

2012

SYM MUN 2012

HUMAN RIGHTS COUNCIL

Agenda: HUMAN RIGHTS SITUATION
IN SYRIA

President: Nayanika Varma

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Message from the Executive Board

Dear Delegates,

The Human Rights Council at SYM-MUN 2012 will be discussing an agenda that is perhaps the most relevant agenda regarding human rights in the current world scenario. The situation in Syria, as we know, each day is perhaps worsening. Therefore, the delegates of this council are required to come up with pragmatic and feasible solutions to mitigate the current situation. This guide begins with a detailed history about the Syrian Conflict such that delegates can understand the Syria's current position better, however we suggest you merely go through the history and focus your research to contemporary times. This guide gives you the basic details of the same but you are strongly recommended to read beyond just the study guide.

Happy Researching!

The Executive Board

Committee Background and Mandate

The United Nations Human Rights Council is an inter-governmental body within the UN system made up of 47 States responsible for strengthening the promotion and protection of human rights around the globe. The Council was created by the UN General Assembly on 15 March 2006 with the main purpose of addressing situations of human rights violations and make recommendations on them

The resolution creating the Council gave it responsibilities such as to promote universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner, address situations of violations of human rights, including gross and systematic violations, promote effective coordinating and mainstreaming of human rights within the United Nations system, to promote human rights education and learning, advisory services, technical assistance, and capacity building and contribute, through dialogue and cooperation, toward the prevention of human rights violations and respond promptly to human rights emergencies.

The UNHRC is the successor to the United Nations Commission on Human Rights and is the only council that focuses solely on human rights. The members of the General Assembly elect the members who occupy the UNHRC's forty-seven seats. The term of each seat is three years, and no member may occupy a seat for more than two consecutive terms. The seats are distributed among the UN's regional groups namely Africa, Asia, Eastern Europe, Latin America and the Caribbean, and Western European and Others Group.

SUB-BODIES AND PROCEDURES:

Advisory Committee:

The Sub-Commission on the Promotion and Protection of Human Rights was the main subsidiary body of the erstwhile UNCHR. The Sub-Commission was composed of 26 elected human rights experts whose mandate was to conduct studies on discriminatory practices and to make recommendations to ensure that racial, national, religious, and linguistic minorities are protected by law. In September 2007, the Human Rights Council decided to create this into an Advisory Committee to provide expert advice.

Its primary mandate is described as:

"To undertake studies, particularly in the light of the Universal Declaration of Human Rights, and to make recommendations to the Commission concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, religious and linguistic minorities."

Complaints Procedure:

On 18 June 2007, the UNHRC adopted Resolution 5/1 to establish a Complaint Procedure. The Complaint Procedure's purpose is to address consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances. Two working groups make up the Complaint Procedure: the Working Group on Communications (WGC) and the Working Group on Situations (WGS).

Special Rapporteurs:

Special Rapporteur is a title given to individuals working on behalf of the United Nations who bear a specific mandate from the UN Human Rights Council to investigate, monitor and recommend solutions to human rights problems. They are also called "Special Procedures". Some of these experts are called Special Representatives or Independent Experts. They address either

specific country situations or thematic issues in all parts of the world. Currently, there are 31 thematic and 8 country mandates.

Universal Periodic Review:

The United Nations Human Rights Council Universal Periodic Review is a process which involves a review of the human rights records of all United Nations (UN) Member States once every four years. Each country's situation will be examined during a three-hour debate.



The Syrian Conflict: History-

Protests asking for the release of political prisoners began mid-March 2011 and were immediately met by Syrian security forces who at first detained and attacked protestors with batons, and later opened gunfire, and deployed tanks and naval ships against civilians. Syrian President Bashar al-Assad refused to halt the violence and implement meaningful reforms demanded by protestors such as the lifting of emergency law, broader political representation and a freer media. Assad continued to deny responsibility for the attacks on protestors, placing the blame for the violence on armed groups and foreign conspirators instead. On 16 February President Assad called for a referendum to be held on 26 February that would end single party rule in Syria; however governments, such as the United States, analysts, and members of the opposition expressed reluctance that the promise of political reform would be upheld, and noted that conducting a referendum during such a crisis was not a necessary course of action to end the violence. As the conflict wore on, demands grew more splintered and protestors began to organize. One of the main opposition groups, the Syrian National Council (SNC), is an umbrella organization that was formed by activists in Istanbul on 24 August. The SNC has received economic support from Turkey, who hosts an SNC office. The organization also met with the United Kingdom and United States. The SNC called for the Syrian government to be overthrown by a united opposition, rejected dialogue with Assad, and, though officially against military intervention, requested international protection of the population. In contrast, another main group, the National Co-ordination Committee (NCC) advocated for dialogue with the government, believing that toppling the Assad regime would lead to further chaos. On 31 December, these two groups signed an agreement to unite against the government. Another group, the Free Syrian Army, comprised of an estimated 15,000 defected Syrian soldiers, executed retaliatory attacks against Syrian forces. UN High Commission for Human Rights Navi Pillay marked the death toll at more than 5,000 when she briefed the UN Security Council in early December. Between 26 December 2011, when independent monitors mandated by the Arab League arrived in Syria, and 10 January 2012, there were at least 400 deaths, according to UN Under-Secretary-General for Political Affairs B. Lynne Pascoe. Though the death toll

continued to increase with the ongoing violence in the months following, the UN stopped releasing estimates in January 2012 given the growing difficulty to verify casualties¹.

Historical Timeline and Timeline of Recent Events

Founding of Baath Party

1947 - Michel Aflaq and Salah-al-Din al-Bitar found the Arab Socialist Baath Party.

1949 - Army officer Adib al-Shishakhli seizes power in the third military coup in the space of a year.

1952 - Al-Shishakli dissolves all political parties.

1954 - Army officers lead a coup against Al-Shishakli, but return a civilian government to power.

1955 - Veteran nationalist Shukri al-Quwatli is elected president. Syria seeks closer ties with Egypt.

United Arab Republic

1958 February - Syria and Egypt join the United Arab Republic (UAR). Egyptian president Gamal Abdel Nasser heads the new state. He orders the dissolution of Syrian political parties, to the dismay of the Baath party, which had campaigned for union.

1961 September - Discontent with Egyptian domination of the UAR prompts a group of Syrian army officers to seize power in Damascus and dissolve the union.

1963 March - Army officers seize power. A Baathist cabinet is appointed and Amin al-Hafez becomes president.

¹ <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-syria>

Rise of Assad

1966 February - Salah Jadid leads an internal coup against the civilian Baath leadership, overthrowing Amin al-Hafez and arresting Salah al-Din al-Bitar and Michel Aflaq. Hafez al-Assad becomes defence minister.

1967 June - Israeli forces seize the Golan Heights from Syria and destroy much of Syria's air force in the Six Day War with Egypt, Jordan and Syria.

1970 November - Hafez al-Assad overthrows president Nur al-Din al-Atasi and imprisons Salah Jadid.

1971 March - Assad is elected president for a seven-year term in a plebiscite.

1973 - Rioting breaks out after Assad drops the constitutional requirement that the president must be a Muslim. He is accused of heading an atheist regime. The riots are suppressed by the army.

War with Israel

1973 October - Syria and Egypt go to war with Israel but fail to retake the Golan Heights seized during the 1967 Arab-Israeli war.

1974 May - Syria and Israel sign a disengagement agreement.

1975 February - Assad says he's prepared to make peace with Israel in return for an Israeli withdrawal from "all occupied Arab land".

1976 June - Syrian army intervenes in the Lebanese civil war to ensure that the status quo is maintained, and the Maronites remain in power.

1978 - In response to the Camp David peace agreement between Egypt and Israel, Assad sets out to gain strategic parity with Israel.

Riots

1980 - After the Islamic Revolution in Iran, Muslim groups instigate uprisings and riots in Aleppo, Homs and Hama. Assad begins to stress Syria's adherence to Islam.

1980 - Muslim Brotherhood member tries to assassinate Assad.

1980 September - Start of Iran-Iraq war. Syria backs Iran, in keeping with the traditional rivalry between Baathist leaderships in Iraq and Syria.

1981 December - Israel annexes the Golan Heights.

Uprising in Hama

1982 February - Muslim Brotherhood uprising in the city of Hama. The revolt is suppressed by the military, whom rights organisations accuse of killing tens of thousands of civilians.

1982 June - Israel invades Lebanon and attacks the Syrian army, forcing it to withdraw from several areas. Israel attacks the PLO base in Beirut.

1983 May - Lebanon and Israel announce the end of hostilities. Syrian forces remain in Lebanon.

1983 - Assad suffers a heart attack, according to reports denied by authorities. Assad's brother Rifaat apparently prepares to take power.

1984- Rifaat is promoted to the post of vice-president.

Return to Lebanon

1987 February - Assad sends troops into Lebanon for a second time to enforce a ceasefire in Beirut.

1990 - Iraq invades Kuwait; Syria joins the US-led coalition against Iraq. This leads to improved relations with Egypt and the US.

1991 October - Syria participates in the Middle East peace conference in Madrid and holds talks with Israel that founder over the Golan Heights issue.

1994 - Assad's son Basil, who was likely to succeed his father, is killed in a car accident.

Rifaat sacked

1998 - Assad's brother Rifaat is "relieved of his post" as vice-president.

1999 December - Talks with Israel over the Golan Heights begin in the US, but are indefinitely postponed the following month.

Assad succession

2000 June - Assad dies and is succeeded by his second son, Bashar.

2000 November - The new President Assad orders the release of 600 political prisoners.

2001 April - Outlawed Muslim Brotherhood says it will resume political activity, 20 years after its leaders were forced to flee.

2001 5 May - Pope John Paul II pays historic visit.

2001 June - Syrian troops evacuate Beirut, redeploy in other parts of Lebanon, following pressure from Lebanese critics of Syria's presence.

2001 September - Detention of MPs and other pro-reform activists, crushing hopes of a break with the authoritarian past of Hafez al-Assad. Arrest continue, punctuated by occasional amnesties, over the following decade.

2001 November - British PM Tony Blair visits to try shore up support for the campaign against terror. He and President Assad fail to agree on a definition of terrorism.

Tensions with US

2002 May - Senior US official includes Syria in a list of states that make-up an "axis of evil", first listed by President Bush in January. Undersecretary for State John Bolton says Damascus is acquiring weapons of mass destruction.

2003 April - US threatens sanctions if Damascus fails to take what Washington calls the "right decisions". Syria denies US allegations that it is developing chemical weapons and helping fugitive Iraqis.

2003 September - President Assad appoints Mohammed Naji al-Otari prime minister.

2003 October - Israeli air strike against Palestinian militant camp near Damascus. Syria says action is "military aggression".

2004 January - President Assad visits Turkey, the first Syrian leader to do so. The trip marks the end of decades of frosty relations, although ties sour again after the popular uprising in 2011.

2004 March - At least 25 killed in clashes between members of the Kurdish minority, police and Arabs in the north-east.

2004 May - US imposes economic sanctions on Syria over what it calls its support for terrorism and failure to stop militants entering Iraq.

2004 September - UN Security Council resolution calls for all foreign forces to leave Lebanon.

Pressure over Lebanon

2005 February-April- Tensions with the US escalate after the killing of former Lebanese PM Hariri in Beirut. Washington cites Syrian influence in Lebanon. Damascus is urged to withdraw its forces from Lebanon, which it does by April.

2005 October - Interior minister and Syria's former head of intelligence in Lebanon, Ghazi Kanaan, dies in what officials say is suicide. UN inquiry into assassination of former Lebanese PM Rafik Hariri implicates senior Syrian officials.

2005 December - Exiled former vice-president Abdul Halim Khaddam alleges that Syrian leaders threatened former Lebanese PM Hariri before his assassination.

2006 February - Danish and Norwegian embassies in Damascus are set on fire during a demonstration against cartoons in a Danish newspaper portraying the Muslim Prophet Muhammad.

2006 September - Attack on the US embassy in Damascus. Four gunmen open fire and throw grenades but fail to detonate a car bomb. Three of them are killed, one is captured.

Diplomatic overtures

2006 November - Iraq and Syria restore diplomatic relations after nearly a quarter century.

2007 March - European Union relaunches dialogue with Syria.

2007 April - US House of Representatives Speaker Nancy Pelosi meets President Assad in Damascus. She is the highest-placed US politician to visit

Syria in recent years. Secretary of State Condoleezza Rice meets Foreign Minister Walid Muallem the following month in the first contact at this level for two years.

2007 May - Leading dissident Kamal Labwani and prominent political writer Michel Kilo are sentenced to a long jail terms, only weeks after human rights lawyer Anwar al-Bunni is jailed.

Israeli strike

2007 September - Israel carries out an aerial strike against a site in northern Syria that it said was a nuclear facility under construction. In 2011 the UN's IAEA nuclear watchdog decides to report Syria to the UN Security Council over its alleged covert nuclear programme reactor programme at the site.

2008 March - Syria hosts Arab League summit. Many pro-Western states send lower-level delegations in protest at Syria's stance on Lebanon.

2008 April - The US accuses North Korea of having helped Syria to build a secret nuclear reactor at the site bombed by Israel in 2007.

International acceptance

2008 July - President Assad meets French President Nicolas Sarkozy in Paris. The visit signals the end of the diplomatic isolation by the West that followed the assassination of former Lebanese PM Rafik Hariri in 2005. While in Paris, President Assad also meets the recently-elected Lebanese president, Michel Suleiman. The two men agree to work towards the establishing of full diplomatic relations between their countries.

2008 September - Damascus hosts four-way summit between Syria, France, Turkey and Qatar, in a bid to boost efforts towards Middle East peace. Explosion kills 17 on the outskirts of Damascus, the most deadly attack in Syria in several years. Government blames Islamist militants.

Diplomatic thaw continues

2008 October - Syria establishes diplomatic relations with Lebanon for first time since both countries established independence in 1940s.

2009 March - Jeffrey Feltman, acting assistant US secretary of state for the Near East, visits Damascus with White House national security aide Daniel Shapiro in first high-level US diplomatic mission for nearly four years. Meets Foreign Minister Walid Muallem.

2009 May - Syrian writer and pro-democracy campaigner Michel Kilo is released from prison after serving three-year sentence.

2009 June - The UN nuclear watchdog, the IAEA, says traces of undeclared man-made uranium have been found at second site in Syria - a reactor in Damascus. The IAEA was investigating US claims that the site destroyed in the 2007 Israeli raid was a nuclear reactor.

2009 July - US special envoy George Mitchell visits for talks with President Assad on Middle East peace.

2009 August - Iraq and Syria recall their envoys in a deepening rift over charges of responsibility for a string of deadly bomb attacks in Baghdad. They restore ties later in 2010.

2010 February - US posts first ambassador to Syria after a five-year break.

2010 May - US renews sanctions against Syria, saying that it supports terrorist groups, seeks weapons of mass destruction and has provided Lebanon's Hezbollah with Scud missiles in violation of UN resolutions².

Recent Uprising

March 15, 2011 - About 40 people join a protest in Old Damascus, chanting political slogans in a brief first challenge to the ruling Baath Party.

March 18 - Security forces kill three people at a demonstration in southern Deraa demanding political freedoms and an end to corruption, residents say.

March 22 - Hundreds of people march in Deraa and Nawa demanding freedom in the fifth straight day of demonstrations.

² <http://www.bbc.co.uk/news/world-middle-east-14703995>

March 24 - President Bashar al-Assad orders the formation of a committee to study scrapping the emergency law in place for the last 48 years. The emergency law is lifted on April 19.

March 25 - There are reports of 23 deaths at marches around Syria, including the first protester's death in Damascus.

July 31 - Tanks storm Hama, residents say, after a month-long siege. At least 80 people are killed.

September 15 - Opposition activists announce a Syrian National Council to provide an alternative to the government.

November 12 - The Arab League suspends Syria.

December 19 - Syria signs Arab League peace plan.

December 23 - Two suicide bombs explode at security buildings in Damascus, killing 44 people. Syria blames al Qaeda. The opposition blames the government.

February 4, 2012 - Russia and China veto a resolution in U.N. Security Council, backed by Arab League, calling for Assad to step down.

February 16 - The U.N. General Assembly approves a resolution endorsing the Arab League plan calling for Assad to step down.

February 22 - More than 80 people are killed in Homs including two foreign journalists. Hundreds of people have been killed in daily bombardments of the city by Assad's forces.

February 23 - Former U.N. Secretary-General Kofi Annan is appointed United Nations-Arab League envoy to Syria.

February 24 - Foreign ministers from more than 50 countries meet in Tunis for the inaugural "Friends of Syria" meeting. Russia and China, allies of Syria, do not attend.

February 28 - Assad decrees that a new constitution is in force after officials say nearly 90 percent of voters endorsed it in a February 26 referendum. Opponents and the West dismiss it as a sham.

March 1 - Rebels pull out of the besieged Baba Amr district of Homs after more than three weeks of bombardment.

March 27 - Syria accepts the U.N.-sponsored peace plan.

April 12 - U.N.-backed ceasefire comes into effect. Four days later monitors start to monitor the ceasefire in Syria.

May 7 - Syria says voters turn out in large numbers for a parliamentary election which the opposition denounces as a sham.

May 10 - Two suicide car bombers kill 55 people and wound more than 370 in Damascus.

May 17 - U.N. Secretary-General Ban Ki-moon says he believes al Qaeda was responsible for the May 10 bombs. He also says 10,000 people have been killed in the uprising.

May 25 - At least 108 people are killed, including many children, in attacks in the region of Houla.

June 3 - In a rare address to parliament, Assad condemns the massacre in Houla.

June 5/6 - Activists say troops and militiamen loyal to Assad kill at least 78 people at Mazraat al-Qabeer, near Hama. The government says the killings are a "monstrous crime" and its forces are uprooting militants in the area.

June 6 - Assad names party stalwart Riyad Hijab to form a new government, signaling it will make no concessions.

June 12 - The uprising has grown into a full-scale civil war, U.N. peacekeeping chief Herve Ladsous says. Four days later the violence forces U.N. observers to suspend operations.

June 22 - Syrian troops shoot down a Turkish warplane. Damascus says it was self-defense, Ankara calls it an "act of aggression".

June 26 - Assad says his country is "at war".

July 6 - "Friends of Syria" meet in Paris, agree to increase aid to Syrian rebels. On the same day Brigadier-General Manaf Tlas, who headed a unit of Syria's

Republican Guard and was a long-time ally of Assad, defects. French President Francois Hollande confirms he is in France on July 17.

July 11 - Nawaf al-Fares, Syria's ambassador to Iraq, defects and joins the opposition.

July 12 - Activists say troops and pro-Assad militiamen kill up to 220 people in the Sunni Muslim village of Tremseh in the Hama region. The next day the U.N. observers say the attack appeared to target army defectors and activists.

July 17 - Armored vehicles clash with rebels in Damascus in what residents say is the heaviest fighting in the capital since the revolt began.

July 18 - Army barracks near the "palace of the people", a huge Soviet-style complex in the western Damascus district of Dummar, come under rebel fire.

-- Bomb attack on a meeting of ministers and senior security officials in Damascus kills Defence Minister Daoud Rajha, senior military official General Hassan Turkmani and Assad's brother-in-law Assef Shawkat, a former intelligence chief. Interior Minister Mohammad Ibrahim al-Shaar is seriously wounded.

July 19 - Russia and China veto U.N. Security Council resolution threatening Syria with sanctions if it does not stop using heavy weapons in towns.

-- Clashes erupt near government headquarters in Damascus' Ikhlas neighborhood near the Council of Ministers. Opposition sources and a Western diplomat say Assad is now in the coastal city of Latakia³.

³ <http://www.reuters.com/article/2012/07/19/us-syria-crisis-violence-idUSBRE86110N20120719>

Human Rights Violations and War Crimes

The Syrian government's violent response to protests since mid-March has left over 5,400 people dead as of 10 January 2012, including at least 300 children, according to the UN Office of the High Commissioner for Human Rights (OHCHR). Thousands more have been wounded, arbitrarily arrested, tortured and disappeared as protestors and their families within and outside of Syria have been targeted. Under-Secretary-General B. Lynn Pascoe informed Security Council members on 27 April 2011 that sources in Syria were "consistently reporting the use of artillery fire against unarmed civilians; door-to-door arrest campaigns; the shooting of medical personnel who attempt to aid the wounded; raids against hospitals, clinics and mosques and the purposeful destruction of medical supplies and arrest of medical personnel." Over ten thousand refugees fled the country since March, many to Lebanon and Turkey, as noted in the Office of the High Commissioner for Human Rights Commission of Inquiry's report to the General Assembly published on 23 November 2011. Amnesty International stated in its 24 October report that wounded civilians seeking medical treatment in at least four hospitals faced torture and other forms of ill-treatment from security officials and medical staff. Additionally, medical professionals attempting to help the wounded engaged in protests were threatened with arrest and torture. Human Rights Watch (HRW) reported as early as June that the attacks by the government reached the level of crimes against humanity in multiple cities across Syria, such as Daraa and Homs. Later on 15 December HRW named over 70 Syrian commanders who imposed a 'shoot to kill' policy against protestors, making clear that these crimes were knowingly committed against the civilian population. In January 2012, violence in Syria escalated as evidenced by reports of a "massacre" in the district of Karm al-Zeitoun on 26 January which resulted in the death of more than 74 Syrian citizens over two days. Further reports were released by HRW on 3 February stating that authorities had detained and tortured children with impunity⁴.

As President Bashar al-Assad deployed troops and tanks to meet protestors with deadly force, he compromised civilian access to necessities including food, water and medical supplies. The International Federation for Human Rights

⁴ <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-syria>

(FIDH) raised awareness of the forced humanitarian crisis in its 28 July report, *Bashar Al Assad: Criminal Against Humanity*. A 25 October Amnesty International report provided detailed findings that civilian access to hospitals was also limited by the ongoing violence and by government control of medical staff and facilities. President Assad blocked access to the country of most outside humanitarian and human rights groups, the OHCHR fact-finding mission and the OHCHR Commission of Inquiry. Information from within Syria on the state of the humanitarian crisis remained limited as a result of the refusal of entry for journalists as well as cracking down on internet and social media use. Following weeks of negotiations, the Syrian government agreed on 19 December to allow an independent monitoring mission full freedom of movement within Syria as part of a peace initiative brokered by the League of Arab States. However, shortly after the mission began reports emerged stating that the Syrian government was obstructing monitors' access. Human Rights Watch reported on 27 December that Syrian security forces were moving detainees to more sensitive military sites where access to monitors would not be readily provided. HRW also reported that military personnel had in some cases been given police identification cards, violating the terms of the Arab League initiative for Syrian troop withdrawal. On 5 January, Syrian activists claimed the Syrian government was deceiving observers, who had begun their mission on 26 December, by painting military vehicles to look like police cars and taking observers to areas loyal to the government⁵.

A panel set up by the UN HRC has even concluded the perpetration of war crimes in the civil war that is being currently fought in the region. War crimes or crimes that go against the provisions of the Geneva conventions have been perpetrated by both sides of the conflict though at a lesser scale and frequency by the anti government rebels.

A situation of war crimes such as genocide, indiscriminate killing of civilians, POWs, medical personnel, humanitarian violations such as torture, arbitrary arrests, enforced disappearances etc is what is present in Syria right now. Such violations have not only been conducted by the President Assad's forces, but also by the rebels.

⁵ <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-syria>

Current Situation in Syria



Already existing unrest in Syria is worsened now. Governments beyond explanatory anti human rights acts have mushroomed up greatly. There have been civilian killings in huge numbers, unlawful detention.

There has been a string of crimes against humanity, ill-treatments, tortures and destruction of houses and war crimes. Some of the worst affected areas are idlib, aleppo and jebel-al-zawaiyah and jebel-al- oustani. There have been executions out of the judicial boundaries.

United nations security council needs to intervene and put a halt to this brutal scenario that Syria is going through where people are being recklessly dragged out of their houses and shot at. Taking a flashback, an envelope council called the Syrian national council was formed in august 2011, which started rebelling against their president basher-al-assad. Another group formed is the free Syrian army who has been negatively active and has added fuel to the fire and are responsible for this massive unrest in Syria.

As amnesty international reports-

“they have deliberately, wantonly and, systematically destroyed homes, shops, medical facilities and other properties. They had indiscriminately fired bullets and shells in civilian residential areas. They had prevented injured people from receiving life-saving medical treatment. They had tortured most of those they detained – sometimes to death – and subjected others to enforced disappearance. In some cases, clashes broke out between government forces and armed opposition fighters in the outskirts as the opposition attempted, unsuccessfully, to prevent or slow the army’s advance. Residents of Idlib city, Saraqeb, Sarmin and Taftanaz in Idlib governorate told Amnesty International that resistance from opposition fighters, for the most part armed with light weapons, was rapidly overcome. No armed confrontations were reported in Hazzano or Killi in the Idlib governorate. In the Jebel al-Zawiyah area, confrontations reportedly took place in al-Bashiriya and ‘Ain al-Arouz on the first days of the army incursion. In ‘Anadan and Tell Rif’at, north of Aleppo, armed clashes took place on the outskirts of the towns. The deliberate killings of scores of people and the burning, looting and trashing of hundreds of homes and other property in so many towns and villages cannot be considered “collateral damage” incurred in the context of armed confrontation, or the isolated acts of “rogue elements”. The scale of the attacks, and the manner in which they were carried out, indicates that such crimes were perpetrated as part of a deliberate policy to avenge killings by armed opposition fighters of soldiers and/or pro-government militias and to spread fear among residents so they would not support the opposition. The burning of the bodies of people who had been deliberately killed also appeared to be aimed at terrorizing residents into passivity.”

“SECTARIAN AND DELIBERATE KILLINGS”(SOURCE- AMNESTY INTERNATIONAL)-

“I would rather die than go back to prison.”

A released detainee from Jebel al-Zawiyah, who spent 62 days in detention before being released without charge Detainees – overwhelmingly men and boys – are routinely tortured to force them to make incriminating “confessions” – such as possession of weapons or involvement with the armed opposition. Their horrific accounts are illustrated by broken bones, missing teeth, deep scars

and open wounds from electric shocks, and from severe beatings and lashings with electric cables and other implements.

The detainee from Jebel al-Zawiyah quoted above spoke to Amnesty International four days after his release. He still had open wounds and had lost two teeth as a result of beatings. He said:

“I was interrogated about six times, and before most sessions I was suspended from the top of the door by my wrists, which were handcuffed behind my back, and with my toes barely touching the ground. They left me in that position for between one and two hours each time. At every session I was beaten with electric cables and plastic tubes. A lot of the beating was on the soles of the feet and the lower legs.

“The beating and the pain was so intense that at times I felt I was going to die and in fact I wished I would die, to end the pain. My hands and feet and ankles were swollen like balloons and I could not walk for days and had to be held up by other detainees to go to the toilet.”

The overwhelming majority of detainees released in recent weeks and months who spoke to Amnesty International said that they had been tortured repeatedly during interrogation, by methods documented previously by the organization with the exception of electricity applied through a metal bed frame. Many of the released detainees displayed wounds and injuries consistent with their accounts. A 61-year-old man suffering from diabetes, a heart condition and other ailments, was arrested on 3 April from his home in the Idlib area and held for four weeks before being released without charge. A beating on the first day of detention broke his hip, but he was given no medical care throughout his detention. He told Amnesty International:

“The soldiers took me from my home to an empty space outside town and beat me savagely. They kicked me repeatedly in the hip and kidney area and broke my hip. As I could not move any more they picked me up and threw me in the back of the car, like a sheep. For the whole four weeks I was detained, I received no medical care for my broken hip nor did they give me the diabetes and blood pressure medicines. I had taken the medicines with me when they arrested me but they never gave them to me in detention.

“After four weeks they said they would release me if I walked from one side of the room to the other, about six metres. I could not even take a single step. They released me anyway. Doctors have told me that before they can even begin to

treat my broken hip my leg will have to be kept in traction for at least two months, because the fracture was left untreated for so long. But do not worry about me, please do something about those who are still detained; they are being brutally tortured and are suffering terribly.”

There are frequent reports of detainees dying in custody as a result of torture and/or because of a lack of medical care. Amnesty International has received the names of over 390 individuals reported to have died in custody since February 2011, compared to an average of four to five in the decade before the unrest broke out. The scale of this pattern of serious abuse cannot be investigated in detail as detainees are held cut off from the outside world, with no access to their families or to lawyers, during the initial period of interrogation, and no human rights organizations are allowed access to detention centres or prisons in Syria.

A first year law student told Amnesty International that his cousin Ahmad, aged 45, who was arrested with him and five others on 16 February, died in detention:

“We were taken to the Military Intelligence headquarters in Idlib city and were put in a room measuring about five by four metres with about 120 other detainees. We were so crowded we could not move. “We were tortured during interrogation sessions, lasting two to four hours. I was made to kneel on the floor with my hands cuffed behind my back and was beaten very hard on the sole of the feet for a long time. I could not see what they used because I was blindfolded; it was some sort of cable or whip; it made a hissing noise.

“At the same time they were kicking and punching me on my back, chest, head, everywhere. They wanted me to confess that I had weapons, and that I know where there are weapons in my village, but I don’t know anything about this.

“My cousin Ahmad was one of the first to be interrogated on the second day. He was in a terrible state and could hardly move when he came back from interrogation. He was again taken to interrogation on the fourth day and he must have died on that day because he never came back to the cell.”

Ahmad’s family told Amnesty International that they found his body in the morgue of Jisr alShughur 20 days later, having been tipped off by a hospital worker that there was an unclaimed body of a detainee who had been brought in by Military Intelligence.”

International Human Rights Law



International human rights law, including civil, cultural, economic, political and social rights, applies both in peacetime and during armed conflict and is legally binding on states, their armed forces and other agents. It establishes the right of victims of serious human rights violations to remedy, including justice, truth and reparations. Syria is legally bound by its obligations under these international treaties, as well as by relevant customary international law. Syria is a party to some of the major international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); and the Convention on the Rights of the Child (CRC) and its Optional Protocol on the involvement of children in armed conflict.

The International Court of Justice as well as the UN Human Rights Committee have affirmed that international human rights law applies in time of armed conflict as well as peacetime. Some treaties, such as the ICCPR, allow states to

temporarily “derogate from” some (but not all) specific provisions (ie aspects of some rights may be modified in their application or limited) in situations of armed conflict and other emergencies, but only to the extent strictly required by the exigencies of the particular situation and without discrimination.

SYRIA has not formally derogated from its obligations under the ICCPR or other human rights treaties. Of particular relevance to this report are Syria’s international human rights law obligations related to the right to life, the prohibition of torture and other ill-treatment, the prohibition of enforced disappearance, and the prohibition of arbitrary detention.

These rights cannot be derogated from under any circumstances. Syrian forces have also violated economic and social rights. The ICESCR does not allow for derogation, even in times of armed conflict or other emergency, and allows for only those limitations “as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society”. As its Committee has made clear, any limitations must be proportionate and “the least restrictive alternative must be adopted where several types of limitations are available.” The conduct of Syrian government forces in the areas examined in this report have breached Syria’s obligation to respect, protect and promote the right to an adequate standard of living, including adequate food and housing; and the enjoyment of the highest attainable standard of physical and mental health. Actions that were aimed towards or were likely to result in the destruction or impairment of infrastructure necessary for the enjoyment of those rights, such as the field hospitals, are violations for which Syria can be held responsible.

With respect to the right to housing, certain actions – namely the widespread destruction of homes – may constitute unlawful forced evictions, a breach of Article 11 of the ICESCR. The UN Committee on Economic, Social and Cultural Rights defines “forced evictions” as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”

The Committee includes among such evictions those resulting from “armed conflicts, internal strife and communal or ethnic violence.” Similarly, the unlawful destruction of businesses contravenes the right to an adequate standard of living. Certain violations, such as torture and enforced disappearance, amount to crimes under international law and states are required to make such violations a criminal offence in domestic legislation. States are also obliged to bring to justice those responsible for these and other serious violations, including extrajudicial executions. Syria is a state party to the International Covenant on Civil and Political Rights (ICCPR) and acceded to the Convention against Torture on 19 August 2004. Consequently, the Syrian authorities are obliged to prevent torture; investigate whenever there are reasonable grounds to suspect acts of torture and other ill-treatment have occurred; bring those responsible to justice; and provide reparation to victims. Syrian law fails to provide an absolute prohibition of torture as required under Article 1 of the Convention against Torture, although there are some provisions for protection from torture or other ill-treatment. Article 53(2) of the new Syrian Constitution approved by a referendum on 27 February 2012 states that: “No one may be tortured or treated in a humiliating manner, and the law shall define the punishment for those who do so”. The Penal Code provides that: “anyone who batters a person with a degree of force that is not permitted by law in a desire to obtain a confession for a crime or information regarding it...” can be sentenced from three months to three years in prison. This definition of the crime of torture falls well short of the definition of the crime in international law.

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International Response

The League of Arab States

The League of Arab States initially remained passive in its response to the Syrian government's crackdown, stressing that it would not take action itself in response to the crisis. The League issued a statement on 25 April that condemned the use of violence against protestors in Arab countries without highlighting Syria or proposing any measures to end human rights violations. Eventually, on 7 August, the League released a statement calling for a "serious dialogue" between Syrian authorities and protestors.

As the conflict wore on, the League took a stronger position. On 10 September Secretary-General of the League Nabil El Araby met with President Assad and urged him to stop all violent attacks on civilians, reaching an agreement for the implementation of reforms. However it wasn't until 2 November that the Arab League secured Syria's agreement to implement a peace plan, which included a promise to halt violence, release prisoners, allow for media access and remove military presence from civilian areas. Even then, according to Amnesty International, over 100 civilians were killed in the week immediately after Assad agreed to the plan.

In response, the League suspended Syria's membership on 12 November, and in an unprecedented move, imposed economic sanctions on 27 November. On 19 December Syria signed a peace deal, agreeing to an Arab observer mission for an initial period of one month while explicitly ruling out intervention and protecting Syrian sovereignty. The initiative also included a ceasefire, the release of detainees and military withdrawal.

As the one-month mandate of the Arab League's observer mission in Syria came to a close, the League met on 22 January in Cairo to discuss the mission's future. Following the meeting, Arab leaders, in addition to extending the mission's mandate and providing additional equipment for observers, called on Syrian President Bashar al-Assad to cede power to his vice president and form a national unity government. This plan was immediately rejected by Syrian authorities who called the plan "flagrant interference" in Syrian affairs.

Meanwhile, the monitoring mission launched by the Arab League in December 2011 suffered additional setbacks as Saudi Arabia and the Gulf States withdrew their support on 23 and 24 January respectively, citing Syria's failure to implement the peace plan. Though Arab leaders initially agreed to extend the mandate of the monitoring mission for another month on 27 January, they later suspended the mission on 29 January due to "critical" worsening conditions. After the Security Council failed to reach a consensus on the Arab League's strengthened stance, resulting in a double veto of a resolution on 4 February, Arab leaders agreed on 12 February to open contact with Syrian opposition and ask the UN to form a joint peacekeeping force to halt the violence in Syria.

The Gulf Cooperation Council (GCC)

The GCC - Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates – issued a statement on 7 February recalling their envoys and expelling Syrian ambassadors. The statement was a strong condemnation of the “mass slaughter against the unarmed Syrian people,” and urged Arab leaders to take "decisive measures in response to this dangerous escalation against the Syrian people."

The European Union (EU)

The European Council announced on 9 May 2011 that it would impose an arms embargo on Syria and a visa ban and asset freeze on 13 individuals identified as responsible for the conflict. The EU later imposed targeted economic sanctions, additional travel bans and asset freezes against Syrian government and military officials on 1 August. In a statement issued on the same day, EU High Representative Catherine Ashton reminded the Syrian government of “its responsibility to protect the population” and denounced attacks on civilians in Hama and other Syrian cities. The EU also adopted a ban on oil imports from Syria to increase pressure on the regime on 2 September, and continued to expand its economic sanctions on Syria for the duration of the conflict. On 23 January the European Union announced an expansion of economic sanctions

to twenty-two more individuals. The EU gave its support on 13 February to the Arab League's call for a joint Arab-UN peacekeeping force.

United Nations:

Special Advisers on the Prevention of Genocide and RtoP

On 2 June, the Advisers reminded the Syrian government of its responsibility to protect the civilian population, and called for an investigation into alleged violations of international human rights law. Later, on 21 July the Advisers reiterated their alarm at the systematic and widespread attacks targeting civilians and peaceful protestors and their call for an investigation, stating that “the scale and gravity of the violations indicate a serious possibility that crimes against humanity may have been committed and continue to be committed in Syria.” The Special Advisers issued a third statement on 10 February calling for “a renewed sense of determination and urgency to prevent further atrocities against the people of Syria”. The Special Advisers reminded that in order to uphold the responsibility to protect, Syria and the international community must “build trust among communities within Syria, (...) facilitate the delivery of humanitarian assistance to those in need, and (...) encourage regional cooperation in advancing human rights and preventing further rounds of violence against civilian populations.”

Human Rights Council and Office of the High Commissioner for Human Rights (OHCHR)

The Human Rights Council and OHCHR were seized of the situation in Syria early on and a Special Session of the Human Rights Council (HRC) was held on the crisis on 29 April. In a Resolution adopted during the session, the Council condemned the crackdown and called for the OHCHR to dispatch a fact-finding mission to investigate into human rights violations. The Mission, which was successfully launched on 15 March, released findings on 15 September that the widespread and systematic attacks against the Syrian population could amount to crimes against humanity, including murder, disappearance and torture as

well as deprivation of liberty and persecution. The Report also called on the Syrian government to prevent impunity, allow the safe return of refugees, release all detainees, and facilitate further investigation by the OHCHR and the Human Rights Council.

From 22-23 August 2011, the HRC held a second Special Session on Syria to investigate the ongoing human rights violations, subsequently adopting a Resolution mandating an independent Commission of Inquiry to investigate human rights violations in Syria. The Commission's Report was released on 28 November, detailing extensive human rights violations occurring in Syria and expressing concern that crimes against humanity have been committed. On 19 September, High Commissioner Navi Pillay urged the Security Council to refer the case to the International Criminal Court, a recommendation she reiterated on 12 December as she warned that Syria was at risk of civil war.

As the crisis remained unresolved and the international community failed to take decisive action, Pillay stated on 8 February, "At their 2005 Summit, World leaders unanimously agreed that each individual State has the responsibility to protect its population from crimes against humanity and other international crimes...They also agreed that when a State is manifestly failing to protect its population from serious international crimes, the international community as a whole has the responsibility to step in by taking protective action in a collective, timely and decisive manner...The virtual *carte blanche* now granted to the Syrian Government betrays the spirit and the word of this unanimous decision. It is depriving the population of the protection they so urgently need."

Security Council

The Security Council was a source of disappointment for many due to its consistent inability to form a consensus around the crisis. The Council released a presidential statement on 3 August that condemned the violence while reaffirming the Council's "strong commitment to the sovereignty...and territorial integrity of Syria."

September saw renewed discussions in the Council on a possible Resolution, but Permanent Members Russia and China vetoed the text, which came to a vote on 4 October 2011. The text included the condemnation of 'grave and systematic human rights violations' and included a warning of possible sanctions should the situation continue to deteriorate. Brazil, India, Lebanon and South Africa abstained from the vote, while opponents of the Resolution argued that the Council needed to prioritize a Syrian-led dialogue rather than condemn the government. The Resolution's critics also cited concerns over the implementation of Resolution 1973 in Libya as reason for caution over Syria. Civil society organizations and several Member States announced their dismay at the double veto.

General Assembly

The Third Committee (human rights) of the General Assembly (GA) passed a Resolution on 22 November that condemned the Syrian government's prolonged crackdown against protesters. A total of 122 states voted for the resolution, with 13 against and 41 abstentions. Introduced by Britain, France, and Germany, the resolution carried no legal weight, but called on the Syrian government to end all human rights abuses and urged Assad to immediately implement the Arab League's November peace plan. On 21 November, the Syrian envoy to the UN characterized the Resolution as declaring "diplomatic war" against the country. However, the vote at the GA was marked by strong regional support for the Resolution, with Bahrain, Jordan, Kuwait, Morocco, Qatar and Saudi Arabia – all co-sponsors of the Resolution – voting in favor. Russia and China abstained from voting, along with India and South Africa.

On 19 December, the GA adopted a second resolution calling for Syria to implement a peace plan brokered by the Arab League, which included allowing observers into the country. The Resolution, which passed with 133 votes in favor, 11 against and 43 abstentions, also called on Syria to cooperate with the independent international commission of inquiry established by the Human Rights Council.

The General Assembly was briefed by UN High Commissioner for Human Rights Navi Pillay in a meeting on Syria held on 13 February. Ms. Pillay again recalled her earlier statements urging the Security Council to refer the

situation of Syria to the International Criminal Court so as to ensure that crimes do not go unpunished. On 16 February, a third resolution, circulated by Saudi Arabia, was passed in the GA with 137 votes in favor, 12 against and 17 abstentions. Based on the vetoed Security Council resolution text of 4 February, the resolution issued support for the League of Arab States' peace plan in Syria and stressed the importance of ensuring accountability, the need to end impunity and "hold to account those responsible for human rights violations, including those violations that may amount to crimes against humanity". The resolution further called for the Secretary-General to appoint a Special Envoy to the country.

United Nations-Arab League Joint Special Envoy to Syria

On 23 February, Secretary-General Ban Ki-moon and Arab League chief Nabil Elaraby announced the appointment of Kofi Annan as UN-Arab League Joint Special Envoy to Syria, in accordance with GA Resolution A/RES/66/253. In a UN-Arab League statement on March 7, former Palestinian Minister of Foreign Affairs Nasser Al Kidwa was announced as Deputy Joint Special Envoy, and was joined on 20 March by Jean-Marie Guéhenno, former UN Under-Secretary-General for Peacekeeping Operations. The Deputy Special Envoys are tasked to assist Annan in the exercise of his mandate.

In a meeting on 8 March in Cairo, the Arab League and Russia - in conjunction with Kofi Annan - ruled out military intervention, believing that it would only worsen the situation. Annan began talks with Syrian President Bashar al-Assad on 10 March, only to leave Syria without reaching a ceasefire agreement. Both Assad and the leader of Syria's main opposition group rejected dialogue, with the opposition saying negotiation was "unrealistic" and advocating for military force.

Following a presentation in mid-March by Annan to the UN of a six-point proposal for ending the violence in Syria, the Security Council adopted a presidential statement on 22 March issuing support for the plan. Annan's six-point proposal calls for an immediate ceasefire and the withdrawal of forces by

both the government and opposition, humanitarian aid deliveries, an inclusive political process and respect for freedom of association and demonstration.

Under-Secretary General on Humanitarian Affairs

In response to escalating conflict, Secretary-General Ban Ki-moon called on 22 February for Under-Secretary General on Humanitarian Affairs, Valerie Amos, to “visit Syria to assess the humanitarian situation and renew the call for urgent humanitarian access”. On 7 February, the Under-Secretary General met with Syrian Foreign Minister Walid Muallim in Damascus, before visiting the neighborhood of Baba Amr in Homs, an area where fighting between government and opposition forces has been centered.

Government responses

Qatar was the first Arab state to recall its ambassador in Syria on 21 July, with **Saudi Arabia**, **Kuwait** and **Bahrain** following suit on 8 August, and **Tunisia** and **Morocco** doing the same on 11 August and 17 November. Traditionally an ally of Syria’s, **Turkish** Prime Minister Recep Tayyip Erdoğan, announced in a meeting with President Assad that Ankara had “run out of patience” with the situation on 9 August. Following several statements condemning the violence, Turkey imposed economic sanctions on Syria on 30 November.

On 15 January, a US news agency quoted Qatari leader Sheikh Hamad bin Khalifa Al Thani who suggested that Arab troops be sent to Syria to end the conflict. Syria immediately condemned Qatar’s remark, warning it would jeopardize Syrian-Arab relations and promising to “stand firm” against any intervention. After Arab leaders affirmed on 23 January that they were not in favor of a military intervention, Qatar maintained its leadership role in responding to the crisis, briefing the Security Council alongside the Secretary-General of the Arab League on 27 January.

Outside the region, the **United States** reacted quickly by signing an executive order on 29 April 2011 imposing sanctions on three Syrian officials responsible for human rights violations, the **Iranian** Islamic Revolutionary Guard Corps for

providing material support to the Syrian government for the suppression of civilians and the Syrian General Intelligence Directorate for participating in crackdowns on civilians. Additional sanctions were issued on 18 May targeting President Assad and six government aides, and Syrian oil imports were banned on 18 August. The US also joined several European nations, including **UK**, **France** and **Germany**, in calling for Assad to step down on 18 August. Some governments recalled their ambassadors to Syria, including Italy on 2 August, Switzerland on 18 August, and France on 16 November. On 7 September French Foreign Minister Alain Juppé accused the Syrian government of committing crimes against humanity against the Syrian population.

Russia was criticized by many governments and civil society for its consistent support for Assad's government even as it deplored the ongoing violence. Russia has been a long-time arms exporter to Syria, and throughout the conflict worked to ensure both that the opposition's violence was internationally recognized and that Assad's sovereignty was protected, even in its 15 December draft resolution in the Security Council. Other states were similarly hesitant to condemn Assad, including the **India, Brazil, South Africa** Dialogue Forum (IBSA), which released a statement on 11 August calling for an immediate end to all violence and for all parties to exercise restraint. However, the statement did not call for further action to protect civilians and, in regards to the violent measures carried out by the Syrian government, merely noted that President Assad "acknowledged that some mistakes had been made by security forces." Russia's Permanent Representative to the UN, Vitaly Churkin, stated on 7 February that the international community should try to "put the parties at the table and to arrange dialogue among them in order to find a political solution without further bloodshed."

Following the second double veto in February, Member States remained seized of the situation, as evidenced by the U.S. government when Secretary of State Hillary Clinton called for the formation of a "friends of democratic Syria" on 5 February. Echoing Clinton's remarks, the Prime Minister of Turkey announced on 7 February that Turkey would prepare "a new initiative with those countries that stand by the people, not the Syrian government."⁶

⁶ <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-syria>

Questions to Consider

- 1. How is possible to improve reporting and investigations techniques in Syria?**
- 2. Is R2P applicable in Syria?**
- 3. If yes, what will be the implications of its appliance on the people of Syria?**
- 4. Should President Assad be tried by the ICC?**
- 5. What can be done to improve the conditions off civilians caught in the crossfire?**
- 6. Is the claim of the rebels legitimate?**
- 7. What are the methods through which the perpetrators of such crimes can be brought to justice?**
- 8. Is it possible to stop the civil war through diplomatic efforts?**
- 9. How can we get an exact and clear picture of the current on ground situation in Syria?**

