the site so that potential evidence is not damaged, ensure that no more bodies are dumped into the hole, and allow trained and equipped forensic experts to go down the hole and begin the documentation and exhumation process.

2- Emphasize the full and sole jurisdiction of the judiciary with regard to arrest, detention or pretrial detention, placing the detention institution entirely under the supervision of the judicial authority, adhere to the requirements of a fair trial, the definitive prohibition of arrests by military or security members, and the closure of all secret or private detention centers and military headquarters.

3- Release all arbitrarily detained persons in prisons and special detention centers, take all possible measures to end the practices of torture and cruel or inhuman treatment of detainees, immediately stop field executions of persons deprived of their liberty, and refrain from kidnappings, taking hostages and any behavior resembling enforced disappearances. Place an immediate and absolute moratorium on any death sentences because the judicial entities lack fair trial principles.



## References and Notes

1. Daily Sabah, Article by lawyer Ibrahim Al-Olabi, [The international conflict over Idlib. What do you know about the last stronghold of the Syrian opposition?](#) Posted on September 14, 2018.
2. Ibid.
3. «Syria: The Path of Pain towards Freedom - An Attempt in the Current History» (2013) - Azmi Bishara - Arab Center for Research and Policy Studies
4. Asad of Syria (The Struggle for the Middle East) - Patrick Seale - pages 265269-
5. BBC, 9 March 2020 - [Idlib before the war: Carpets, olives and handcrafts](#), also on: Al-Watan, March 14, 2020 - ["The Forgotten City" in the target of Assad's "revenge"](#)
6. Moubayed, Sami (2015). Under the Black Flag: At the Frontier of the New Jihad. I.B.Tauris-p 3938- .
7. «Syria: The Path of Pain towards Freedom - An Attempt in the Current History» (2013) - Azmi Bishara - Arab Center for Research and Policy Studies. Page 144
8. «Syria: The Path of Pain towards Freedom - An Attempt in the Current History» (2013) - Azmi Bishara - Arab Center for Research and Policy Studies
9. Al-Akhbar website, ["Suqur al-Sham" joins "Ahrar al-Sham" ... What about "Al-Nusra"?](#), March 23, 2015
10. Karouni, Maryam, "Syria's Islamist Rebels Join Forces Against Assad," Reuters, October 11, 2012.
11. Al Jazeera, [Army of Conquest \(Jaish Alfateh\)](#)
12. Enab Baladi, [Participants in the Idlib battle recount its details](#), March 28, 2021
13. Al-Modon Newspaper, "The Rescue Government": A second government for the Syrian opposition, and a civilian front for "Al-Nusra", November 02, 2017
14. Al-Arab, [The Trinity sponsor of Astana agrees to deploy monitors in Idlib](#), September 16, 2017
15. Al-Jazeera website, Astana: Final de-escalation zones agreed on in Astana, September 15, 2017
16. YouTube video entitled [«Maarat Misrin City Demonstration - Idlib, Syria»](#), April 22, 2011
17. Reuters, [Air strike kills 20 rebels in Syria: Observatory](#), November 05, 2012
18. The Malcolm H. Kerr Carnegie Middle East Center: [The Syria Revolutionaries' Front](#). December 13, 2013
19. YouTube video, [«Syrian Revolutionaries Front leader Jamal Maarouf threatens al-Julani and Jabhat al-Nusra»](#) December 13, 2014
20. AlarabyTV/ YouTube video, [Army of Conquest announces its control of the entire city of Idlib](#), March 28, 2015
21. [Into the Abyss: The al-Hota Mass Grave in Northern Syria](#), May 4, 2020, Human Rights Watch
22. A [YouTube video](#) of prisoners from the Syrian government forces in the Broma farms area shows one man saying: "Take them to the headquarters," which means the headquarters of the commander known as "Al-Ahm." From there, it is ordered to throw the corpses into the hole, and according to the accounts of the people of the area, these fighters were thrown there
23. The Facebook page of the [Coordination of the Syrian Revolution in Idlib](#), and the Facebook page of the [Idlib Health Directorate - Forensic Medicine](#)
24. [Social Press Center](#)

25. The Facebook page of the [Civil Defence Syria - Idlib Governorate](#) and the website of [Zaytoun newspaper](#)
26. [Google map location](#)
27. The Fig tree is still there.
28. While the absent, according to Article 203 is considered as the missing person, who was prevented by force majeure circumstances from returning to his place or managing his affairs by himself or by his representative for a period of more than a year, and thus his interests and the interests of others were disrupted.
29. ICRC Website - Updated Comments on the First Geneva Convention - Common Article 3, para. 639
30. [Syria: Tell Families of Missing the Fate of Loved Ones](#), May 13, 2019, Human Rights Watch
31. Poverty is the human condition that is based on the continuous or chronic deprivation of resources, capabilities, options, security and the ability to enjoy an adequate standard of living, and of other civil, cultural, economic, political and social rights.
32. United Nations, General Assembly, Extrajudicial, summary or arbitrary executions: note/by the Secretary-General A/7512) 384/ October 2020), available from [undocs.org/en/A/75384/](https://undocs.org/en/A/75384/)
33. According to Iraqi Mass Graves Affairs Law mass grave is "the land housing the remains of more than one martyrs who have been buried or concealed permanently without observing the Sharia-based rules and humanitarian values that must be observed when the dead are buried and in a manner that is intended to conceal the evidence of the genocide crime committed by an individual, group or commission and which constitutes a violation of human rights."
34. Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, para 110, 2017.
35. Complaints can be submitted at the following website: [www.icmp.int](http://www.icmp.int)
36. You can communicate with the team and submit complaints via e-mail: [wgeid@ohchr.org](mailto:wgeid@ohchr.org)
37. The ICRC makes the search via internet available on the "Family Links website": [www.familylinks.icrc.org](http://www.familylinks.icrc.org)



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