

## 40<sup>th</sup> Session of the Universal Periodic Review – Syrian Arab Republic

A joint submission by Christian Solidarity Worldwide (CSW), CSW-Nigeria and CSW-USA

### Introduction

1. CSW (Christian Solidarity Worldwide) is a human rights organisation specialising in the right to freedom of religion or belief (FoRB) for all. Together with CSW-Nigeria and CSW-USA, this joint submission seeks to draw attention to the situation of FoRB and other intersecting human rights in the Syrian Arab Republic since the country's second Universal Periodic Review (UPR).

### Recommendations from the Second Cycle of the Universal Periodic Review (UPR)

2. Syria received 239 recommendations during its second UPR, 158 of which were accepted and 81 noted. Of these, very few related specifically to FoRB. Syria accepted one recommendation from Nicaragua which urged the state to “preserve its model of peaceful coexistence of different religious faiths and cultural identities” and “continue raising awareness about the dangers of excluding ideologies”. Syria also accepted a recommendation from Canada to “immediately release human rights defenders (HRDs) and other prisoners of conscience, particularly those detained and imprisoned for participating in peaceful demonstrations since March 2011”, yet rejected a recommendation from Australia to “cease the unacceptable practices of unlawful detention and torture, allow in independent observers and immediately release all prisoners of conscience.” Syria also rejected a number of other recommendations calling for an end to the widespread practices of enforced disappearance, arbitrary detention and the use of sexual violence, torture and other forms of cruel, inhuman and degrading treatment in its detention centres.
3. While recommendations given to combat terrorism, and to take concrete measures to prevent sexual violence against women and girls and guarantee assistance for victims were widely accepted by the state, there is little evidence that these recommendations have been implemented, and abuse of these rights have continued.
4. In addition, recommendations accepted by Syria to ratify the Convention on the Protection of All Persons from Enforced Disappearance (CED), and to become party to the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights (CESCR-OP) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP) are yet to be implemented.

#### **Recommendation to the Syrian Arab Republic:**

5. **The State Party is urged to implement outstanding recommendations accepted during the second cycle of the Universal Periodic Review.**

### Current situation and recommendations for the third UPR Cycle

## Evolution and impact of the conflict

6. Syria is currently divided into three entities: areas under government control areas controlled by Islamists loyal to Turkey, and the North-East which is under self-administration.
7. These divisions emerged during the civil war, which began on 18 March 2011, when Syrians across the country drew inspiration from the Arab spring and took to the streets demanding peace, human rights and democratic reform. Not only did these calls go unheeded; the government, which had ruled through terror since 1970, also responded with extreme force, supported from Russian and Iranian military. The UN Commission of Inquiry on Syria's 2021 report to the Human Rights Council described the government's actions as the "most heinous violations of international humanitarian law and violations and abuses of international human rights law."<sup>1</sup>
8. President Bashar al-Assad and his ruling regime have shown no mercy, using enforced disappearance, torture, extrajudicial execution, modern-day sieges, and extreme military force, including aerial bombardment, heavy artillery and chemical weapons.
9. For example, CSW was deeply concerned by the military offensive carried out by Russian and Syrian troops in the north-western province of Idlib at the start of 2020. The offensive caused the displacement of nearly one million civilians and the deaths of several hundred. 40 children reportedly died due to severe weather conditions. The situation was exacerbated by Turkey's refusal to allow refugees across its borders with Syria. Although the offensive has ended, the situation remains highly unstable and unpredictable, and international aid organisations have been unable to operate sufficiently in the Idlib region.
10. Also in government-controlled areas, deprivation of housing, land and property rights continues. Under the Syrian government's Law Number 10 of 2018, citizens had just weeks to register and prove they owned their homes before the government auctioned them off. According to the government, the purpose of the law was to regularise land titles and prepare for redevelopment. However, CSW is concerned that the law disadvantaged the five million Syrians who have fled the country and the six million who are displaced internally, the majority of whom were unable or unwilling to return to prove ownership of properties. The law has served as an instrument of profiteering, demographic change and social engineering.

### **Recommendations to the Syrian Arab Republic:**

11. **The State Party is urged to enter into dialogue with the United Nations (UN), to cooperate with the UN Commission of Inquiry and with the international community, to advance human rights and accountability.**
12. **The State Party must ensure that a political solution to the ongoing conflict is based on an inclusive Syrian identity and rule of law.**
13. **The State Party must prioritise the protection of vulnerable communities, while also containing and countering sectarian violence and narratives.**

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<sup>1</sup> United Nations, 2021 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, <https://undocs.org/A/HRC/46/54>, January 2021

**14. The State Party must abide by the basic principles of international humanitarian law and take every necessary precaution to protect civilians.**

**Freedom of Religion or Belief**

15. President Assad has long presented himself as a secular leader who protected minorities and promoted modernity and inclusion, casting opponents as backward and sectarian. However, it is worth noting that Assad's government regularly fostered and used extremist groups to destabilise neighbouring countries such as Iraq and Lebanon. In addition, the government was quick to portray the Syrian uprising as a fundamentalist Sunni movement that threatened minorities, and what began as a peaceful, non-sectarian uprising swiftly degenerated into a full-blown military conflict with a prominent sectarian aspect. The regime also released hundreds of extremist prisoners at the beginning of the uprising in order to undermine it, many of whom joined Al Qaeda, the Islamic State (IS) and other extremist militia. While IS has now lost much of the territory it once held, Syria remains a war zone and terror attacks remain a constant reality. Many of those forced to flee the country are still too afraid to return. In many cases they would not even have homes to return to.
16. While the Syrian civil war has negatively impacted every religious and ethnic community, in areas controlled by Islamist militias religious communities, including the Bahai, Ahmadiyya, Jews, Yazidis and Christians, have suffered particularly appalling treatment. Many have been forced to flee the country due to the hostile environment created by these militias, rendering some areas 'religiously cleansed.'
17. Regrettably, there is no evidence that accepted recommendations from the second UPR pertaining to FoRB, HRDs, and those detained for exercising their rights to peaceful assembly and association have been implemented. During the reporting period, CSW has continued to receive reports of violations against Syria's religious and ethnic minorities in law and in practice.
18. By law, all religious groups must register with the government and meetings beyond regular worship require permits. Registered religious groups recognised by the government are able to receive free utilities and are exempt from real estate taxes on religious buildings and personal property taxes on their official vehicles. However, identifying as a Jehovah's Witness is illegal and membership of an organisation considered by the government to be associated with Sunni fundamentalism could lead to arrest, torture and execution.
19. In addition, the government requires citizens to list their religious affiliation, including denomination, on identification documents and when registering births. In areas controlled by the government and Islamists loyal to Turkey, conversion by Muslims to another religion or belief is prohibited, although conversion to Islam is recognised. This contravenes international law and can be problematic when registering the marriage or holding the funeral of someone who has converted from Islam, or for couples where one is registered as Muslim. For example, while a Muslim man may marry a Christian woman, a Muslim woman may not legally marry a Christian man. However, in self-administrative areas of the country, conversion and inter-faith marriages are permitted.

**Recommendations to the Syrian Arab Republic:**

20. **The State Party must guarantee the right to freedom of religion or belief for all, including the right to choose, change and practice the religion or belief of one's choice without interference, in accordance with Article 18 of the International Covenant on Civil and Political Rights (ICCPR).**
21. **The State Party must ensure that any new constitution reflects Syria's heritage of religious and ethnic pluralism and promotes equal citizenship and rule of law. Civil society must be empowered to promote the concept of a national identity in the process.**  
**5.8 The State Party must abolish Law Number 10 of 2018 on property law.**
22. **The State Party must guarantee that freedom of religion or belief and the protection of religious and ethnic minorities are prioritised during peace negotiations.**
23. **The State Party must increase efforts to counter sectarian narratives and conduct detailed investigations into all instances of violence against religious minorities.**

#### **Violations targeting Christians**

24. Attacks and harassment targeting the Christian community have also continued during the reporting period, including extortion through kidnapping, rape, seizure and destruction of property, forced conversion under threat of death, and murder. CSW sources suggest an estimated 650,000 Christians have fled the country since the conflict began, with many others displaced internally. Cities such as Homs and Aleppo, once home to large Christian communities, have been left with a fraction of the previous population. In the north of the country, tens of thousands of civilians fled for safety, including approximately 200 Kurdish Christian families. The only Kurdish Evangelical Church in Afrin closed and its the pastor moved to Aleppo.
25. In addition, no progress has been made in securing justice for the victims and their families in the following cases since the last review, which illustrates the impunity surrounding the targeting of Syria's ancient Christian community:
  - Reverend Basilious Nasser, a priest from the Greek Orthodox Church, murdered by a sniper in January 2012.
  - Father Fadi Haddad, abducted in October 2012 – his whereabouts remain unknown.
  - Archbishop Boulos (Paul) Yazigi of the Greek Orthodox Church and Archbishop Yohanna Ibrahim of the Syriac Orthodox Church, abducted on 22 April 2013 - their whereabouts remain unknown.
  - Father Paolo Dall'Oglio, an Italian Jesuit priest, abducted on 29 July 2013 – his whereabouts remains unknown.
  - Frans van der Lugt, an elderly and respected Dutch priest, murdered in April 2014.
26. More recently, on 9 July 2019 the body of Susanne Der Krykor, a Syrian Christian, was discovered at her home in the Christian village of Yaqubya in the Idlib countryside. She was one of a small number of Christians who had decided to remain in their homes in Yaqubya and Qnayeh villages after the region was taken over by jihadi groups. She was murdered after being repeatedly raped, tortured and stoned.

27. On 11 November 2019 Father Hosseb Bedoyan, a priest from the Armenian Catholic Church in the city of Qamishli in northeast Syria, was assassinated near the city of Deir Ezzour in eastern Syria. Father Bedoyan was travelling in a private car from Qamishli to Deir Ezzour to check reconstruction work on an Armenian Catholic church which had been destroyed by IS when the terrorist group seized most of the city in July 2014. Two deacons who were travelling with him were badly injured, and his father, also in the car, was killed.
28. In May 2020 CSW learned that approximately 100 displaced Christian families returned to their homes in the village of Kharaba, in the vicinity of Daraa governorate in Southwestern Syria. Kharaba was home to nearly 1,200 Christians before it was taken in 2014 by local rebel groups fighting the Assad regime. Most fled to Damascus and neighbouring Suwayda, and Muslim families moved into their homes. Assad's forces retook Daraa governorate in 2018 after fierce fighting and heavy bombardment which caused widespread destruction in the region, before a Russian-sponsored ceasefire was brokered. However, despite regaining control of Daraa, Syrian government officials ignored reported requests from Kharaba's Christians to help them return to their homes. Instead, the Christians approached a local community leader and former rebel commander leading a local military force, and after months of negotiations and efforts to restore and repair homes and churches, they were able to return on 3 May. A celebratory ceremony was attended by the Muslim and Christian communities and their religious leaders.
29. A Christian man was abducted in Alyaqubiya village in Idlib countryside in northwest Syria on 7 May 2020. Mr Samir Mistrih, a mechanic in his early 50s, was one of very few Christians remaining in a region under the control of a coalition of extremist groups led by Hay'at Tahrir al-Sham, an offshoot of al-Qaeda. He disappeared on his way to his garage, which is only 100m from his home. His whereabouts remain unknown.

### **Recommendations to the Syrian Arab Republic**

30. **The State Party is urged to condemn attacks, kidnappings, and killings of Christians and to intensify efforts to investigate and prosecute those responsible for violations targeting them, ensuring perpetrators no longer enjoy impunity.**
31. **The State Party must address the persistent discrimination and intolerance against Christians in the country.**

### **Violations against Druze**

32. Syria's Druze ethnoreligious minority, believed to constitute around 3.2% of the population, has also been targeted in recent years. Originating from the Near East, the Druze self-identify as 'Unitarians' or 'People of Monotheism.' Their religious belief is deemed heretical by hard-line Islamists.
33. On 25 July 2018 IS terrorists conducted a number of suicide attacks on markets and in residential areas in As-Suwayda Governorate, and stormed villages in the region, killing more than 300 people, injuring 298 and abducting 37. Victims included women and children, and in

some instances, entire families were wiped out. After the abductions, IS released footage of the executions of several hostages. On 8 November 2018 the 17 remaining abductees were released, along with the bodies of two children who died in captivity.

#### **Recommendation to the Syrian Arab Republic:**

34. **The State Party is urged to condemn attacks against the Druze community, and to combat terrorism against the Druze, while providing support and rehabilitation for victims.**

#### **Violations against the Yazidis**

35. In March 2018 the Turkish army captured the city of Afrin in north-west Syria after a fierce battle with Partiya Yekitiya Demokrat (PYD) forces. Since then, CSW has received regular reports of grave human rights violations perpetrated against local people, and particularly against Yazidis, by Islamist militias loyal to Turkey. These violations include rape, assassination, kidnaping for ransom, confiscation of property and desecration of cemeteries and places of worship. Yazidi activists have also reported many cases of forced conversions and marriages.
36. Turkey justified the attacks on the PYD as a defensive measure; however, this is questionable, as the PYD and related groups have restricted their activities to Syria. Having now seized vast swathes of northern Syria, Turkish-backed Islamist militia have enforced a strict interpretation of Shari'a law.
37. Moreover, the Syrian Ministry of Justice has rejected a request from the Yazidi community to recognise them as a religious group and grant them permission to establish courts mandated to resolve civil and personal matters in accordance with their faith. In its ruling, known as Statement 7, which was published on 14 February 2021, the Ministry of Justice said that the Civil and Personal Affairs Law No 59 (issued in 1953) is applicable in matters related to the religious community, and that their civil and personal matters fall under the auspices of the Shari'a Court. Article 307 of the same law provides for special courts for civil and personal matters for citizens belonging to the Druze religious minority, and for Christian and Jewish citizens in Article 308.
38. The Council for Syrian Yazidis issued a statement condemning this ruling and describing it as "a flagrant violation of basic human rights,"<sup>2</sup> warning that such laws "threaten the Syrian heritage and social fabric to which the Yazidis are indigenous. Such laws are not different from the restrictions imposed by the Islamist groups loyal to Turkey in Afrin and Northwest Syria which forced the majority of Yazidis into displacement, causing a deliberate and systematic demographic change."
39. Mrs Mesgin Joseph, the Chair of the Council for Syrian Yazidis, told CSW: "During their history, the Yazidi people suffered over 200 massacres to this day. The ideologies that justified these massacres still exist. We feel trapped between the jaws of the Syrian government on one side and the Islamist groups on the other."

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<sup>2</sup> The Council for Syrian Yazidis, Statement on the ruling of Statement 7, 15 February 2021  
<https://www.facebook.com/301025636704207/posts/1994353944038026/>

40. Alongside discrimination in law, targeted attacks against the Yazidi people have been allowed to continue unabated and with impunity. On 4 December 2020, armed men belonging to the Islamist group Faylaq Al-Sham (Al-Sham Battalion), which is affiliated to the Muslim Brotherhood, launched a series of arrests in several Yazidi villages near Afrin in northwest Syria. CSW sources report that five men were arrested in the village of Basofan and taken to a detention centre in a nearby village called Iskan. The men were named as Ali Kazem Ali, 22; Basel Hussein, 22; Samer Hussein, 35; Delbrin Aarbo and Ahmed Hindi, 32. The men were accused of joining the Democratic Union Party (PYD), a Kurdish political party whose military wing has been fighting Turkey.
41. According to CSW sources, Mr Aarbo was particularly badly beaten and released a few hours after his arrest because he was bleeding severely. Mr Aarbo had previously been the subject of an assassination attempt when armed men from Failaq Al-Sham shot him twice in the abdomen on 30 April 2020. He had reportedly refused to evacuate his home in Basofan when an Islamist commander tried to confiscate it.
42. The group also arrested a number of civilians in the nearby villages of Kabashin and Baaya. CSW sources suggest that the arrests are part of an ongoing campaign to terrorise local Yazidis and force them to leave or convert to Islam.
43. On 5 December the Grand Priest of Lalish Temple, Baba Shawish pleaded with the international community to help the Yazidis of the Afrin region to return to their homes. He said: "Everyone has been treated badly in Afrin, but it was worse for the Yazidis because of their religion."<sup>3</sup>
44. CSW is also aware of provocations in the region by Turkish forces. On 6 October 2020, a jihadist group loyal to Turkey began to build a mosque on a sacred Yazidi cemetery in Basofan, a Yazidi village in the Afrin region.
45. This ongoing incursion was further exacerbated by a Turkish military offensive in March 2020 which has created a severe security, humanitarian and refugee crisis and risks the re-emergence of the IS as well as creating credible concerns of crimes against humanity occurring once again.

#### **Recommendations to the Syrian Arab Republic:**

46. **The State Party must urge the Turkish authorities to restrain extremist groups functioning under their command, ensure the sanctity of religious and cultural locations and ensure that minorities in the areas under its influence are afforded sufficient protections, including Yazidis, and that those responsible for human rights violations are brought to justice.**
47. **The State Party must urge Turkish authorities to end sectarian violence, human rights violations and religious extremism in Afrin and surrounding areas, and comply with international human rights standards and humanitarian law.**

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<sup>3</sup> North Press Agency Syria: 'Baba Gawish: the majority of countries must intervene to help the Yazidis of Afrin', 5 December 2020 <https://npasyria.com/49629/>

**48. The State Party must recognise the Yazidi community as a religious group and grant them permission to establish courts mandated to resolve civil and personal matters in accordance with their faith.**