

# AMNESTY INTERNATIONAL JOINT STATEMENT

## **Syria: Make Human Rights Priority of Geneva Talks**

*Ending Unlawful Attacks; Access to Aid; Detainee Rights; Justice; Security Sector Reform*

**AI Index: MDE 24/5750/2017**

21 February 2017

Participants in the February 23, 2017 United Nations-sponsored peace talks in Geneva should prioritize five key human rights issues during negotiations, 40 human rights and other organizations said today. The priorities are to end unlawful attacks, ensure aid access and safe passage for fleeing civilians, detainee rights, justice, and security sector reform.

Achieving respect and promotion for human rights during any transition and post-conflict will require key legislative and constitutional amendments to enshrine rights protection in law, the groups said. This should include a constitutional amendment that states that all ratified international treaties and law are binding in Syria. The transformation of Syria into a state that respects human rights and upholds the rule of law should be a Syrian-led process, with transparent reform following local consultations.

Other countries attending the United Nations-led meetings in Geneva should use their influence over the warring Syrian factions to ensure that the basic human rights of Syrians are on the agenda.

The UN special envoy to Syria, Staffan de Mistura, has explained that the agenda at the talks will mirror the objectives outlined in UN Security Council Resolution 2254 from December 2015. In the resolution, the Security Council expressed its support for establishing inclusive and non-sectarian governance, the drafting of a new constitution, and free and fair elections. It emphasized the need for "a ceasefire monitoring, verification and reporting mechanism," called on the parties to facilitate the unhindered delivery of aid and the release of anyone held arbitrarily, and demanded an end to attacks on civilians and civilian objects and the indiscriminate use of weapons.

### **End to Unlawful Attacks**

While the parties to the negotiations are striving to negotiate peace, any transition agreement should make explicit that the parties to the conflict will adhere to the laws of war in any ongoing fighting. Any agreement should include a commitment by Syrian government and Russian forces to immediately stop using indiscriminate weapons such as cluster munitions and incendiary weapons and to end indiscriminate attacks on populated civilian areas and other unlawful attacks.

Opposition forces should also agree to end indiscriminate and other unlawful attacks, including with car bombs and mortar strikes on civilian areas under government control. The US-led coalition should take necessary precautions to minimize harm to civilians and civilian infrastructure and should ensure that credible reports of civilian casualties are effectively and impartially investigated and publicly reported on.

Despite a ceasefire in late December 2016, unlawful attacks continue, including in [Wadi Barada](#) in the Damascus countryside, Idlib, and other parts of the country. In the early morning hours of February 1, an airstrike hit the Syrian Arab Red Crescent building in Idlib, injuring the center's director and badly damaging the building. On February 10, UNICEF [reported](#) that at least 20 children had been killed in violence in Idlib, al-Zahraa and al-Waer neighborhoods in Homs, and in Eastern Ghouta, in the Damascus countryside.

In light of the Syrian government's repeated war crimes and widespread and systematic human rights violations, including the unlawful use of weapons, all states, including those involved in the negotiations, should make a commitment to stop transferring all arms, related equipment, and logistical support to the Syrian government until the abuses stop and responsible parties are held to account. States should also stop providing such support to armed opposition groups that have been found responsible for widespread or systematic human rights abuses or war crimes.

The US-led coalition should take fully into account that the Russia-Syria coalition has repeatedly committed war crimes under the guise of fighting terrorism and in any cooperation with Russia in the fight against the Islamic State (also known as ISIS) in Syria should ensure that it is not complicit in such crimes.

### **Humanitarian Access and Safe Evacuation of Civilians**

Under international humanitarian law, all parties to an armed conflict are obligated to facilitate rapid and unimpeded aid to all civilians in need and to allow civilians to freely leave an area under siege. Starvation of the civilian population as a method of warfare is prohibited. According to the [UN Office for the Coordination of Humanitarian](#) (OCHA), 4.9 million people live in besieged or hard-to-reach areas in Syria. These areas suffer from bombing and inadequate aid, nutrition, water, and medical care.

The siege of civilian areas by government and pro-government forces and by armed opposition groups and blocking of aid delivery has continued despite the ceasefire. Conditions in areas besieged by government and pro-government forces have rapidly deteriorated, forcing civilians to leave these areas.

According to [OCHA](#), four million people in Damascus and its environs were cut off from drinking water from then-opposition controlled Wadi Barada and Ain-el-Fijah "due to deliberate targeting resulting in the damaged infrastructure." Bellingcat, a citizen investigative journalist group that investigated the damage to the water supply [found](#) that "the most likely scenario is that the regime was responsible for the damage to the spring structure." The civilian population in Damascus was without clean water for weeks while the parties exchanged accusations and negotiated a deal for repairing the supply line.

In February 2014, the UN Security Council passed resolution 2139 to guarantee the delivery of aid, calling on all sides in the Syrian war to facilitate humanitarian access to all parts of Syria. In light of the Syrian government's failure to comply, the council passed resolution 2165 on July 14, 2014, authorizing UN agencies and their implementing partners to deliver aid across four borders not controlled by Syria's government in addition to those already in use. Resolution 2165 was [renewed](#) in December 2016 until January 10, 2018.

Despite the Syrian government's persistent non-compliance with the UN Security Council's resolutions on immediate aid delivery, the council has not taken any further measures, despite affirming that it would in resolution 2165. On December 5, Russia once again used its veto to block UN Security Council action on Syria. The draft resolution would have called for a seven-day pause in hostilities in Aleppo and demanded safe access to provide aid.

Concerned governments should push both the Syrian government and opposition delegations to make an immediate commitment to allow all civilians who wish to leave besieged areas to do so and to allow immediate access for aid to come in across border and conflict lines, without impediment.

All parties to the conflict should commit to ensuring that any evacuations of civilians are conducted in accordance with international humanitarian law. UN and other institutions should be given access to monitor and report on evacuations. Evacuations of civilians should be voluntary and to places of their choosing, and both those that choose to remain or to flee should be protected.

## **Justice**

On December 21, 2016, the UN General Assembly adopted a [resolution](#) establishing a mechanism to assist in the investigation of serious crimes committed in Syria since 2011, which will help pave the way to justice after years of unchecked atrocities. Countries that voted for this unprecedented resolution should support the investigative unit, including by contributing financial resources to its work. This and other documentation efforts, including by the UN Commission of Inquiry, will be vital to future domestic and international accountability processes. These initiatives may help build some momentum for justice as well as send a strong message to Syrian victims that serious crimes committed against them won't go unanswered.

The parties to the conflict, including the Syrian government, should make a commitment to cooperate with the investigative mechanism and the UN Commission of Inquiry.

The international community should continue to work to lay the groundwork for a concrete and credible justice process for the long-term. Governments that supported efforts to give the International Criminal Court (ICC) a mandate in Syria should remain committed to seeking justice for victims, whether in the UN Security Council, UN General Assembly, UN Human Rights Council, or through other avenues, including the use of universal jurisdiction. Other countries should make clear that justice is an essential component of any future peace – including at any negotiations in Geneva.

Proposals to grant immunity to anyone implicated in serious crimes should be rejected. The parties should also make a commitment to review and amend any provision in Syrian law that grants immunity to security forces and to carry out broader reforms to equip the country's justice system to address serious crimes alongside other tribunals, including potentially the ICC.

Broader truth-seeking mechanisms and programs for ensuring reparation for victims and families, and vetting to bar perpetrators from official positions will also be needed. Any agreement should include a commitment by the negotiating parties to a national commission with a mandate to reveal the fate of the disappeared and to investigate torture, extrajudicial executions, and other serious human rights violations.

## **Security Sector Reform and Release of Detainees**

Since the beginning of the uprising in Syria, security forces have arbitrarily arrested, unlawfully detained, forcibly disappeared, and ill-treated, tortured and killed thousands of people, using an extensive network of detention facilities throughout the country. Those arrested include peaceful protesters, human rights defenders and activists involved in organizing, filming, and reporting on protests as well as journalists, aid providers, lawyers, and doctors.

Any transitional plan needs to include a commitment to establish an independent vetting mechanism for current and potential senior security officials. Any against whom there is evidence suggesting their involvement in crimes under international law and other serious human rights abuses should be suspended from their positions or prevented from taking up new security positions pending a full investigation. Wherever there is sufficient admissible evidence of responsibility for international crimes, suspects should be prosecuted in fair trials.

Syria's multiple security agencies should also be required to report to and be accountable to any transitional government. The parties should agree to institutional reforms aimed at ensuring that the human rights violations of the past will not be repeated.

A large number of peaceful protesters, political and humanitarian activists remain in incommunicado detention while others have faced trial, some of them before military and counterterrorism courts, for

exercising their rights. Armed opposition groups, mainly in opposition-held territory in northern Syria, have also arbitrarily detained people, including journalists, aid workers and activists who have criticized them.

Any agreement should include a commitment to release political detainees, journalists, aid workers and human rights activists in their custody and to grant independent monitors access to detention facilities and to all those deprived of their liberty. One effective way to ensure these steps would be to create an independent commission to review cases of those detained, monitor their treatment in detention, and ensure their release. To properly pursue its mission, the commission should be granted access to all detention facilities.

The parties should also make a commitment to repeal or reform laws that criminalize the exercise of the rights to peaceful expression, assembly and association, including the July 2012 counterterrorism law, which criminalizes nonviolent activism and opposition to the government. An explicit commitment should be made to not detain or prosecute aid workers who were operating in opposition held territory, including those who provided medical assistance to the sick, injured or wounded – whether civilians or fighters, in accordance with the laws of war.

The parties should also commit to enshrining in Syrian law all the basic protections and safeguards for detainees guaranteed by international law, including the prohibition of arbitrary detention, the obligation to inform a person who is arrested of the reasons, and the obligation to provide detainees with an opportunity to challenge the lawfulness of detention by a court. Those deprived of their liberty, regardless of where they are held, should have regular access to lawyers, family members, and medics.

### **Signatory Organizations**

1. 11.11.11
2. Al Kawakibi Organization for Human Rights
3. Amnesty International
4. Association for Peace, Justice and Documentation
5. Assyrian Human Rights Network
6. Bridge of Peace Syria
7. Cairo Institute for Human Rights Studies
8. Christian Aid
9. Democratic Republic Studies Center
10. EuroMed Rights
11. FIDH - International Federation for Human Rights
12. Fraternity Foundation For Human Rights
13. Global Centre for the Responsibility to Protect
14. Helen Bamber Foundation
15. Human Appeal
16. Human Rights Guardian
17. Human Rights Watch
18. IHH Humanitarian Relief Foundation
19. Justice for Life Organization
20. Middle East and North Africa Partnership for the Prevention of Armed Conflict
21. Montreal Institute for Genocide and Human Rights Studies
22. Non Violence Network in the Arab Countries
23. Permanent Peace Movement
24. Physicians for Human Rights
25. Refugees International
26. Souria Houria

27. Syria Charity
28. Syrian Center For Legal Studies and Researches
29. Syrian Center for Media and Freedom of Expression
30. Syrian Center for Statistics and Research
31. Syrian Institute for Justice
32. Syrian League for Citizenship
33. Syrian Network for Human Rights
34. Syrians for Truth and Justice
35. The Day After
36. The Violations Documentation Center in Syria (VDC)
37. Trócaire
38. UOSSM International
39. URNAMMU
40. Vision GRAM-International