

Statement



Report of the Independent International Commission of Inquiry Asserts that Syria is an Insecure Country for Refugees' Return

The Syrian Network for Human Rights Has Worked Cooperatively with the International Commission of Inquiry since 2011, Supporting the Continuation of its Mandate and Welcoming its Recommendations

The Independent International Commission of Inquiry on the Syrian Arab Republic released [its twenty-sixth report](#) on Wednesday, 14 September 2022, with the commission submitting the report to the UN Human Rights Council (HRC) on Thursday, 22 September 2022. The report, which covers the period from January 1 to 30 June 2022, documents serious violations of fundamental human rights and international humanitarian law across Syria, relying on 501 face-to-face interviews.

The Syrian Network for Human Rights (SNHR) has reviewed the 50-page report, and the following is a summary of the main points the report addressed:

The report addressed the persistent nature of various forms of violations by the parties to the conflict and controlling forces in Syria. It described the current year 2022 as the worst since the outbreak of the popular uprising in terms of the economic and humanitarian situation, indicating that about 14.6 million people are currently in need of humanitarian assistance¹. We believe that this is an inevitable consequence of the constant violations which have accumulated for almost 12 years to date.

The report notes that insecurity continues to plague all areas under the Syrian regime's control, further revealing that the regime security forces and affiliated local and foreign militias who control checkpoints and detention centers abuse their powers, and extort money from citizens². The report also stressed the continuation of arbitrary arrests, forced disappearances and death due to torture against citizens, including refugees and displaced persons returning to areas controlled by the Syrian regime³.

The report also touched on other types of violations that are reportedly obstacles to the safe, dignified and sustainable return of refugees, such as the arbitrary use of security clearances imposed by the Syrian regime with the aim of restricting freedoms⁴, which are a prerequisite for obtaining basic property and housing rights. In this context, the report stressed that the voluntary and safe return of the refugees must be secured and that this must not entail any physical harm or violation of their fundamental human rights.

¹ UN, HRC, Independent International Commission of Inquiry on the Syrian Arab Republic, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 14 September 2022, para. 9.

² UN, HRC, Independent International Commission of Inquiry on the Syrian Arab Republic, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 14 September 2022, para. 14.

³ UN, HRC, Independent International Commission of Inquiry on the Syrian Arab Republic, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 14 September 2022, para. 15.

⁴ UN, HRC, Independent International Commission of Inquiry on the Syrian Arab Republic, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 14 September 2022, para. 27.

In regard to the military operations in areas under the control of the other parties to the conflict, the report said that the Syrian regime continued to target civilians in areas of northwestern Syria, with the support of Russia. It also referred to the observation of Russian warplanes concurrent with raids targeting civilian objects⁵. We note here that the SNHR welcomes the report's reference to the accountability of the Russian forces, a point which we have repeatedly recommended to the commission following our review of each of its reports following their release.

The report states that Hay'at Tahrir al-Sham (HTS) has continued to restrict fundamental freedoms, including freedom of expression, as well as continuing to detain journalists and activists opposing its policies for expressing their opinion⁶, preventing detainees from contacting their families, and denying them medical care. Furthermore, the HTS has seized and used private property, predominantly the property of its opponents and critics, including displaced people⁷.

The report further notes that factions in the national army have continued to carry out arbitrary detentions and enforced disappearances, and that army personnel had practiced torture, including sexual violence. It also reported that some cases of torture caused the death of the detainee⁸, with these practices constituting war crimes. The report noted that in its areas under SNA control, its forces have restricted freedom of expression and assembly, perpetrating these sorts of violations against women on the basis of their gender⁹. Some factions in the national army have seized property in areas under their control, in tandem with the detentions¹⁰, and as the report confirms, the confiscation of property by all parties to the conflict amounts to looting, which is a war crime.

⁵ UN, HRC, Independent International Commission of Inquiry on the Syrian Arab Republic, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 14 September 2022, para. 45.

⁶ UN, HRC, Independent International Commission of Inquiry on the Syrian Arab Republic, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 14 September 2022, para. 58.

⁷ UN, HRC, Independent International Commission of Inquiry on the Syrian Arab Republic, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 14 September 2022, para. 61.

⁸ UN, HRC, Independent International Commission of Inquiry on the Syrian Arab Republic, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 14 September 2022, para. 72.

⁹ UN, HRC, Independent International Commission of Inquiry on the Syrian Arab Republic, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 14 September 2022, para. 79.

¹⁰ UN, HRC, Independent International Commission of Inquiry on the Syrian Arab Republic, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 14 September 2022, para. 76.

The report also addresses the subject of camps in northeastern Syria, stating that the Syrian Democratic Forces (SDF) continue to detain about 58,000 people, among them approximately 17,000 women and 37,000 children, in Al Hol and Roj camps. The report also notes the deteriorating humanitarian situation and the denial of health care and basic necessities of life to camp residents, including safe drinking water and sanitation, in addition to the insecurity in both camps, as well as the recurrence of killings¹¹. In this regard, the report called on the SDF to take further steps to prevent and investigate killings inside the camps. According to the report, there are reasonable grounds to believe that the SDF is violating the obligation to treat all individuals, who do not participate or cease participation in hostilities, humanely, and in some cases, have committed acts amounting to forced disappearances¹². In connection with this issue, the report called on countries to take back their nationals detained in northeastern Syria for their alleged association with ISIS, especially children with their mothers.

The report further notes that the SDF routinely arrests opponents of the Kurdish Democratic Union Party (PYD) and the Kurdish Autonomous Administration¹³, and has restricted freedom of expression in areas under its control in particular against journalists¹⁴.

The report calls on all parties to the conflict in Syria to respect international law, cease all indiscriminate and direct attacks on civilians and civilian objects, conduct independent and credible investigations into incidents in which their forces are implicated and which have resulted in civilian casualties, ensure that those responsible for violations are held accountable and guarantee their non-recurrence, and make the results of these investigations available to the Syrian public.

The report also stresses the need to end all torture and other cruel, inhuman, or degrading treatment or punishment, including sexual and gender-based violence, in all places of detention. Additionally, it calls for an end to all forms of detention while denying detainees contact with family, for the release of all those arbitrarily detained, and for action to ensure that the perpetrators of these violations are held accountable through fair trials. In the same vein, the report calls for the cessation of all forced disappearances and for all possible measures to be taken, in accordance with Security Council resolution 2474 (2019), to locate all detainees and/or disappeared, determine their fate or whereabouts, and ensure communication with their families.

¹¹ UN, HRC, Independent International Commission of Inquiry on the Syrian Arab Republic, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 14 September 2022, para. 97.

¹² UN, HRC, Independent International Commission of Inquiry on the Syrian Arab Republic, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 14 September 2022, para. 101.

¹³ UN, HRC, Independent International Commission of Inquiry on the Syrian Arab Republic, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 14 September 2022, para. 108.

¹⁴ UN, HRC, Independent International Commission of Inquiry on the Syrian Arab Republic, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 14 September 2022, para. 109.

The report recommends facilitating the establishment of an independent international mechanism to coordinate and consolidate claims for missing persons, including those at risk of forced disappearance in Syria. We note that the Independent International Commission of Inquiry was the first body to call for the establishment of this mechanism [since its first report](#) released on 23 November 2011, and that it has reiterated this demand [in many of its reports](#).

The report calls for the continued pursuit of accountability, noting that to date there has been no comprehensive accountability for gross human rights violations and war crimes committed by parties to the conflict in Syria, foremost among which is the Syrian regime. It also recommends that independent impact assessments of sanctions be undertaken to mitigate the unintended consequences on the daily lives of the civilian population.

We at SNHR, welcome the findings and recommendations of the report of the Independent International Commission of Inquiry. We support the commission's mandate and the investigations it has undertaken since its establishment in the summer of 2011 until now. The commission has exerted great effort on behalf of the Syrian people, professionally and impartially documenting the violations perpetrated against them, and always welcoming and reviewing criticism of certain points. The SNHR has cooperated with the commission's investigators since the early days of its establishment, providing them with all our available data, information and building positive relations enabling the investigators to communicate with victims and their families. We uphold our continued support for the work of the International Commission of Inquiry due to its exceptional importance in light of the continued perpetration of atrocious violations in Syria, especially by the Syrian regime.

The twenty-sixth report of the Independent International Commission of Inquiry can be accessed at [the following link](#).