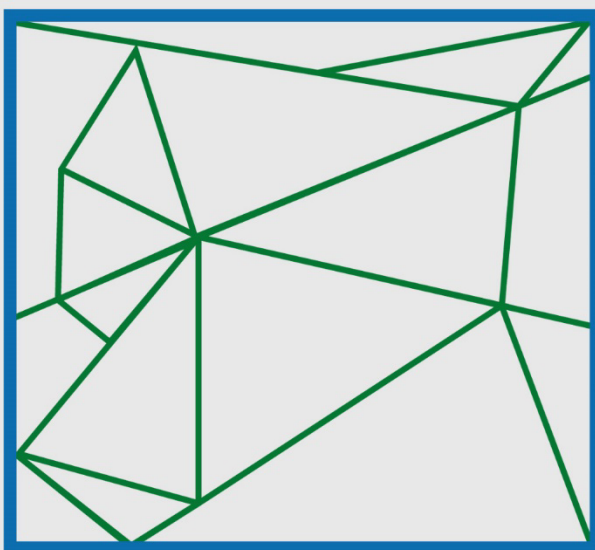




Input for the Special Rapporteur on the Negative Impact of UCM on the Enjoyment of Human Rights

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**Input for the Special Rapporteur on the Negative Impact of
Unilateral Coercive Measures on the Enjoyment of Human Rights**

Visit to the Syrian Arab republic

Submitted by: Syrians for Truth and Justice

This submission by [Syrians for Truth and Justice](#) (STJ) is to inform the Special Rapporteur's (SR) visit to the Syrian Arab Republic (Syria) as additional material for the preparation of the final report.

1. There is no doubt that “when sanctions target an entire country, or address entire economic sectors, it is the most vulnerable people in that country – those who are least protected – who are likely to be worst harmed”.¹
2. In this input, STJ aligns with this conclusion/fact, while addressing the exacerbation of this impact due to the intentional or unintentional failure of the Syrian Government (SG) to enact suitable measures to mitigate the impact of unilateral coercive measures (UCM) on human rights in Syria.
3. STJ is not addressing the cause roots and consequently the lawfulness of imposing UCM. However, to ensure that the human rights of the population in Syria is not exploited for political purposes to challenge those aspects – causes and lawfulness – by the SG, it is vital to shed the light on the SG measures to analyze whether they are, as such, exacerbating the human rights situation in Syria in the context of addressing the UCM impact.
4. For that reason, STJ reiterates the call for an independent and impartial assessment mechanism for the impact of the UCM on human rights in Syria, to ensure transparent, objective, and non-exploited findings that do not exclude the SG's obligations towards the population. This call has already been recommended by the Commission of Inquiry on Syria (COI).²
5. Although the UCM affect the access of those in need to humanitarian aid, it is essential to address several SG's practices that contributed to that lack of access through deviation, exploitation, or mismanagement of humanitarian aid in different areas in Syria.
6. Following the SG's re-control over the provinces of Daraa and al-Qunaitra in 2018, humanitarian aid supported by the World Food Program (WFP) was distributed by the SG's affiliated Syrian Arab Red Crescent (SARC). The distribution was subjected to a selective approach in which many civilians were deliberately deprived of assistance for having “impurities” in their security records, and their access to humanitarian aid was conditioned by the SARC with them checking their records in security branches.³

¹ UNOHCHR, High Commissioner calls for critical re-evaluation of the human rights impact of unilateral sanctions, 16 September 2021 (Available at: <https://www.ohchr.org/en/2021/09/high-commissioner-calls-critical-re-evaluation-human-rights-impact-unilateral-sanctions?LangID=E&NewsID=27476>).

² Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/49/77, 08 February 2022, § 115; and A/HRC/51/45, 17 August 2022, § 112.

³ See e.g., Syrians for Truth and Justice, Syrian Arab Red Crescent accused of discrimination in UN aid distribution, 16 July 2019 (Available at: <https://stj-sy.org/en/syrian-arab-red-crescent-accused-of-discrimination-in-un-aid-distribution/>).

7. Moreover, it is the SG who hinders humanitarian access to certain areas under its control. The UN Secretary General has regularly referred to this fact in his updates on the situation in Syria.⁴ The World Health Organization (WHO) has described Quneitra as “basically the end of the earth”.⁵
8. Therefore, the main reason for the continuity of civilians suffering in these areas was not the impact of UCM, rather it was due to the SG’s discriminatory and politicized policies as well as its deliberate denial of consent for humanitarian access. It is crucial in such a situation to emphasize the availability of humanitarian aid, which was delivered to some civilians and deliberately blocked for others for reasons not related to the UCM.
9. Another aspect of the SG’s intentional failure to mitigate the UCM impact is the misuse and deviation of humanitarian aid in some areas such as al-Hasakah and Qamishli cities. STJ has [investigated](#) the SG’s regular diversion of portions of the UN aid to members of the Syrian army, security agencies, the ruling Ba’ath party, and sometimes their families. The SG indeed exploited the UN agencies’ reliance on SG-linked local partners to distribute relief allocations as well as the fact that the transportation of these allocations must be through the SG-controlled routes, via the Qamishli Airport or land roads.
10. The deprivation of the rightful beneficiaries of this humanitarian aid, mostly IDPs residing in camps across the two cities and their suburbs, do not result from the UCM impact. It is understandable that UCM may have affected the aid quantities, however, the measures taken by the SG prove to be another main factor in exacerbating the humanitarian crisis for the beneficiaries, especially by using it to punish perceived enemy populations.⁶
11. Moreover, the SG deliberately hinders the work and access of many UN agencies and INGOs by clearly threatening them to be deprived from or withdraw the permission for operation. In a detailed [report](#), the Center for Strategic and International Studies (CSIS) has documented such practices from credible sources and operational witnesses. The UN agencies and INGOs are “blackmailed” for granting them access by keeping silent about the diversion from convoys.⁷
12. In another means of manipulating humanitarian aid and development programs by the SG while maintaining the narrative that UCM is the sole reason for the crisis in Syria, is the SG’s policy to use the official exchange rate for any Syrian pounds needed for programming in the

⁴ “Implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020) and 2533 (2020),” United Nations Security Council, August 20, 2020, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2020_813.pdf; and UNSC, “Implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020), 2533 (2020), and 2585 (2021),” August 18, 2021, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2021_735.pdf.

⁵ Natasha Hall, *Rescuing Aid in Syria*, Center for Strategic and International Studies, February 2022, p. 37 (Available at: https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/220214_Hall_Rescuing_Aid_Syria.pdf?hG4dKipxCaBNDRDaezmDvn2IHVmr8937).

⁶ Syria Justice and Accountability Centre, Documents Obtained by SJAC Show Role of Syrian Intelligence in Directing Humanitarian Aid, 01 August 2019 (Available at: <https://syriaaccountability.org/documents-obtained-by-sjac-show-role-of-syrian-intelligence-in-directing-humanitarian-aid/>).

⁷ Kimberly Howe, *No End in Sight: A Case Study of Humanitarian Action and the Syria Conflict* (Medford, MA: Tufts University Feinstein International Center, January 2016), https://fic.tufts.edu/wp-content/uploads/syria_case_study.pdf.

country by UN agencies and INGOs. In 2020, this meant that 50% of any aid dollars exchanged in Syria were lost before programming could even be implemented with half of those dollars going to the Syrian central Bank.⁸

13. It might seem that addressing the systematic and widespread violations of arbitrary detention, torture, and enforced disappearance falls beyond the subject matter of the impact of UCM and the mandate of the SR. This would have been accurate if the SG is not using these practices to silence aid workers from report abuse of humanitarian aid.⁹ The impact of UCM in such circumstances cannot be transparently and objectively measured in the light of the absence of independent and impartial monitoring and reporting mechanisms. This leads to the SG's full discretion of claiming that all the aspects related to the humanitarian crisis are due to UCM, while hiding and ignoring the misuse and the abusive measures of dealing with humanitarian assistance.
14. In a similar context, SG-affiliated high-profile individuals – businessmen and even military/security officials – are monopolizing the contractual relationships with some UN agencies and other actors working either on early recovery or reconstruction activities. Such individuals receive preferential treatment due to their close relations to the SG and its security/military apparatus, making aid agencies obliged to use them although their companies offer higher prices than the market rate.¹⁰ Nearly 20 percent of UN vendors between 2019 and 2020 were “suppressed for security or privacy” reasons, and many project sub-contractors are unknown, making it impossible to decipher how this money is spent and who it is benefiting.¹¹
15. All of these are potential avenues for diversion and limited oversight which results in non-integrity in presenting the economic and humanitarian crises, and what results from them on the civilians, their daily lives, and future is only because of the impact of the UCM. Indeed, such policies and practices are expected to mitigate such an impact on the population, and not exploit the UCM as such to impose harsher life conditions and human rights violation in the country.
16. In line with the High Commissioner's concerns about the impact of UCM on the enjoyment of health services especially during Covid-19 pandemic,¹² the State is expected to put exceptional effort and establish urgent measures to ensure that – within the available resources – it responds to the population's needs without any discrimination. Instead, the SG used the distribution of Covid-19 vaccines and other medical supplies as a political means. Due to the deliberate denial of cross-border humanitarian assistance, the areas held

⁸ Natasha Hall, Karam Shaar, and Munqeth Othman Agha, “How the Assad Regime Systematically Diverts Tens of Millions in Aid,” CSIS, *Commentary*, October 20, 2021, <https://www.csis.org/analysis/how-assad-regime-systematically-diverts-tens-millions-aid>.

⁹ Natasha Hall, *Rescuing Aid in Syria*, Center for Strategic and International Studies, February 2022, p. 37 (Available at: https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/220214_Hall_Rescuing_Aid_Syria.pdf?hG4dKipxCaBNDRDaezmDvn2IHVmr8937).

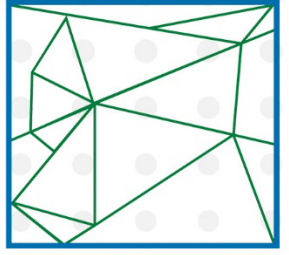
¹⁰ Joseph Daher, “Assad Regime Still Reliant on Fractions of the Sunni Bourgeoisie,” *Syria Untold*, December 21, 2017, <https://syriauntold.com/2017/12/21/assad-regime-still-reliant-on-fractions-of-the-sunni-bourgeoisie/>.

¹¹ Natasha Hall, *Rescuing Aid in Syria*, Center for Strategic and International Studies, February 2022, p. 39 (Available at: https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/220214_Hall_Rescuing_Aid_Syria.pdf?hG4dKipxCaBNDRDaezmDvn2IHVmr8937).

¹² UNOHCHR, High Commissioner calls for critical re-evaluation of the human rights impact of unilateral sanctions, 16 September 2021 (Available at: <https://www.ohchr.org/en/2021/09/high-commissioner-calls-critical-re-evaluation-human-rights-impact-unilateral-sanctions?LangID=E&NewsID=27476>).

by the Autonomous Administration are bound by the SG's supply due to the closure of the cross-borders. Therefore, the delivery of vaccines was faster in governmental-held areas as well as areas benefiting from the Bab al-Hawa border crossing. Instead of the equal distribution of these vaccines, the SG prioritized the areas it controls, leaving the areas under the control of the Autonomous Administration facing the risk of the pandemic and the potential shortages in further supplies.

17. The SG's insistence to prevent all independent and impartial monitoring actors or mechanisms in Syria results in increased avenues to manipulate the impact of UCM at the cost of the population's human rights and life conditions. The calls to lift all UCM on Syria shall not be read in isolation from the measures taken by the SG that exploit those UCM for political purposes or SG-affiliated gains and advancements.
 18. Therefore, STJ believes that the SG – regardless of the arguments of legality of UCM – is obliged to take effective and urgent measures to mitigate the impact of these UCM. The impact of UCM must not be a tool for the SG to justify its inaction or its enactment of measures that hinders humanitarian aid, allows for corruption and monopolization of resources, or deviation of its availability for some of its affiliated sectors or individuals.
 19. For this end, the SG shall consider the following:
 - a. Allow and facilitate the access and operation of independent and impartial third-party monitors. The SG must lift and stop any existing practices or regulations that either limit this or indirectly hinder their independency and impartiality, especially by indirect coercive incitements or practices.
 - b. Ease the registration and permission processes for UN agencies and INGOs' staff and operations and establish clear and transparent regulations for granting such permissions or withdrawing it that ensure the legality of the procedures and that strictly prohibit arbitrariness.
 - c. Promptly stop all the required security checks for civilians to be entitled to access to humanitarian aid provided by UN agencies and other INGOs.
 - d. Prevent any security or military interference in the selection of beneficiaries and distribution of humanitarian aid.
 20. STJ calls for the SR to adopt the COI recommendation on establishing an independent impartial assessment mechanism to assess the impact of UCM transparently and objectively as well as the mitigation measures by the SG and its potential role in either minimizing or exacerbating this impact.
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About Us:

Syrians for Truth and Justice (STJ) is a nonprofit, nongovernmental organization monitoring human rights violations in Syria. Founded in 2015, STJ has been based in France since 2019.

STJ is an impartial and independent Syrian human rights organization operating across Syria. Our network of field researchers monitor and report human rights violations occurring on the ground in Syria, while our international team of human rights experts, lawyers, and journalists gather evidence, examine emerging patterns of violations, and analyze how violations break domestic Syrian and international law.

We are committed to documenting violations of human rights committed by all parties in the Syrian conflict and elevating the voices of all Syrians victimized by human rights violations, regardless of their ethnicity, religion, political affiliation, class, and/or gender. Our commitment to human rights monitoring is founded on the idea that professional human rights documentation meeting international standards is the first step to uncovering the truth and achieving justice in Syria.



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