

## **Introduction**

1. This is a joint submission by Christian Solidarity Worldwide and Syrian Christians for Peace regarding the deteriorating human rights situation in the Syrian Arab Republic.
2. Christian Solidarity Worldwide (CSW) is a Christian organisation working for religious freedom through human rights in the pursuit of justice. Syrian Christians for Peace is an interdenominational Christian organisation that promotes values of human rights and religious freedom and is committed to fostering inter-faith dialogue and peaceful co-existence in Syria.

## **Relevant Legal Instruments and Obligations**

3. The Syrian Arab Republic adheres to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR), the Convention on the Elimination of Discrimination Against Women (CEDAW - with reservations), the Convention Against Torture (CAT) and the Convention on the Rights of the Child (CRC - including the Optional Protocol on Armed Conflict.)
4. During its 2011, review Syria accepted several recommendations from member states. These included, inter alia, undertakings to facilitate unhindered access to the Commission of Inquiry, establish a national institute for the promotion and protection of human rights, respect the right to life, freedom of expression and opinion and freedom of assembly; end the use of torture and other cruel, inhuman and degrading treatment against civilians, engage civil society in the implementation of UPR recommendations, ensure new legislation regulating freedom of assembly is brought in line with international human rights legislation, release all prisoners of conscience and arbitrarily detained persons, establish an independent and impartial judicial system, and end the impunity enjoyed by members of the military and security services.
5. Unfortunately, the government has failed to implement these recommendations and instead has either disregarded or challenged entreaties for it to promote and protect human rights in areas under its control. The freedoms of expression, opinion and assembly remain severely restricted; arbitrary detention, torture and other cruel and inhuman treatment of civilians continues to occur as the Syrian government also continues to disregard its obligations under the ICCPR and CAT, amongst other violations.

## **Current Situation**

6. In 2011, inspired by the Arab Spring, many Syrians took to the streets demanding democratic reforms, but the Syrian government retaliated with extreme force. Thousands have since been killed; many others arrested and severely tortured. According to the Syrian Network for Human Rights (SNHR), nearly 200,000 people have been killed, and 150,000 have been unlawfully arrested since 2011.
7. Consequently, what began as a peaceful uprising degenerated into a full-scale military conflict, with a prominent sectarian aspect. The Syrian government portrayed the Uprising as a fundamentalist Sunni movement that threatened minorities. President Assad had long presented himself as a secular leader who protected minorities and promoted modernity and inclusion, portraying opponents as backward and sectarian. The government regularly

fostered and used Islamist extremist groups to destabilise neighbouring countries and also released hundreds of extremist prisoners at the beginning of the Uprising in order to undermine it. Many have now joined Al Qaeda, Daesh (Islamic State or IS) or other extremist militia.

8. Thus a civil war that began as a bid by pro-democracy forces to oust the Assad government has transformed Syria not only into the arena of preference for international jihadi elements; the nation is also being subsumed increasingly into a wider conflict between Sunni and Shi'a Muslims in the region.
9. Russia's intervention in support of Assad appears to have been designed to degrade and demoralise moderate opposition forces as they, and not IS, were the primary targets of military action and constitute a legitimate, indigenous challenge to the government. Russia has attempted to convince the West that the only choice is between Assad and IS, and recent Russian comments regarding federalism may point to plans to create an Alawite enclave as a last resort if Assad is ever forced out of Damascus.
10. A rather incoherent response by Western nations has reinforced the despair felt by both those who had hoped the "Uprising" would oust Assad and usher in democratic reforms, and those who had believed in Assad's assertions that the opposition consists of terrorists and Western agents who would be crushed easily.
11. Thus as the fifth anniversary of the Syrian Uprising dawned, Syria and Syrians appeared more divided, uncertain, and exhausted than ever. For the first time in five years, a fragile ceasefire appears to be largely holding, despite daily breaches, particularly by the government and Russian air force. However, many Syrians remain uncertain, and even confused, about the next step.
12. The civil war has left at least 200, 000 civilians dead (Syrian Network for Human Rights *SNHR, 2016*) and 6.6 million internally displaced, and caused a mass exodus of over 5 million Syrians to other countries (Paulo Sérgio Pinheiro, March 2016). Reports indicate that Syrian government is responsible for the killing of 91% of victims.
13. According to the SNHR, those killed include 21,500 women and 22,000 children. The SNHR also reports that at least 145,000 have been arbitrarily detained by the various warring parties, including 11,500 women and 13,800 children.
14. In September 2005, as well as formally accepting the responsibility of each State to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity, UN member states also agreed that if any State "manifestly fails" to fulfil this responsibility, then the others are have a responsibility to protect people threatened with such crimes. Initially by peaceful means, but if these prove inadequate, then by means of collective action initiated by through United Nations Security Council (UNSC) and in accordance with the UN Charter.
15. The Commission of Inquiry into Syria has consistently reported that war crimes and crimes against humanity are underway in Syria and are being committed by all sides to the conflict, including the Syrian government. Consequently, in this instance the responsibility to protect civilians overrides the principle of sovereignty of states when a government kills its own people. However, while some Syrians still support Assad, many more feel the international community has abandoned them to the government on the hand and IS on the other.

16. While all parties to the conflict are implicated in war crimes and crimes against humanity, IS in particular is alleged to have committed genocidal actions against the Yazidi community in particular; however, debate continues regarding whether or not genocide has also been committed against Christians and other religious minorities and ethnic groups. Following intense campaigning, the European Parliament, the Council of Europe, the Pope, the United States (US) Congress and Secretary of State, and 75 Members of the United Kingdom Houses of Parliament stated that IS is indeed committing genocide against other religious minorities and indigenous minority communities in Syria and Iraq.
17. The flagrant and egregious violations committed by all sides to the conflict warrant an urgent investigation in order to determine whether genocide is being committed against religious and ethnic minorities in Syria and in occupied and war torn areas of Iraq.

**Recommendation: CSW and Syrian Christians for Peace call on the international community to increase efforts to end the conflict and ensure the release of all who are detained arbitrarily. Justice, human rights and pluralism must be core concepts for any political solution, otherwise war will escalate, further destabilising the already unstable region. Given that neither Syria nor Iraq are party to the Rome Statute, we call on the HRC to facilitate an expansion of the mandate of the UN Commission of Inquiry into Syria. To determine whether genocide has or is being committed against religious and ethnic minority communities in these areas, to identify the perpetrators and victims, and to articulate an appropriate international response. Should this prove problematic, we urge the passing of a UNSC resolution establishing an independent legal mechanism to determine if these crimes have indeed been committed and by whom, and mandating the Office of the Prosecutor of the International Criminal Court (ICC) to investigate whether State Party nationals are implicated in genocide, war crimes and/or crimes against humanity.**

## **Human Rights Issues**

### *Status of Women*

18. The conflict in Syria continues to severely impact the role and status of women. During the course of the conflict, women have experienced different forms of abuse as both participants and victims (*SNHR, 2014*). Many women and girls have been consistently subjected to severe forms of gender-based violence by all warring parties, especially IS and government forces. Violations include sexual abuse and harassment, an enforced dress code, restrictions on the right to education and restrictions on movement virtually amounting to house arrest.
19. In December 2013, a group of armed men thought to belong to Al-Islam Army arrested prominent feminist activist and human rights lawyer Razan Zaytoneh, who is also head of the Violations Documentation Centre (VDC), together with other female activists and former political detainee Samira Khalil. Two men were also arrested at the same time (one of them Razan's husband). Their whereabouts are unknown. Al-Islam Army has denied responsibility for their disappearance several times.
20. On 11 March 2013, Mrs. Rania Abbassi, a 43 year-old dentist, was arrested at her home in Damascus by the government's Military Security Agency (Branch 215) together with her six children: Dima (14), Intissar (11), Najjah (nine), Walaa (eight), Ahmad (four), and Lian (one).

21. Women arbitrarily detained by the Syrian government are often subject to abuse in both official and secret detention facilities, including privations, torture, threats, solitary confinement, sexual harassment, rape and threats of rape (*Euro-Mediterranean Human Rights Network 2015*).
22. The majority of internally and externally displaced Syrians are women and children, many of whom have been displaced multiple times and who are exposed to serious risks inside and outside camps. These risks vary from intimidation and exploitation to rape and sexual abuse.

**Recommendation: All perpetrators of gender-based violence and abuse must be held to account. In addition, protection and rehabilitation for women and children in camps in neighbouring countries must be prioritised by the international community, which should also support and promote a gender-sensitive transitional justice.**

*Attacks against Christians and Christian places of worship*

23. CSW remains concerned for the wellbeing of Syria's religious minorities. The conflict has a strong sectarian aspect, and the Christian community is particularly vulnerable to intimidation and attacks by the different warring parties, especially given the influx of foreign extremists.
24. On 22 April 2013, armed men who are thought to have been Chechen abducted Youhanna Ibrahim, Syriac Orthodox Bishop of Aleppo, and Paul Yaziji, Roman Orthodox Bishop of Aleppo, together with their driver, who was later killed. The fate of the bishops remains unknown.
25. On 3 April 2013, when the city of Raqqa fell to IS, hundreds of Christians were forced to leave. Confidential credible sources report around 35 Christian families still live in Raqqa; they are very poor and had nowhere else to go and no means with which to flee. Reports state they are obliged to pay Jizya (a tax imposed on non-Muslims who refuse to convert) and to take Islamic classes. Christian women are not permitted to leave their homes.
26. On 29 July 2013, IS detained Father Paolo Dall'Oglio, an Italian Jesuit priest and peace activist, when he visited Raqqa. Father Dall'Oglio had lived in Syria from 1982 to 2012, when he was deported by the Assad government for meeting with members of the opposition. Several confidential and credible sources report he was executed by a Saudi IS recruit a few days after his arrest.
27. On 23 February 2015, IS fighters stormed several Assyrian Christian villages in Al-Khabour valley in north-east Syria, seizing 230 Christians as hostages. The majority were released after paying heavy ransoms; however, the fate of three remains unknown.
28. On 5 August 2015, IS fighters attacked Qaryateen village, east of Homs, taking hundreds of people hostage, including around 90 Christians.
29. The SNHR reported that 63 churches were targeted between 2011 and 2015, 63% of which were targeted by government forces. In addition, 11 churches were used as military bases, six of which by the government.

**Recommendation: CSW and Syrian Christians for Peace urge all relevant international parties to ensure that freedom of religion or belief and the protection of religious and ethnic minorities are prioritised during peace negotiations. Any new constitution must reflect Syria's heritage of religious and ethnic pluralism and civil society must be empowered to promote the concept of a national identity.**

### **Possible political solution**

30. Reaching a political solution in Syria will not be easy; especially since all previous attempts have failed, including by the Arab League Initiative and the UN Missions of Mr. Kofi Anan and Mr. Lakhdar Brahimi.
31. Most of the post-Geneva 1 efforts to interpret the Geneva Communiqué proved counterproductive because the permanent members of the UNSC did not have a clear vision for a viable and sustainable political solution. The UNSC has been unable to implement any resolutions regarding the conflict, including resolutions 2042 and 2209, issued in 2012 and 2015 respectively.
32. There were only two main parties to the conflict when Geneva 1 took place: government forces and Shia militias on one side, and the various armed opposition groups on the other. Since then, the scene has changed dramatically, with the rise of extremist groups such as IS and the increasing involvement of diverse Kurdish factions, and especially the *Partiya Yekîtiya Demokrat* (Democratic Union Party, YPD). These newly emergent players have conflicting agendas and perspectives and are increasingly seeking more influential roles. This inevitably complicates efforts to reach a political solution.
33. Nevertheless, the Geneva Communiqué should remain the cornerstone for any political solution. Any attempt to create an alternative to the Geneva Communiqué would only extend the conflict and complicate it further, putting Syria at greater risk of becoming a failed state, if it is not one already.
34. From a human rights perspective, a number of negative consequences arose from local ceasefires such as those achieved in the past in Old Homs and Moadamiya. These were achieved by government forces through the perpetration of human rights violations and possible war crimes, including sieges of civilians. Another problem was the fact that government forces exploited the ceasefires to round up perceived opposition activists, leading to the arbitrary detention and enforced disappearances of hundreds of people.
35. Yet another drawback to these ceasefires was the absence of mechanisms for ensuring such violations would not occur. The extent to which civil society could play a role in monitoring and reporting such violations (and be protected from reprisals) was also unclear. Such issues should be addressed carefully when considering future local ceasefires.
36. Most importantly, peace should not be enforced at the expense of justice and accountability. An absence of war does not necessarily equate with peace; lasting peace and stability can only be achieved by ensuring justice, and thereby easing the process of reconciliation.

**Recommendation: A ceasefire must contribute towards the protection of civilians and towards combatting enforced disappearance and arbitrary detention. The international community must develop robust mechanisms to monitor respect for human rights and humanitarian law in and around ceasefire areas. Components of truth and reconciliation and transitional justice should also be included and ceasefires must generate measurable improvements in humanitarian access to civilians. This will also assist in re-activating the cycle of economy in Syria, which has been severely damaged by the fighting. Improving local economies would create jobs and encourage the re-integration of fighters into society; this too is a vital process to achieve sustainable ceasefires**

### **A UN Force**

37. Whether now, or in 20 years' time, a political option will be needed to resolve the conflict. A national ceasefire across Syria at the beginning of this political process is a vital necessity, and should be coupled with substantial humanitarian aid and political assistance through a UN peacekeeping and stabilisation mission. This mission should include assistance with local government and the provision of services, strengthening rule of law, disarming and reintegrating armed groups and reforming the security sector.
38. A significant and substantial UN presence would be needed during a transitional period in the form of a long-term and well-thought-through and resourced UN stabilisation mission. A UN stabilisation mission would help prevent further sectarian divisions and violence and this would be beneficial in easing Syria into a democratic dispensation.
39. The phrase "Let the Syrian people decide" must translate into credible elections, and not in the imposition of a government elected under questionable circumstances. Elections organised by the Assad government alone would not be viewed as credible by other parties to the conflict.
40. Within this context, the UN should also empower civil society organisations, helping them to promote a culture of human rights and citizenship. Upholding such principles will assist in ensuring the integrity of the electoral process and that its outcomes are accepted and respected.
41. A UN presence on the ground is essential for sustainable peace, and will need to go beyond supplying political, humanitarian, and technical assistance. A UN stabilisation force is needed to ensure that local, and most likely fragile, ceasefires hold. The force's mandate could be reviewed regularly to ensure it remains fit for purpose, while the overall situation is regularly assessed on all levels and appropriate amendments are made to the mandate. This could form part of a national stability plan.
42. When the moment is opportune, the stabilisation force could be withdrawn in the same manner as it was implemented – locally and gradually based on clear assessment of the prevailing conditions. Such assessments are crucial to avoid any vacuum, especially in areas where sectarian and ethnic sensitivities exist.
43. The entire process could take up to 20 years and include 4 - 5 election cycles organised by the UN with gradually increasing input from new Syrian government.

**Recommendation: CSW and Syrian Christians for Peace call on the UNSC to facilitate a resolution stipulating the creation of a long-term stabilisation mission with an appropriately strong and extensive mandate. In addition, to inspire confidence and ensure greater buy-in, it is essential that elections held once the force is in place are planned, organised, administered and monitored by the UN's Electoral Assistance Division (EAD). Relevant training must also be offered to civil society to enable them to monitor the electoral process and its outcomes.**

### **Potential hindrances to stability**

44. Clearly, there are many potential obstacles to peace, including those emanating from pro and anti-government groups, media and think tanks, regional and international players, and extremist groups.
45. One of the most problematic issues is the role of those from all sides who have committed, or are alleged to have committed, grave human rights violations. Perpetrators could constitute the greatest obstacle to any political solution, as it is inconceivable that anyone accused of grave violations could or should play a positive role in this process.
46. An issue that requires careful consideration is whether or how Iran can play a positive role in facilitating a national dialogue leading a viable political solution and credible elections, given its role in fuelling sectarianism and supporting the government financially and militarily. Iranian policy caused a sharp increase in sectarian tension and violence; many government defectors report that Iranians attempted to impose restrictive religious, political and ideological practices on Syrians. Moreover, reports from inside Syria indicate government supporters were relieved when Russia took over as the major source of military assistance.
47. Another important consideration when discussing a sustainable political solution is the role of extremist groups in the process of national dialogue and political solution, and whether representatives of these groups can or should be involved. It is possible extremist groups may not wish to engage due to restrictive interpretations of good governance and opposition to elections. However, it is vital to enter into an open and honest dialogue with all regional sponsors of extremist groups in order to achieve a sustainable political solution.
48. The international community must exert greater pressure for an ambitious vision that will achieve a sustainable political solution for Syria before it is too late. Silence or seeming indifference will only lead to further violence and destruction, which will in turn lead to further haemorrhaging of the Syrian population, perhaps the only symptom of this war that appears to have raised timely international concern.

**Recommendation: A potential UN force must be mandated to assist with containing and countering sectarian narratives and violence, which are progressively destroying Syria and the Syrian society. This requires facilitating a political solution that is based on an inclusive Syrian identity, religious and ethnic pluralism, the promotion of equal citizenship and upholding rule of law.**