

Opinion

The Syrian Regime's Dismiss for Human Rights Law



SYRIAN NETWORK FOR HUMAN RIGHTS

الشبكة السورية لحقوق الإنسان

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The Syrian Network for Human Rights (SNHR), founded in June 2011, is a non-governmental, independent group that is considered a primary source for the OHCHR on all death toll-related analyses in Syria.



It wasn't until July 2012 that the International Committee of the Red Cross Committee declared that Syria's popular uprising has become an internal armed conflict. Such a declaration couldn't have been made until a number of requirements hadn't been fulfilled. On 10 June 2011, lieutenant colonel Hussein Harmoush defected from the Syrian army, which was followed by establishing what came to be called "Lewa al Dubbat al Ahrar" (The Free Officers Brigade), marking the first semi-organized pro-Syrian revolution military faction. This faction would later become the core of the Free Syrian Army, led by the colonel Riad al Asaad, which was founded in late-September of the same year. Feeling the need for a leading political force, the Syrian National Council soon followed in October 2011, chaired by Dr. Burhan Ghalioun. Subsequently, the scope of military operations expanded until we've arrived at the stage of an internal armed conflict.

The purpose of this brief historical rundown is pointing out that the human right international law was the governing law in Syria before mid-June 2012. In this period of time, the Syrian regime had already committed wide violations of human rights according to national human rights reports and Commission of Inquiry reports, the first of which was released in January 2012, where the UN body accused the Syrian regime of committing crimes against humanity on multiple levels through murder, torture, and sexual violence. SNHR recorded that 28,372 individuals, including 2,483 children and 1,889 women, were killed, in addition to others who died inside detention centers. Of those, over 97% were civilians, while women and children victims made up more than 6% of all victims, which is a considerably high percentage.

As of mid-June 2012, both international laws, customary international laws and humanitarian law, were in effect aside from the international human rights law, which applies in times of war and peace. In case a contradiction arises, protocol dictates that such contradiction is addressed using a principle called "lex specials" which constitutes a new and very critical phase, one of its most notable characteristics is that specific individuals can be held accountable for violations they've perpetrated in accordance with the international law.

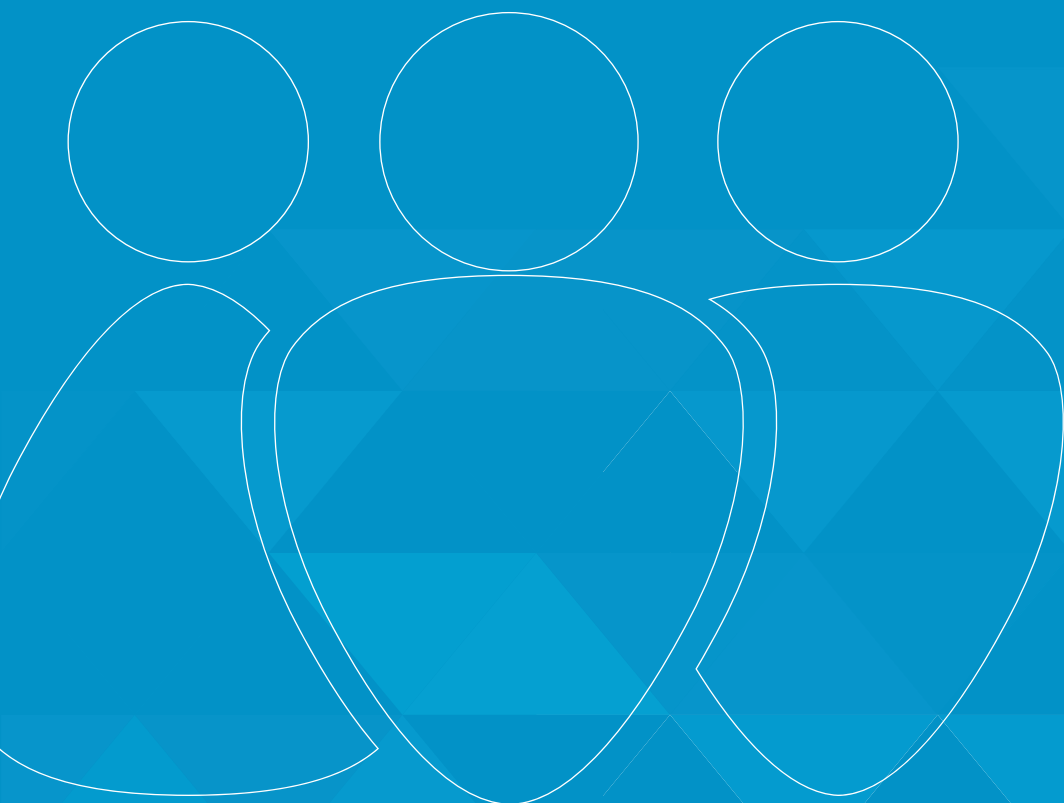


The international law includes the Four Geneva Conventions, signed on 12 August 1949, and its two protocols, as well as a number of other legal instruments and principles that were established to protect the persons most vulnerable at times of armed conflict. The Syrian Arab Republic is a party to the Geneva Conventions and Protocol I to the Geneva Conventions, as well as many legal instruments on matters of international humanitarian law, weapons, and mercenaries. Nonetheless, the Syrian Arab Republic hasn't ratified Protocol II which, specifically, tackles non-international armed conflicts. However, there are a number of customary rules of the international humanitarian law that must be considered in non-international armed conflicts scenarios. In addition, all parties are bound by Article 3 of the Geneva Conventions, as well as the customary law. In Resolution 1325, adopted in 2011, the Security Council stressed that all parties must fully adhere to the rules of the international humanitarian law and the international human rights law with respect to protecting women and girls and take measures aimed at protecting women and girls from sex-based violence during the armed conflict.

In light of the Commission of Inquiry reports, and the Human Rights Council's resolutions on Syria, which exceeded 15 resolutions in three years, a new precedent for the Human Rights Council in terms of number of resolutions, and unanimous repeated condemnations from the United Nations General Assembly that accused the Syrian regime of committing crimes against humanity and war crimes against the Syrian people, not only has the Syrian regime failed to uphold its responsibilities with regard to protecting civilians, the Syrian regime is the one who is killing them everyday and every second in a bloodbath that has been going on for three years. The international community should have acted more urgently in accordance with the 'Responsibility to Protect' norm, which was established by the United Nations General Assembly in 2005, in order to protect civilians in Syria. As human rights defenders, we are entitled to ask, if the Responsibility to Protect norm wasn't implemented in Syria, a case where implementation requirements have been fulfilled, when will it be used? The main problem was the Security Council who has been completely crippled, failing to perform its main duty in preserving international peace and security, not just now, but even before the conflict had developed into an international armed conflict and its most recent Resolution 2139, which came too late and under Chapter VI of the Charter of the United Nations, as the Resolution addresses delivering humanitarian aids and putting an end to indiscriminate bombardment and barrel bombs. Even though the Resolution was an unanimity, the Syrian government hasn't implemented it in the slightest as it continues to behave in an utterly dismissive manner. The Syrian government wouldn't have been able to feel too safe if it hadn't known that, firstly, there are people who ensured its complete protection, and, secondly, there are people who don't want to do anything.

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