

## Accountability in Syria 10 years on



*Fadwa Mahmoud "I will not keep quiet. I will talk until the last person is freed"*

The Syrian civil war is said to have started on March 15<sup>th</sup>, 2011, when pro-democracy protesters took the street in Deraa, Damascus and Aleppo to oppose the arrest and torture of a group of teenagers who had painted anti Bashar Al Assad graffiti.

10 years later, Syria is still plunged into war. The United Kingdom's delegation to Geneva and the NGO Syria Justice and Accountability Center organised two distinct conferences to come back on these 10 years of conflict, with a special focus on accountability.

### **Event organised by the United Kingdom delegation**

#### Introductory remarks

- United Kingdom's representative
- Netherlands' representative
- Germany's representative
- Turkey's representative
- Qatar's representative
- France's representative
- Italy's representative
- European Union's representative

#### Panel discussion

- Maimouna Alammar, Hurras Network
- Mohamed Al Abdallah, Syria Justice and Accountability Center
- Catherine Marchi Uhel, International, Impartial and Independent Mechanism
- Paul Pinheiro, Commission of Inquiry on Syria

### **Event organised by the Syria Justice and Accountability Center**

- Patricia Davis, United States Department of State – Bureau of democracy, human rights, and labor
- Mohamed Al Abdallah, Syria Justice and Accountability Center
- Jomana Alsalman, Syria Justice and Accountability Center
- Bassam Alahmed, Syrians for Truth and Justice
- Fatimah Murad, Association of Detainees and the Missing in Sednaya Prison
- Fadwa Mahmoud, Families for Freedom
- Andrew Lentz, United States Department of State – Bureau of democracy, human rights, and labor

As both events were discussing the same issues, some speakers' comments overlapped. This report will therefore not be a comprehensive summary of what each speaker has discussed, but rather an overview of the main points.

### **Syrian activists are “an inspiration” – Patricia Davis**

Many speakers who were not Syrian praised the courage of Syrian victims who spoke up about the human rights abuses committed in Syria. They noted that their work would not have been possible without Syrian NGOs and activists.

In both events, one speaker dedicated her speech to her personal story. Maimouna Alammar explained that she was part of the group which first protested in 2011. She and her husband were arbitrarily detained. She was pregnant at the time. Her mother and other relatives were also detained and tortured. A close friend of hers died under torture in 2015. She survived chemical attacks and lived under siege. She later decided to move to Turkey as she feared for her safety. Ms Alammar deplores that the conflict has been ongoing for so long and that an entire generation of children have only known war.

Fadwa Mahmoud explained that she is 65 years old and that the human rights violations did not start with Bashar Al Assad. She was herself arbitrarily detained for 2 years under Hafez Al Assad. Today her son and husband are detained. She hopes that her grandchildren will not be detained next.

Mohamed Al Abdallah also explained that he had been detained twice before the uprising. He was tortured in prison. There, he met his father and heard that his brother had also been imprisoned.

All three speakers highlighted that many Syrians shared their stories, were subjected to the same crimes. Human rights violations and tales of torture in detention are common in Syria.

### **Accountability**

Maimouna Alammar stated that there could be no peace without justice. Even if no measures can compensate a family who lost a relative, and no measure can compensate years lost in prison, she believes that justice and reparation is important as it will create a better world for the next generation.

Several speakers pointed out that accountability is not only for victims of the Syrian regime but also for victims of non-state actors and other states, for example Turkey.

### **Enforced disappearances**

Enforced disappearances are common in Syria. Therefore, a number of speakers asked for this issue to be addressed specifically. They urged for the creation of a mechanism through a resolution by the United Nations' Security Council. M. Al Abdullah called on France to support such a resolution. He explained that France was against it as Russia would veto it anyway. However, he pointed out that if Russia wants to veto, France should let it happen, so that Russia is exposed to the world, rather than blocking the resolution in its premises. This mechanism could investigate enforced disappearances, monitor detention centers, look into mass graves but also provide support, including psychological, for victims. Such an instrument is important because the exact number of disappeared and their fate is still unknown.

Enforced disappearances do not only concern victims of the regime, but also victims of armed groups, such as the Islamic State. Therefore, the Syria Justice and Accountability Center started a programme to locate ISIS victims, including Yazidi. To help the localisation of people who have been disappeared, M. Al Abdullah asked for the declassification of ISIS files seized by the United States and for the interrogation of Islamic States militants. He pointed out that when fighters are investigated, only questions about terrorism were asked and not about the disappeared. On this issue, Jomana Alsalman and Fatma Mourad explained that their organisations have been gathering and collecting evidence from the disappeared relatives, interviewing individuals who are released to enquiry whether they remember the names of fellow detainees.

### **Actions by Syria**

Fadwa Mahmoud said that she had demands and that those demands were very humanitarian, very plain and simple. She asked:

- For the release of all detainees, she stated that this demand was nonnegotiable;
- For the disclosure of the fate of the person who were detained;
- For the immediate suspension of inhuman treatment and sexual abuses (whether committed against women or men);
- For the recognition of the truth and for restitutions;
- For the reformation of the court system. She asked for fair, independent civil courts which respect international standards.

### **Actions by the United Nations**

Several speakers asked for the referral by the UN Security Council of the Syrian situation to the International Criminal Court. M. Al Abdallah recalled that in 2014 Russia and China vetoed a referral to the International Criminal Court. Fadwa Mahmoud was very critical of the United Nations, she said that the UN had failed her, failed Syrians and failed the detainees. She explained that living in human conditions should not be a political issue but rather a

humanitarian one. She urged states to set politics aside and to act. Only sympathy and compassion are not enough, it should be made concrete by actions on the ground.

Catherine Marchi-Uhel, the Head of the International, Impartial and Independent Mechanism (IIIM) recalled that the mechanism had been created by the UN General Assembly and not the UN Security Council. Therefore, actions can still be taken without the support of the Security Council. She explained that the IIIM was tasked with collecting and analysing evidence relating to the Syria war. The evidence is then ready to use in a court. So far, the mechanism has received more than 100 requests of collaboration, on more than 80 different cases, emanating from 12 countries.

The British Minister of State for the Middle East and North Africa announced that the UK was drafting a resolution on Syria to be submitted to the Human Rights Council's 46<sup>th</sup> session. The resolution would mark the 10<sup>th</sup> year anniversary of the conflict, address human rights concerns and seek to renew the mandate of the UN Commission of Inquiry.

### **Actions by European states**

Several speakers praised the recent condemnation of Eyad A., a former security agent, by a German court in Koblenz, for complicity of crimes against humanity. M. Al Abdallah said that the use of universal jurisdiction in Europe was an important progress in the fight against impunity in Syria because it was the only avenue available to Syrians. He however called on the referral of the Syrian situation to the International Criminal Court or to another type of *ad hoc* tribunal because domestic jurisdiction seemed to be focusing on low level perpetrator. This is in part due to the fact that domestic courts cannot try high officials, such as Bashar Al Assad, as he enjoys head of state immunity. He asked European countries to also target high officials when possible.

The Dutch Minister for Foreign Affairs also highlighted that his country is holding Syria accountable for torture under the Convention against Torture. This entails that if negotiation and arbitration does not succeed, the Netherlands will be able to take Syria to the International Court of Justice which will adjudicate on whether Syria has violated the Torture Convention. The Minister announced that last week Syria agreed to enter negotiations. He also announced that Canada would join the Netherlands in holding Syria accountable for the torture of its civilians.

M. Al Abdallah noted that European countries are not only taking positive actions. Indeed, he announced that his NGO submitted a report to the International Criminal Court against Greece, accusing it of committing crime against humanity by pushing away refugees' boats, and because of the inhumane treatment of refugees in camps. Mohamed Al Abdallah also noted that Denmark was discussing the possible repatriation of Syrians to Syria which would be a human rights violation.

### **Actions by the United States of America**

The Department of State of the United States co-organised the second event with the Syria Justice and Accountability Center.

Patricia Davis stated that the United States remained committed to human rights, especially in Syria. Recently the US adopted the Cesar act, named after the photographer, nicknamed Cesar, who was tasked with taking picture of tortured dead bodies. The act imposes sanctions on Syrian high officials. Ms Davis stated that the United States will continue to ensure that those sanctions only target perpetrators of mass atrocity crimes, and do not impede humanitarian assistance. She announced that the US would rejoin the Human Rights Council and use its membership to promote accountability for Syria.

### **Actions by Turkey**

Turkey participated to the event organised by the United Kingdom and said it was hosting more than 3 million Syrians on its territory, in addition to taking care of 9 million more in Syria. The representative explained that accountability and justice meant the safe and dignified return of refugees to Syria, and that Turkey would continue its efforts to maintain “calm on the ground”.

M. Al Abdullah noted that Turkey committed crimes against the Kurdish population. For example, Turkish militaries are said to have been present during the torture of Kurds by the Syrian national army. He therefore urged the international community to sanction Turkey and the Syrian national army as well. Similarly, Bassam Alahmad said that the Turkish intervention in Syria did not receive enough attention and deplored that the US had given its green light to invade Syria. He pointed out that Human Rights Watch found that the transfer of Syrian detainees from Syria to Turkey was illegal. He therefore asked for the Turkish government to recognise that it is an occupation power and urged it to stop occupying Syria.