



Burnt Trucks In the aftermath of an attack by Russian forces on a Red Crescent center, Urm al-Kubra town, Aleppo governorate - September 19, 2016

UN Special Rapporteur Alena Douhan Should Demand that the Syrian Regime Ends Violations and Crimes Against Humanity as a Precondition for Lifting Sanctions

The Coercive Measures Was Imposed on the Syrian Regime Only After the Regime Had Committed Thousands of Violations Against the Syrian People and State, Which the Regime Still Does to This Day

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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.

Content:

I. The Sanctions Imposed on the Syrian Regime Were Not in a Vacuum. They Were a Consequence of its Human Rights Violations, With Some of the Regime’s Violations Amounting to Crimes Against Humanity 2

II. UN Special Rapportuer on the Negative Impact of the Unilateral Coercive Measures Meet Syrian Regime Officials 3

III. Recommendations to the UN Special Rappoirter and the Human Rights Council 6

I. The Sanctions Imposed on the Syrian Regime Did Not Occur in a Vacuum, But As a Consequence of its Human Rights Violations, With Some of the Regime's Violations Amounting to Crimes Against Humanity

As shown in dozens of reports and statements by the Independent International Commission of Inquiry on the Syrian Arab Republic (CoI), as well as many reports and statements by the UN General Assembly released since March 2011, not to mention the abundance of reports released by human rights groups ; including, but not limited to, Human Rights Watch (HRW), Amnesty International, and the Syrian Network for Human Rights (SNHR), the Syrian regime has been implicated in a wide range of human rights violations, some of which qualify as crimes against humanity and war crimes. These include : extrajudicial killings, enforced disappearance, torture, forced displacement, and indiscriminate bombardment.

In international law, sanctions, i.e., measures not involving the use of armed force, are established in Article 41¹ of the Charter of the United Nations, with Article 42² of the same Charter stipulating measures involving the use of force. Such articles are invoked should the UN Security Council determine “the existence of any threat to the peace, breach of the peace or act of aggression”, as stated by Article 39³. Indeed, a precedent exists whereby the UN Security Council has determined that gross violations of human rights are a threat to international peace and security, such as Resolution 688 (1991) on the situation in Iraq⁴, Resolution 941 (1994) on the situation in Bosnia and Herzegovina⁵, Resolution 955 (1994) on the situation in Rwanda⁶, and Resolution 1203 (1998) on the situation in Kosovo⁷. Nonetheless, the Security Council has failed to impose any sanctions on the Syrian regime, and failed to put an end to the Syrian regime's continued violations that include crimes against humanity, and have threatened peace and security, and displaced millions of Syrians. It is profoundly appalling that the UN has yet to impose any sanctions on the Syrian regime, including an arms embargo.

¹ “The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.” U.N. Charter art. 41.

² “Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.” U.N. Charter art. 42.

³ “The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.” U.N. Charter art. 39.

⁴ United Nations Security Council (UNSC) Res 688 (5 April 1991) UN [Doc S/RES/688/1991](#).

⁵ United Nations Security Council (UNSC) Res 941 (23 September 1994) UN [Doc S/RES/941/1994](#).

⁶ United Nations Security Council (UNSC) Res 955 (8 November 1994) UN [Doc S/RES/955/1994](#).

⁷ United Nations Security Council (UNSC) Res 1203 (24 October 1998) UN [Doc S/RES/1203/1998](#).

Executive Director of SNHR Fadel Abdul Ghany says:

As the Security Council has failed to deter the violations of the Syrian regime and bring about a resolution to the armed conflict, some states and entities have imposed sanctions of their own on the Syrian regime for its violations, some of which amount to crimes against humanity. Those violations, including torture, enforced disappearance, forced displacement, and seizure of properties; are still being committed to this very day. The Syrian regime has never launched an investigation into the killing and disappearance of tens of thousands of Syrians, never held any of its members accountable, and never compensated any victim. Therefore, we believe that more sanctions must be imposed on thousands of implicated individuals from the Syrian regime, in order to combat the culture of impunity.

II. UN Special Rapporteur on the Negative Impact of the Unilateral Coercive Measures Meet Syrian Regime Officials

On Thursday, October 27, 2022, the UN published [a press release](#) announcing that Alina Douhan, the UN Special Rapporteur on the Negative Impact of the Unilateral Coercive Measures on the Enjoyment of Human Rights, will be visiting Syria from October 30, to November 10. “I am looking forward to engaging with the Government and non-governmental stakeholders in a spirit of dialogue, cooperation and impartiality,” Ms. Douhan stated. “with the view to gather first-hand information on the impact of unilateral coercive measures on the full realization of all human rights in the country.”

A Belarusian national, Mrs. Alina Douhan is a professor of International Law at the Belarusian State University. Douhan assumed her duties as the UN Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights on March 25, 2020.

According to the press release, Ms. Douhan will pay specific attention to issues that include “secondary sanctions, sanctions over-compliance and the sanctions-induced obstacles to the realisation of the sustainable development goals and the right to development.” Ms. Douhan is set to submit her final report on the visit to the UN Human Rights Council in September 2023.

When dealing with the Syrian regime, one cannot dismiss the fundamental fact that the overwhelming majority of Syrian regime officials are implicated in committing violations against the Syrian people. The same applies to the members of the People’s Assembly, who have been appointed by the security services, with [one-third of them being directly involved](#) in committing or supporting violations against the Syrian people. None of these officials in any way represent the interests of the Syrian people.

We have our doubts about this visit and its goals, based on our assessment of [a press released published by Ms. Douhan on December 28, 2020](#) (just a few days before the world was preoccupied with the New Year Holidays). The statement addressed the US sanctions imposed on the Syrian regime, describing them as “unilateral coercive measures.” We at SNHR have four reservations regarding that statement:

1. Ms. Douhan did not reference the reasons that prompted some states to impose sanctions on the Syrian regime. It seems that she is unaware of the fact that the Syrian regime has been involved in thousands of violations, some of which qualify as crimes against humanity.
2. The statement dismisses the fact that the Syrian regime has stolen UN and international relief aid. Therefore, any move to lift sanction while the current Syrian regime remains in power would most definitely benefit the Syrian regime, which is involved in corruption and theft, by refunding its war machine and paying the wages of its security services and local militias. The Syrian people would benefit only very marginally, if at all, from such decisions.
3. The statement did not mention that the imposed sanctions; by European states, the US, Canada, Turkey, and Australia, [explicitly exclude relief and medical supplies](#).
4. This has been the first statement released by Ms. Douhan on Syria, even though there have been many “unilateral coercive” measures being taken against the Syrian people, which were far more threatening to human rights than imposing sanctions on the Syrian regime. Some notable examples are:
 - Iran deploying tens of thousands of its militants from around the world to Syria. Those militias have been involved in human rights violations that qualify as war crimes.
 - Russia deploying mercenary companies such as Wagner, which have been involved in direct killings and widespread lootings.
 - Thousands of the Lebanon-based Hezbollah fighters crossing into Syria and occupying and looting dozens of neighborhoods and areas, over sectarian considerations.

Besides the statement, we have been tracking Ms. Douhan’s career and some of her interviews. On November 28, 2020, one month before she published her statement, she was interviewed by Russia Today. In the interview, she talked about the economic sanctions imposed on Syria and how those sanctions negatively impact the country’s ability to buy humanitarian and medical supplies. On January 14, 2022, about two weeks after her statement, the website The GrayZone, known for disseminating Russian propaganda, interviewed Ms. Douhan (it should be noted in this context that the website has been used before by the Russian regime to attack SNHR by publishing a baseless and defamatory article with no resemblance to credibility or methodology. The GrayZone is a yellow-press outlet that should not be used as a source of information for any self-respecting researcher or academic).

On January 21, 2021, the [Syrian regime addressed a message to US President Joe Biden](#) signed by a number of pro-Syrian regime figures, which was mainly concerned, in its phrasing, with Ms. Douhan’s statement.

Finally, we agree with Ms. Douhan that the sanctions' side-effects do impact civilians. It is not possible to punish a dictatorship like the Syrian regime and its security arms that have permeated the lives of the Syrian people in every aspect without it affecting Syrian society. However, there are other aspects of the economic suffering of the Syrian people that are far more serious than the sanctions imposed on the Syrian regime, such as:

1. Displacing 14 million Syrian citizens, both internally and in refuge countries.
2. Arresting/disappearing around 136,000 Syrian citizens at the hands of the Syrian regime.
3. In its latest ranking, the Syrian regime was ranked the [second-worst regime on the Corruption Perception Index for the year 2021](#).

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Sanctions alone are not enough to put pressure on the Syrian regime⁸. If they had been, it would not have been possible for the regime to survive and keep committing war crimes and crimes against humanity for 11 years. Other forms of sanctions must be enacted along with the economic ones, including military sanctions. This should be also carried out in tandem with the expression of serious political willpower through serious action within a strict, timed plan with the objective of bringing about political transition towards a government that respects democracy and human rights.



Image showing IDPs from the areas of Jabel al Zaweya & Saraqeb in the southern & eastern suburbs of idlib while they were passing to safer areas in far north Syria due to the intensive bombing by Syrian- Russian alliance on their areas- Jan 27, 2022

⁸ Should there be different standards on how UN sanctions are imposed depending on whether the sanctions are intended to enforce human rights or to maintain peace and security?
Fadel Abdul Ghany, Syrian Network for Human Rights, <https://snhr.org/?p=58768>.

III. Recommendations to the UN Special Rapporteur and the Human Rights Council

- During her visit, Ms. Douhan should constantly remind herself that she is meeting with a regime that has been implicated in crimes against humanity against the Syrian people, and treat it accordingly.
- One-third of the members of the People's Assembly have been implicated in human rights violations against the Syrian people. They have been elected through the actions of the security services. It should be taken into consideration that they are blindly supporting the Syrian regime against the interests of the Syrian people.
- Ms. Douhan should call on the Syrian regime to end all violations, including torture and enforced disappearance, return properties and lands to their rightful owners, and compensate all victims. This is the only way to lift the sanctions.
- Ms. Douhan should read all the reports by the CoI on Syria, and the Organizations for the Prohibition of Chemical Weapons (OPCW) that prove the implication of the Syrian regime in heinous violations against the Syrian people.
- Ms. Douhan should read the many human rights and research reports which prove the Syrian regime's theft of UN and international relief aid through creating bogus civil society organizations tied to its security services.
- The Human Rights Council should thoroughly familiarize itself with the details of the work of the UN Special Rapporteurs and with their political and ideological views. The Human Rights Council should also assess the sanctions imposed on the Syrian regime in a professional and objective way, and call on the Security Council to take action and impose UN sanctions on the Syrian regime that includes an arms embargo.



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