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Safe Environment as a Precondition for the Return of Refugees and the Internally Displaced

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Published in Arabic and English on December, 2020

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I. Introduction

Forced migration and internal displacement is still the heaviest toll of Syria's security deterioration. The main political actors continue to struggle with resolving the causes of migration, including absence of security, empowerment, interaction, and safe spaces.

There are a host of challenges including the inability to provide basic services for IDPs and the lack of political coordination between local and international actors to maintain policies and procedures that lead to "dignified and voluntary return". The local security actors, in turn, have no supporting strategies whether due to threats and challenges or the negative role they play within recovery and development prospects.

Stability is associated with the effectiveness of "local security" structures, which are deeply affected – structurally and functionally – by several governance models and performance, this association significantly affects refugees and IDPs return. This paper investigates indicators of a **safe environment** as a necessary condition for stability, return of refugees and IDPs and the prevention of further conflicts. This research attempted to raise questions and insights related to existing security structures, the Assad regime and its allies' in-depth attitude towards such an environment, and finally, broad visions of a safe environment in the Syrian context.

This paper can be regarded as a thematic summary of an in-depth and comprehensive research initiated by Omran Center in the beginning of 2020. The research aimed at exploring several facets of the issue, first facet deals with refugees' and IDPs' prospect of return and related security issues. Second facet is related to the concept of relationship between civil society and security structures, as this relationship defines the legal and organizational parameter of a stable and secure environment. The third facet focuses on security indicators that affect people's daily life, such as explosions, abductions, assassinations, etc. To examine the regime's approach and attitudes towards national interest, the research was based on two focus groups located in areas the regime gained after 2018.

II. Regime Actions Dismay Stability and Return

Social, political, and development problems resulted from systematic destruction and a zero-compromise policy adopted by the Assad regime. These problems include forced migration, internal displacement, security pressures on host communities, as well as the lack of social cohesion and reconciliation to further steps towards peace, rather than maintain social dynamics associated with military gains. Also included, the effects of the infra- and superstructure destruction of social aspects, and the lack of effective governance that is not fragile. The above-mentioned components are the basic conditions to achieve a safe environment that enhances peace building.

The Assad regime seeks to kill any endeavor towards political transition, as it considers itself immune to change. Indeed, the Assad regime has always translated “safe environment” to reconciliations imposed after military gains under different names (truce, agreement, and reconciliation), the regime’s main purpose is to reshape its political and military control over these areas. The “reconciliations” always result in surrender or forced migration of military groups and civilians to Idlib. The Assad regime has embraced a zero-compromise policy after assuring that maximum force, provided by allies, would guarantee regaining liberated areas. Maximum force included systematic destruction, mass-crimes, siege, and hunger that ended with an offer to sign a reconciliation agreement or truce – surrender in fact – that resulted in forced migration of many.

Throughout the first three years of conflict, and before the Russian intervention, the regime initiated truces to avoid hot spots that the regime cannot win by force. The Assad regime used these first truces for two purposes; to separate hot spots and allow for secret agents to infiltrate these areas, and to separate the rebels of these areas from abroad-located opposition, by spreading clear propaganda claiming these truces are “peaceful national reconciliations” between the people and the state.

The regime then formed “The Ministry of National Reconciliation” in June 2012. According to its minister, Ali Haidar⁽¹⁾ the ministry has signed about 50 reconciliation agreements as of April 2016. These reconciliations were managed in coordination with Iran and Russia, when the regime was absent.⁽²⁾

As for the evacuation agreements, which held an agenda based on demographic alteration, were conducted between regime representatives and local resistance under international supervision, these negotiations resulted in regime regaining areas and evacuating the people, both civilians and non-civilians.⁽³⁾

The areas the Assad regime regained control of since 2018 are supposed to be – in theory – safe environments that attract refugees and IDPs to return. However, no significant return process has begun due to the following:

1. Temporary security conditions which re-enforce old security restrictions and policies that dismay return.
2. Some cases of returnees were a result of political and security pressures in some host countries, but remained limited in scope and did not become a phenomenon.
3. The strong links between the return of refugees file and reconstruction policies that according to the World Bank would cost nearly 180 billion USD. These policies are related to complex political agreements between the conflict parties and international donors in order to prepare the necessary environment required for both processes.⁽⁴⁾

Russia has initiated its own project to return refugees in July 2018, and simultaneously announced establishing reception centers to shelter IDPs and refugees, which according to official Russian sources hold a capacity of 336.000 persons. These centers are located in Rural Damascus, Aleppo, Homs, Hama, Deir Ezzour and Eastern Qalmoun. However, the ongoing daily violations the Assad regime commits against returnees have proven

⁽¹⁾ The Local Negotiation Process within the Syrian Conflict, Nusuh Blog, 2016: <https://bit.ly/2rpugZK>

⁽²⁾ Maan Talaa, Studying Truces in Syria: Reality and Horizons, 2014, <https://bit.ly/2PumeMz>

⁽³⁾ The Local Negotiation Process within the Syrian Conflict, Nusuh Blog, 2016: <https://bit.ly/2rpugZK>

⁽⁴⁾ The World Bank, Syria Reconstruction for Peace, April 2016, <https://bit.ly/3okLvGy>

that safe environments do not yet exist. These violations are life threatening and include arbitrary arrests and torture to death. The status quo does not promise any form of stability, which again requires a brand-new political environment that allows for political changes.

To investigate further, even if the Russian information holds true, still the number of returnees from Jordan and Lebanon is 142.000 persons, which is about 2.7% of total refugees as per March 2019. Therefore, the numbers of returnees have not met Russia's expectations, especially since the issue of return is central to Russia's attempt to present areas the regime regained as stable. Russia has proclaimed that the sole challenge of returnees is destruction of the infrastructure. From Russia's point of view, the EU should fund reconstruction projects to encourage returnees and to legitimize Russia's intervention in Syria⁵.

However, the reality is different from the Russian perspective, as of writing this paper, many political international initiatives have failed to set the minimum requirements to achieve a safe, voluntarily, and dignified return, that meet conditions of international law. It is worth mentioning that refugees and IDPs cannot access enough information to aid their decision to return.

Similarly, an information gap exists for international policy makers regarding returnees' motives and experiences.

⁽⁵⁾ Between a Rock and a Hard Place: Syrian Motives and Experiences After Involuntarily Return to Regime Areas, The Syrian Bond for Citizen Dignity, 2019: <https://2u.pw/TxZNS>

III. Security, Political, and Governance Conditions for Safe Return

This paper is part of a larger research project conducted by Omran Center entitled, “Stability Indicators and Refugees Return”. Omran Center convened a survey in June 2020, to explore security indicators and their effects on the refugees’ return. First, security conditions were monitored, assessed, and diagnosed. Then, the nature of relationship between security bodies and civilians was analyzed and evaluated. This was followed by an investigation of the security-related variables that affect refugees’ decision of return, as well as shedding light on returnees’ conditions in areas controlled by the Assad regime, the opposition and the “Autonomous Administration of Northeast Syria-AA” areas.⁽⁶⁾

As for the security assessment in general, the survey confirmed that the security situation is still very chaotic and fragile although at different levels, which adds instability to social and economic aspects. In addition, the approach taken by the regime’s security apparatuses is as brutal as ever, including more unspeakable systematic crimes, such as increased arbitrary arrests, execution without trials and torture to death. Worse, security apparatuses function independently and extort money from the families of detainees with no accountability whatsoever.

Moving to opposition areas, the security actors lack experience leading to poor security conditions and increasing violations, in addition to the systematic targeting by the regime and YPG-related groups. When it comes to areas controlled by Syrian Democratic Forces-SDF in northeastern Syria, the security situation sharply varies between relative stability in al-Hasaka and deterioration of the security situation of Deir Ezzour and Raqqa.

In terms of the relationship between civilians and security bodies, the survey showed that this relationship has deteriorated all over Syria, most significantly in regime-held areas, resulting in additional barriers for

⁽⁶⁾ 600 participants residing in four neighboring countries were surveyed and two focus-group discussions were held with 20 returnees residing in regime areas of Daraa and Damascus Suburb. Both activities focus on participants’ opinions about security indicators in Syria that directly or indirectly impact the decision of return to Syria.

returnees. Violations perpetrated by the regime security apparatuses increased public resentment and fear, which makes it more difficult for the people to reconcile or trust them. This deteriorated relationship between civilians and security apparatuses is regarded as a major obstacle to the return of refugees from host countries. The survey revealed that the regime security bodies are no longer able to control pro-regime militias and limit their violations against civilians, especially that these militias are growing stronger every day. The survey also uncovered how the regime security apparatuses are building informant networks in every community they regain and abroad, with more focus on returnees.

Moving to opposition areas, although the security situation has slightly improved and some refugees did in fact return, it is still challenged by many factors, above all, the violations committed by local security actors and the low level of trust and weak security-civilian relations. The survey concluded that, in all areas, people do not fully trust security agencies, as these bodies are biased and do not provide equal services.

The variables that affect refugee's decision of return, the survey shows that arbitrary and extrajudicial detentions by security forces of the regime and some armed groups are the highest risks and fears considered when assessing return, followed by abduction, theft, blackmailing, armed groups tyranny, assassinations, and explosions. The results demonstrated that the most targeted groups upon return to regime-controlled areas were activists, FSA soldiers, defected soldiers, enlisted recruits, defected public employees, their families, and businesspersons.

The survey confirms access to livelihoods is a very important variable to consider, especially with the present economic crisis. Basic services, ownership, social and moral deterioration also play a major role when considering return. The return decision is associated with several conditions, including supervision and the level of guarantees provided by the UN, to ensure a dignified and voluntarily return.

The return decision per authorities: The survey revealed that returning to regime held areas is a very unlikely option by a significant number of refugees in different countries, especially while no guarantees from

international and neutral bodies that are able to ensure the safety of returnees to these areas exist. Additionally, the attitude of the regime towards refugees, and the measures applied on returnees to orchestrate the regime's agenda for demographic change, and the unwillingness of the regime to implement security and sustainable political reform highly affects the decision to return.

Similarly, the opposition areas are fragile and breached, which makes it difficult for people to settle and affects even the refugees in Turkey. This is mainly due to the inexperienced security bodies, lack of training and equipment, weak levels of rule of law, and of the absences of a holistic security strategy, which is negatively reflected by the deteriorating security conditions. Additionally, these regions experience a systematic and ongoing offensive by the regime and allies and others as well as groups connected with YPG, resulting in extensive displacement.

The survey also concluded that the "AA" areas have not attained security stability, due to factors that include the security bodies' discriminative approach, oppression, and extrajudicial detentions. In addition, ISIS cells are increasingly active in large parts of the AA region. **All the above led to people distrusting the security bodies and consequently giving more reasons not to return.**

IV. Absence of Initial Indicators of a Safe Environment all Over Syria

Under the complicated status quo, security stability is seen as the corner stone for early recovery and safe return for refugees and IDPs. This section covers the numerical indicators of security stability (statistically reported in a separate paper) by shedding light on four important indicators on individual and community level, since both levels are essential in recovery. These four indicators are: assassinations, explosions, extrajudicial detentions, and abductions. The study selected locations as representative cases with unique circumstances (areas returned to the regime control, reconciliation areas, areas freed from ISIS, and key opposition areas).

The report examined occurrences of assassinations and explosions in the governorates of al-Hasaka, Deir Ez-Zour and Daraa during two time periods: last 6 months of 2019 and first 6 months of 2020. During this period, 308 explosions and 72 assassinations were logged. Methods used varied from gunfire in 213 incidents, IEDs in 94, car bomb in 39, mines in 25, grenades in 9 cases, as well as other methods. The total number of casualties reached 1,008 including 490 military personnel and 518 civilians. The results clearly exposed the failure and weakness of the regime, and to a lesser extent the AA. **The instability and dangerous situation have had an adverse effect on the safe return of refugees and internally displaced individuals.**

Similarly, 266 incidents took place in the opposition-held areas with 1,290 casualties (890 civilians and 319 military personnel). As for methods used in such operations: IEDs were used in 93 cases, while car bombs were used in 69. As revealed through the analysis from the Euphrates Shield and Afrin territory, the “Wrath of Olives-*Ghadab al-Zaytun*”⁽⁷⁾ operation room held a leading role in the adoption of assassinations within the two areas. Additionally, large number of extrajudicial detentions and abductions were recorded in these areas.

In regime areas, explosions and assassinations rates were very high, indicating a state of chaos in these areas. This is due to several unorganized armed groups, including local and non-Syrian militias, holding separate priorities and agenda, which negatively affects any safe return process. The opposition areas also suffer from security breaches as the security actors fail to cope with the new methods of attacks.

Under such fragile security situation, and the continuous attacks of “Wrath of Olives - *Ghadab al-Zaytun*”, safe return seems far away from achievable.

Detentions and Abductions: During the first half of 2020, 73 incidents were recorded in surveyed cities: 15 in Jasim (Daraa Governorate), 20 in Douma (Damascus Suburb Governorate), 20 in al-Bukamal (Deir Ezzour Governorate), and 18 in Raqqa (Raqqa Governorate). Additionally, 23

⁽⁷⁾ The Wrath of Olives, *Ghadab al-Zaytun*, operations room is an insurgent group that is active in Turkish-controlled areas of northern Syria. Founded in 2018 with the objective of ending the Turkish presence in northern Syria. <https://www.bbc.com/news/blogs-news-from-elsewhere-47069403>, <http://www.xzeytune.com/>

attacks were carried out by foreign groups with 182 casualties, and 19 incidents carried out by local groups that resulted in 117 casualties, with 31 attacks classified with an unknown actor. The total number of targeted victims reached 388 (188 civilians, 109 reconciliated individuals, 56 military personnel, 12 National Defense members, 20 Local Defense, and 1 from the Military Security branch. **These numbers illustrate the declining security conditions with several known and unknown actors, as well as inefficient security actors.**

These statistics indicate that there is a high number of extrajudicial arrests in Douma and Daraa, the regime regained these cities and imposed its own security approach. Arbitrary arrests are mainly used to fill the human shortage in the army. Most of these arrests target those included in reconciliation agreements, highlighting the lack of minimum conditions necessary for a safe and dignified return.

In the same context, 169 extrajudicial detentions and abductions were recorded in Afrin (132) and Jarablus (37), targeting 335 persons. “Wrath of Olives - *Ghadab al-Zaytun*” has claimed 17 attacks. These numbers highlight the weakness and inefficiency in security strategies implemented in this region thus creating less favorable conditions for a safe and secure return process.

To summarize, one cannot consider any of the three zones of control in Syria –at different levels- as “safe, secure, and neutral” environments conducive for voluntary and safe return. There is no security model that holds successful towards the stated objective. This can be traced to several reasons unique to each region, including the existence of several inefficient security actors with conflicted interests and aims. The information above flags a huge security gap and the decreasing capacities to bridge these gaps. Many of these gaps seem to be systematic and not random which makes the task more challenging.

V. A Safe Return of Refugees: A National and Overdue Right

All the aforementioned, adding the regime's unwillingness to provide a safe environment that encourages refugees and IDPs to return, and the absence of political agreement and civil society deterioration, makes the demand for a safe environment an imperative condition for a dignified return and the sole strategic approach for all national actors to create stability and transition towards democracy. To this end, there needs to be an **all-of-Syria holistic approach to define the safe and neutral environment and detail its reflection in policies, structures and regard it as a primary part of the political process, not a mere governmental challenge**, as the regime and its allies try to advocate. Below are more details to crystallize this vision.

Even though the precise definition for a "safe environment" in this context does not exist, the linguistic indications reflect what components are needed for an environment free of risks and threats of all nature. The "neutral environment" definition, in turn, indicates that all authorities (political, executive, and legislative) must commit to treat citizens and residents in accordance with law and justice, equally without any discrimination.

According to available UN literature and documents, there is not a precise definition for a "safe environment", however, their unofficial use for the term "safe areas" has no definition in the international law and refers to particular protected areas from military operations.⁽⁸⁾ For example during the Gulf War of 1991, the international coalition created a safe area for 400,000 Iraqi Kurds in northern Iraq and then facilitated their return from Turkey. Another example was during the Bosnia and Herzegovina war when the UN Security Council created six safe areas to protect civilians from Serbian forces in six Bosnian towns.⁽⁹⁾ These safe areas did in fact save lives.

⁽⁸⁾ In the Four Geneva Agreements 1949, and the following protocols 1977, the term "safe areas" was not mentioned, instead three types of areas were mentioned: (Hospital Zones), (Neutralized Zones) and (Demilitarized Zones). According to international norms, safe areas require first, the agreement of conflicted parties, second demilitarizing the area, third no defense arrangements should exist.

⁽⁹⁾ The Security Council did not define the precise geography of these 6 areas; neither it committed to protect them. Later, Serbian forces accused Bosnians of using these areas to prepare for attacks, additionally the Bosnians refused international forces intervention, in July 1995, the UN has realized the dangers after witnessing the Srebrenica genocide.

However, its establishment, prevention of military activities within it, and protection from external attacks is a very challenging risky operation. At the same time it is essential and highly needed, even when it has rarely been a reliable and stable shelter for civilians fleeing wars.⁽¹⁰⁾

In the Syrian context, many calls for “Safe Zones” have failed. However, the term “neutral and safe environment” was mentioned in Geneva Communiqué of June 2012 as such: “The establishment of a transitional governing body that can establish a **neutral environment** in which the transition can take place, with the transitional governing body exercising full executive powers,” and “Agreed principles and guidelines for a Syrian-led transition... Any political settlement must deliver to the people of the Syrian Arab Republic a transition that: Can be implemented in a climate of safety for all and of stability and calm”.⁽¹¹⁾ The Geneva Communiqué was later reconfirmed to by UN General Assembly Resolution No. 262 of 2013, and the UN Security Council Resolutions 2118 of 2013, and Resolution 2254 adopted in December 2015.⁽¹²⁾

In an attempt to define what is meant by a “safe environment”, the US-led Small Group on Syria mentioned it in its September 14, 2018 statement under the principle for resolving the conflict in Syria: Creating a Syrian governance that does not support “terrorists” and does not provide a “safe environment for them”, an environment “free of mass destruction weapons” and provide “conditions for refugees to return in a safe, voluntary, and dignified way in partnership with the UN”.⁽¹³⁾

The International Working Group for Syria’s statement in Vienna on January 25, 2018 emphasized on the work of the international Special Envoy for Syria to make “all parties focus on the content of the amended constitution and the practical messages for the elections that will be supervised by the UN under **a safe and neutral environment in Syria**”. The Working Group for Syria’s document presented to the Small Group on

⁽¹⁰⁾ Abdulkarim Baderkhan: On the Concept of “Safe Zone”, Al-Araby Aljadeed, 2014: <https://2u.pw/V62q5>

⁽¹¹⁾ UN Geneva Communiqué of 2012, Article 6 and 9, <https://bit.ly/2VhT6JI>

⁽¹²⁾ UN General Assembly Resolution No. 262 of 2013: <https://bit.ly/3op2TKm>,

UN Security Council Resolutions 2118 of 2013: <https://bit.ly/2JRuViN>

UN Security Council Resolution 2254 of 2015: <https://bit.ly/3IJOkPT>

⁽¹³⁾ The Small Group for Syria Meeting on September 14, 2018, <https://bit.ly/3mPYnEk>

Syria in New York in September 2019 put forward four conditions for the 2021 elections to be recognized as legitimate. The first condition was to put in place trust building mechanisms in order to create conditions for a safe and neutral environment before and during the electoral process. The second condition contained the document was the presence of guarantees that ensure that internally and externally displaced Syrians have full access and are able to reach election centers, let along an election awareness campaign. The third condition was the necessity of ensuring legal conditions and a facilitated process to allow for pluralistic elections. Thus, the concept of “neutral and safe environment” has become part and parcel of the discourse of any political transition.⁽¹⁴⁾

After detailing the political implications of a safe environment per relevant international resolutions and communique, it is worth to highlight the following conclusions:

1. **Stability and security recovery:** This is deeply connected with several factors, mainly a cessation of military operations against civilians and civilian targets, including an end to targeting medical facilities and personnel. Another factor linked to this objective, is the need for indicators of security risks such as assassinations, explosions, extrajudicial detentions, and abductions to be significantly lowered by improving the efficiency and quality of security services to be better prepared to contain risks and not become a source of instability themselves. Finally, there is need for clarity in security governance mechanisms and procedures followed by security actors that is necessarily linked with a civilian and elected political leadership.
2. **Standards relating to humanitarian affairs:** Ensuring the “safe, quick, and unobstructed access” to all regions of Syria using shortest routes. The granting for immediate access to humanitarian aid for all, releasing arbitrary arrestees and detainees especially children and women, and disclosing the fate of forced disappeared persons.

⁽¹⁴⁾ Mosa Mosa: “Foundations of Political Transition: Safe and Neutral Environment”, al-Safina, 9-1-2020, <https://alsafina.net/?p=8878>

3. **Preparing the conditions for a safe, voluntary, and dignified return of refugees and IDPs to their original locations:** This should also include rehabilitating and reconstructing damaged areas, per international law, including relevant international agreements and protocols of refugee centers, and considering the interests of host countries. Additionally, it should provide the necessary political, legal and security conditions that facilitate the safe return of refugees and IDPs to their homes, ensuring their physical, financial, social, political, and family security without being subject to regime interrogations and terror on a mental, physical, and social level.
4. **Legal, political, and national conditions:** The safe environment is a condition built in to the political process that establishes a “transitional governance” that is tasked then as the legitimate authority with executing political and legal implementations of the agreement. Among the priorities of this new governance system is to constitutionalize the security sector, hold it accountable, and subject to oversight and evaluation by a civilian and elected body. Furthermore, it will outline the mechanisms relating to accountability, transitional justice, fact finding missions, and establishing good governance measures that are required by early recovery and economic development programs. It will need to issue a series of legislative decrees relating to reopening political life and ensuring full access to all citizens.

VI. Conclusion

Since the beginning of the Syrian Uprising and its transformation to a multi-layered conflict, the international community’s approach to the Syria file has focused on primarily two levels, except for occasional UN emergency humanitarian calls:

The first was an emphasis on **containing the crisis** and its consequences to prevent instability from reaching neighboring countries. This reinforced the “crisis management” approach by controlling the balance of powers per a regional and international mapping of security interests and its resource management.

The second was primarily fixated on the work of humanitarian organizations and political circles working on the humanitarian file. The focus of this approach was on the best means and methods for assisting Syrians and resolving the humanitarian crisis by looking at its aftermath and repercussions on regional stability. From an operational perspective, relevant international resolutions on Syria, both political and humanitarian in nature, did not address issues pertaining to asylum and refugee migration, except Article 14 of UNSC Resolution 2254 that, “Underscores the critical need to build conditions for the safe and voluntary return of refugees and internally displaced persons to their home areas and the rehabilitation of affected areas, in accordance with international law, including applicable provisions of the Convention and Protocol Relating to the Status of Refugees, and taking into account the interests of those countries hosting refugees, urges Member States to provide assistance in this regard”.⁽¹⁵⁾ Furthermore, the issue was also absent in most discussions during the Geneva and Astana talks except for the July 30-31, 2018 10th Astana Meeting. The statement of the 10th Astana meeting included a small reference to the issue “the importance of creating necessary conditions for voluntary and safe return of internally displaced people in Syria and refugees”, without any further details.⁽¹⁶⁾

Concurrent with deteriorating security indicators, the UNHCR has declared that more than 6,700,000 Syrian refugees, 6,200,000 IDPs and 11,000,000 Syrians need humanitarian help in Syria as of June 2019. The UNHCR also described the situation in northeast Syria as “drastic”, as 1,650,000 persons needs humanitarian assistance as of September 2019. Furthermore, the Response Coordinators in northern Syria reported the displacement of nearly 1,000,000 persons from Hama, Idlib and Aleppo because of the clashes during the first 6 months of 2020. As this crisis continues to grow, along with its security and social consequences, more questions arise about the importance of safe environment.

Therefore, we recommend and urge decision makers in countries that host Syrian refugees not to compromise over return policies. The

⁽¹⁵⁾ UNSC Resolution 2254 of 2015, <http://unscr.com/en/resolutions/doc/2254>

⁽¹⁶⁾ Press Release regarding the High Level Meeting held on 30-31 July 2018 in Sochi in the Astana format, <https://bit.ly/36LZlqi>

information collected in this project further confirm the severe deterioration of indicators of a safe return. Countries should clearly define a set of legal, political, and administrative preconditions that guarantee a safe environment for returnees that safeguard the rights of individuals and communities.

The report and studies of this project emphasize the importance of exerting additional and consistent pressure by civil society and human rights organizations on resolving the detainees and forced disappearance files in regime controlled areas, and to urge international commissions to include this demand among other conditions for a meaningful and sustainable political process, because it is deeply and directly linked with stabilization and social cohesion objectives.



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