

SNHR Submits A Report for the UN Human Rights Committee's 141st Session

The Syrian Regime Has Violated the ICCPR,
With Many of Its Violations Constituting
Crimes Against Humanity

Wednesday 31 July 2024

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 analyzes in Syria.



Contents:

I. Background	1
II. SNHR Submits a Report to the UN Human Rights Committee and Participates in Formal and Informal Briefing Sessions	2
III. SNHR Welcomes the Recommendations Made by the UN Human Rights Committee and Some Comments on the Report's Closing Observations.....	6

I. Background

The Syrian Network for Human Rights (SNHR) submitted a report to the [UN Human Rights Committee](#), whose mandate is to monitor the State Parties' implementation of the International Covenant on Civil and Political Rights (ICCPR). The UN Human Rights Committee is an impartial, elected committee whose members represent the world's nations. Syria itself ratified the ICCPR in 1969. At the committee's request, each member country's ruling authority must submit reports on the measures it has adopted to implement the rights recognized in the Covenant and the progress made there on the enjoyment of these rights.¹

In July 2024, the UN Human Rights Committee examined the fourth periodic report by the Syrian Arab Republic on its compliance with the provisions of the ICCPR, marking the first time the UN has examined the status of human rights in Syria and the Syrian regime's compliance with the ICCPR since the start of the popular uprising in Syria in March 2011. It is worth noting that the Syrian regime, under Bashar Assad, has not submitted any reports to the UN Human Rights Committee since 2004. The fourth periodic report to be submitted by the regime, which was due for submission in 2009, was submitted on December 29, 2021, in a conspicuous demonstration of the regime's dismissal of and contempt for human rights and the principles of the ICCPR. On top of that, Syria should have been a critical case in light of the numerous human rights violations committed by the ruling authority in the wake of the popular uprising in Syria in March 2011. Therefore, the UN Human Rights Committee should have asked the Syrian regime to submit additional periodic reports, or at least bring the date for submitting the periodic report forward.

1. See Article 40 of the ICCPR:
UN Human Rights Office (OHCHR). International Covenant on Civil and Political Rights.
<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>



II. SNHR Submits a Report to the UN Human Rights Committee and Participates in Formal and Informal Briefing Sessions

SNHR has worked for over 13 years to date on documenting the various violations taking place across Syria. SNHR archives and catalogues these violations in a private database. Thanks to our daily and accumulated documentation efforts over the years, SNHR feels confident that we can expertly evaluate the Syrian regime's violations of international human rights law and customary international law, as well as other international instruments and treaties.

The Syrian regime's government recently submitted a report to the UN Human Rights Committee that reflects its supposedly great commitment to the ICCPR. Upon reviewing the report, SNHR has submitted an alternative report refuting much of the content of the regime's report. The SNHR report examines the degree to which the Syrian Arab Republic has complied with the ICCPR's articles, including its international obligations to ensure the most prominent human rights, with these observations drawing upon the data gathered throughout our years of monitoring and documentation. The report focuses specifically on various types of violations committed by the Syrian regime over the last four years (from August 2020 until June 2024), which are related to Articles 2, 6, 7, 9, 10, 12, 14, 15, 18, 19, 20, 21, 23, 25, and 26 of the ICCPR. In the report, SNHR clearly illustrates how Syria has reached rock bottom in respect to many fundamental human rights, becoming one of the world's worst countries in terms of committing various types of violations. With the Syrian regime³ led by Bashar Assad remaining in power, we've documented the commission of many crimes of killing, arrest, enforced disappearance, torture, and restriction of freedoms by regime forces, especially by the regime's security apparatus, with many of these violations amounting to crimes against humanity. The report also proves that the Syrian regime has violated many ICCPR articles, as well as routinely breaching human rights.

2. See:

UN Human Rights Committee. (2021, December 29). State Party Report: Fourth Periodic Report Submitted by the Syrian Arab Republic Under Article 40 of the Covenant. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F-C%2FSYR%2F4&Lang=en

3. We generally use the term 'the Syrian regime' rather than 'the Syrian government', because the nature of the ruling power in Syria is that of a totalitarian dictatorship where power is concentrated in the hands of a small circle of individuals, namely the President of the Republic and the heads of the regime's security apparatus. As a result, the ministers, including the Prime Minister and the Minister of Interior, play a restricted, largely ceremonial role, which is limited to implementing precisely what the ruling regime orders, with no real decision-making power or active role of their own. Syria is under autocratic/hereditary family rule, with no independent decision-making structure. Rather, the government is an empty façade created merely for show. The Minister of Interior receives orders from the security branches over which he supposedly presides. The Minister of Justice cannot even summon a low-ranking security office, let alone a security branch head. Syria is ruled by the president assisted by the heads of the security branches.

While we are aware that the United Nations and its agencies use the term 'the Syrian government', we believe that this is a completely inaccurate and misleading term in the Syrian context.

On July 10, 2024, SNHR took part in the informal briefing session that preceded the official consideration session for the Syrian Arab Republic. In the informal session, SNHR answered questions and inquiries from members of the UN Human Rights Committee. In the next two days, July 11-12, the formal sessions discussing Syria's compliance with the ICCPR were held, during which the report submitted by the Syrian regime on its compliance with the ICCPR was considered. SNHR has also taken part in a formal briefing session by submitting a video package summarizing the SNHR report, including recommendations to the Committee, as part of the agenda of the UN Human Rights Committee's 141st Session. [It should be noted that SNHR previously submitted a report to the UN Human Rights Committee prior to the committee officially approving the list of issues related to the Syrian Arab Republic during its 130th session](#), which was held in the last quarter of 2020.⁴

The report, which was submitted by SNHR in early-June 2024, draws upon the information archived on the group's database, mainly focusing on the rights to life and to liberty and security of person, as well as the violations related to arrests; unlawful detentions; enforced disappearance, torture and inhumane punishments and treatment; freedom of opinion, expression, and peaceful assembly; freedom to hold political views, and the freedom to form political parties, and freedom to participate in free elections, in addition to violations related to the issue of refugees, internally displaced persons (IDPs), and the freedom to movement. The report provides figures on these violations documented during the period between August 2020 and June 2024. The report also sheds light, whenever appropriate, on the contexts governing many of violations. Meanwhile, the report highlights certain incidents as a qualitative sample that illustrates the methodology and deliberate commission of a certain violation, in order to ensure the report is of a manageable length.

Additionally, the report provides a summary of Syria's legal and constitutional framework, and of the scope of Syria's commitment under international human rights treaties, stressing that none of the current international human rights conventions and instruments ratified by Syria had any tangible effect on the formulation of the 2012 Constitution, or of any domestic laws and legislative articles. Indeed, as the report notes, the current constitution blatantly contravenes the most fundamental human rights. For one

4. Syrian Network for Human Rights (SNHR). (2020). The Syrian Network for Human Rights' Report to the United Nations Human Rights Committee. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FICS%2F-SYR%2F42953&Lang=en

Syrian Network for Human Rights (SNHR), ALL SURVIVORS PROJECT. (2020). Submission to the United Nations Human Rights Committee 130th Session, 12 October – 6 November 2020 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FICS%2FSYR%2F42858&Lang=en

thing, the constitution grants the President of the Republic legislative, judicial, and executive powers, making it wholly unlike any of the constitutions of those nations which respect even the most basic standards of constitutional rights. Furthermore, the Syrian regime, which maintains complete and absolute hegemony over the People's Assembly of Syria, i.e., the country's legislative authority, exercised through the Baath Party,⁵ has promulgated dozens of laws that blatantly violate the fundamental rights of Syrian citizens, including those established in the ICCPR. The report outlines some of those rights.

The report emphasizes that the Syrian regime has practiced torture in a widespread and systematic manner. These torture practices have led to related outrages as severe as the loss of life, constituting blatant violations of international human rights law. It has also been well-established that the Syrian regime is fully aware of these practices, and of the fact that the inhumane detention conditions maintained in its prisons will eventually lead to death. Furthermore, the conscious decisions to carry out these practices have been issued from the very pinnacle of the regime's power hierarchy, starting with the President of the Republic, who directly controls the ministries of interior and defense, the National Security Bureau, and their various subsidiary security agencies and security and military committees. The report adds that there are no legal grounds for convicting detainees and leveling charges against them, whether on the basis of the Counterterrorism Law or the Public Penal Code, with rulings usually being based on confessions extracted under torture and coercion. These are not genuine courts in any recognized legal and judicial sense.

The report further stresses that the legislative process in Syria has been stripped of all standards regulating legislation, especially those related to the conflict. This process has also contravened constitutional and legal articles in many of the articles of legislation that have been promulgated. The legislative authority, i.e., the People's Assembly of Syria, lacks any autonomy and is completely subservient to the executive branch in every way, from appointing its members to controlling the laws passed by it. Meanwhile, the Syrian regime has eroded the state judiciary's authority, placing it under its own full control. In effect, there is today only one ruling authority, namely the executive authority, which is in the hands of the head of the republic and the security agencies that report to him. The Syrian regime is a bona fide dictatorial, totalitarian regime which explicitly and blatantly violates the principle of the separation of powers.

5. Syrian Network for Human Rights (SNHR). (2020, August 14). Holding People's Assembly Elections before Reaching a Political Agreement Is Illegitimate and Undermines the Peace Process. <https://snhr.org/?p=55359>

The report provides a number of recommendations; chief among these is that, at the very minimum, pressure must be applied on the Syrian regime to ensure that international observers, including the Independent International Commission of Inquiry (COI), are given unconditional and unrestricted access to detention centers. Also, the political transition process must be supported, and pressure must be imposed in order to compel the parties to implement the political transition within a period of no more than six months so that most of the violations end and millions of displaced people can safely return to their homes. The report also calls for preventing any forcible return of Syrian refugees, since the situation in Syria continues to be unsafe, adding that instead pressure should be imposed to achieve a political transition that would ensure the automatic return of millions of refugees.

In addition, the report recommends acting more urgently in regard to bringing about a political resolution that would enable the Syrian people to hold free and fair political, parliamentary, and local elections that respect the rules of the electoral process.

The report also calls for condemning the laws passed by the Syrian regime that violate the rights of millions of Syrian people, and which are being enforced under the threat of arms and authority, and asserts that punitive measures must be adopted against the Syrian regime in order to deter it from killing any more Syrian citizens under torture.

Moreover, the report recommends that the UN Human Rights Committee give recommendations to the Syrian regime to allow human rights work in Syria, as well as allowing the establishment of human rights organizations, with no prosecution, harassment, or restriction against their work, as well as allowing party and union activism. The report further states that the UN Human Rights Committee should also call on the Syrian regime to repeal all the so-called 'security laws' that massively crush freedom of opinion and expression, and allow local, Arabic, and international media outlets to operate freely in Syria with no restrictions or preconditions. In addition, the report also calls on the regime to completely cease its restrictions and direct threats against journalistic institutions and their workers, and to allow the establishment of dissenting media outlets while ensuring freedom of work and movement for their staff, instead of perverting vital institutions such as media into propaganda instruments which exist solely to serve the regime's agenda, justify the violations committed by its forces and militias, and distort the truth.

6. See: People's Assembly of Syria, Legislative Decree No. 32 of 2023 <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=23616>

III. SNHR Welcomes the Recommendations Made by the UN Human Rights Committee and Some Comments on the Report's Closing Observations

On July 25, [the UN Human Rights Committee publicized its findings on the Syrian Arab Republic](#). In the closing observations, the Committee expressed its concern for the continued arbitrary deprivation of life and the human rights violations taking place in the context of the armed conflict in Syria. Moreover, the Committee mentioned systematic violations that are being perpetrated in regime-held areas; including torture, arrests, sexual violence, and enforced disappearance. The UN Human Rights Committee urged the Syrian Arab Republic to intensify efforts to “protect the right to life, and to give effect to the rights to truth, justice and full reparation of victims of the armed conflict. The Committee specifically asked [the Syrian regime’s government] to conduct prompt, thorough, and independent investigations into all alleged human rights violations against civilians committed during the ongoing armed conflict, bring perpetrators to justice, and provide full reparation to victims or family members.”

The Committee has also pinpointed a pattern of enforced disappearance cases since the start of the conflict, with the majority of those cases “allegedly attributable to government forces.” The Committee also expressed concern over the fact that there are no official records of disappeared people or judicial procedures put in place to address these violations. In this context, the Committee urged the Syrian regime’s government to adopt urgent measures in order to “address and prevent enforced disappearances, particularly to revise its legal framework to ensure that all forms of enforced disappearance are clearly defined in criminal law.” In addition, The Committee called for fighting impunity in Syria and ensure that all perpetrators, once found guilty, face justice according to the gravity of these offenses.

Additionally, the UN Human Rights Committee has called on the regime to reveal the fate and whereabouts of disappeared persons, and in cases of deaths, identify them and return their remains, as well as ensure that families are regularly informed of the progress and findings of investigations, provided with the official administrative documents as dictated by international standards, and receive full reparations, including rehabilitation, adequate compensation, and non-repetition guarantees. Moreover, the Committee called on the Syrian regime’s government to fully cooperate with the UN Independent Institution on Missing Persons in Syria, and consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.

While the Committee welcomed the promulgation of Act No. 16 of 2022 on the Criminalization of Torture, it has recognized, and expressed concerns over, the widespread torture practice and ill-treatment, which at times lead to death, still rampant in regime detention centers. The Committee underlined that “Act No. 16 of 2022 lacks clear investigative mechanisms and an independent mechanism for the oversight and enforcement of the law and its implementation and does not guarantee redress for former victims of torture due to the absence of retroactive application provisions.” The Committee also expressed concerns over “legislative provisions which could possibly provide immunities for employees of the State Security Department for crimes committed whilst carrying out their duties.” In this context, the Committee urged the Syrian regime to take immediate action to end torture and other forms of cruel, inhumane, or degrading treatment, including reviewing its legislative framework, such as Act No. 16 of 2022, in order to ensure it is fully compliant with the provisions of the ICCPR.

Meanwhile, the Committee welcomed a number of measures taken by the Syrian regime, including the adoption of Legislative Decree No. 32 of 2023, which dissolves Military Field Courts. However, an important distinction must be made here; Legislative Decree No. 32, promulgated by the Syrian regime on September 3, 2023, actually mandates the cessation of Legislative Decree No. 109, dated August 17, 1968, and its amendments, which established Military Field Courts. All cases previously handled by these military courts are to be transferred to military judiciary to be prosecuted according to Syrian Penal Code and Military Procedural Law, issued by Legislative Decree No. 61 of 1950 and its amendments. According to numerous indicators identified by SNHR, the Syrian regime ended the operations of the Military Field Court after it had completed most of the cases it was examining, especially those related to individuals referred to it due to political opinions and the conflict. The Court had issued numerous judgments against them, including death sentences. We have documented that the Syrian regime carried out executions a few months before the promulgation of Decree No. 32 of 2023. Moreover, the transfer of cases that were being examined by the field court to the military judiciary is considered a formal procedure, as security agencies still have the authority to detain, investigate, and charge detainees, and determine which court they will be referred to: the military judiciary, the Counterterrorism Court, or civilian criminal judiciary. Furthermore, the military judiciary is under the Ministry of Defense, which previously controlled the Military Field Court, making it a non-independent judiciary, where the Minister of Defense has broad powers. The military judiciary is similar exceptional courts, and the sentences it issues do not differ much from those of the Military Field Court, especially since most judges who served in the military field court have been reappointed in the military judiciary. On top of that, the effects of the rulings issued by the military field court remain in effect, such

as the enforced disappearance of those referred to it and the confiscation of properties, among other rulings. Therefore, this step is merely a nominal and formal procedure that does not have a real impact on detainees and forcibly disappeared persons. On September 12, 2023, SNHR issued a report entitled, '[An Instrument of Death and Disappearance: How the Syrian Regime Uses Military Field Courts Against Activists and Dissidents](#)' in which we documented that the Syrian regime executed **7,872 individuals**, including 114 children and 26 women, out of at least **14,843 death** sentences documented by SNHR as being issued by Military Field Courts. Moreover, at least **24,047 individuals**, including 98 children and 39 women, of those referred to Military Field Courts since March 2011 have been forcibly disappeared and their fate remains unknown.

The Committee stated that, by no later than July 23, 2027, the State Party, namely the Syrian Arab Republic, is to provide information about the implementation of the recommendations made by the Committee on enforced disappearance, access to justice, and children rights. The Committee also specified that the State Party submits its next periodic report by July 23, 2030, which should include specific up-to-date information on the implementation of the recommendations made in the present concluding observations

The report submitted by the Syrian regime's government can be found on [this link](#), while the report submitted by SNHR can be found on [this link](#).



SYRIAN NETWORK FOR HUMAN RIGHTS



info@snhr.org
www.snhr.org

No justice without accountability

© Syrian Network For Human Rights (SNHR),
July 2024

