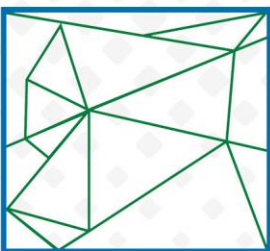


# Syria: Non-targeted Sanctions Violate the Principles of Justice and the Human Rights

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سوريون  
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For Truth  
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## **Syria: Non-targeted Sanctions Violate the Principles of Justice and the Human Rights**

*An international determination is necessary to assess the impact of sanctions on a regular and accurate basis, in order to limit their impact on human rights in Syria*

## 1. Background:

On 6 February 2023, two devastating earthquakes struck southern Turkey and northern Syria with a magnitude of 7.7 and 7.6, followed by more than twenty thousand aftershocks.<sup>1</sup> These earthquakes killed more than 54,000 people in Turkey and Syria and displaced millions after the collapse of hundreds of thousands of buildings.<sup>2</sup>

On 9 February, in an attempt to respond to this catastrophe in Syria, the Treasury's Office of Foreign Assets Control (OFAC) of the United States (US) issued Syria General License 23 that authorizes for 180 days all transactions related to earthquake relief that would be otherwise prohibited by the Syrian Sanctions Regulations.<sup>3</sup>

Moreover, on 23 February, the Council of the European Union (EU) announced an amendment to the restrictive measures in place regarding Syria to facilitate the speedy delivery of humanitarian aid for a period of six months.<sup>4</sup>

According to the Council of EU<sup>5</sup> and the US Department State,<sup>6</sup> the imposed sanctions on Syria<sup>7</sup> already include a humanitarian exception to ensure the continued provision of humanitarian aid to any part of the country.

Sanctions on Syria may not directly prevent the delivery of humanitarian aid. However, practically, they restrict the work of international institutes, relief agencies, banks, shipping companies, etc. because the latter stop all their work with Syria to avoid any unintended mistake that might expose them to accountability. Over-compliance is a form of excessive avoidance of risk because it involves blocking all activities with a sanctioned country, entity, or individual even when some activities are authorized by humanitarian exemptions or fall outside of the sanctions' scope.

<sup>1</sup> The Disaster and Emergency Management Authority (AFAD) in Turkey. Accessed on 20 March 2023.

<https://deprem.afad.gov.tr/event-statistics>

<sup>2</sup> Turkish undertaker's family move to cemetery as he buries earthquake dead. 16 March 2023. Reuters. Accessed on 20 March 2023. <https://www.reuters.com/world/middle-east/turkish-undertakers-family-move-cemetery-he-buries-earthquake-dead-2023-03-16/>

<sup>3</sup> Syria General License 23. 9 February 2023. US Department of the Treasury. Accessed on 20 March 2023.

[https://home.treasury.gov/news/press-releases/jy1261#:~:text=U.S.%20Department%20of%20the%20Treasury,-Search&text=WASHINGTON%20%E2%80%93%20Today%2C%20Treasury's%20Office%20of,Syrian%20Sanctions%20Regulations%20\(SySR\).](https://home.treasury.gov/news/press-releases/jy1261#:~:text=U.S.%20Department%20of%20the%20Treasury,-Search&text=WASHINGTON%20%E2%80%93%20Today%2C%20Treasury's%20Office%20of,Syrian%20Sanctions%20Regulations%20(SySR).)

<sup>4</sup> Press release "Earthquake in Türkiye and Syria: EU amends restrictive measures in place regarding Syria to facilitate the speedy delivery of humanitarian aid". 23 February 2023. Council of the European Union. Accessed on 20 March 2023.

<https://www.consilium.europa.eu/en/press/press-releases/2023/02/23/earthquake-in-turkiye-and-syria-eu-amends-restrictive-measures-in-place-regarding-syria-to-facilitate-the-speedy-delivery-of-humanitarian-aid/>

<sup>5</sup> Ibid.

<sup>6</sup> Syria General License 23. 9 February 2023. US Department of the Treasury. Accessed on 20 March 2023.

[https://home.treasury.gov/news/press-releases/jy1261#:~:text=U.S.%20Department%20of%20the%20Treasury,-Search&text=WASHINGTON%20%E2%80%93%20Today%2C%20Treasury's%20Office%20of,Syrian%20Sanctions%20Regulations%20\(SySR\).](https://home.treasury.gov/news/press-releases/jy1261#:~:text=U.S.%20Department%20of%20the%20Treasury,-Search&text=WASHINGTON%20%E2%80%93%20Today%2C%20Treasury's%20Office%20of,Syrian%20Sanctions%20Regulations%20(SySR).)

<sup>7</sup> A brief overview of some of the sanctions regimes imposed on Syria (Arabic). 19 March 2020. Syrian Legal Development Program. Accessed on 20 March 2023. [https://c5a8d841-f233-4eb1-b756-6b4df54e9f1d.filesusr.com/ugd/92fa9e\\_abb05a45676a478aaf67bf9742b84bbb.pdf](https://c5a8d841-f233-4eb1-b756-6b4df54e9f1d.filesusr.com/ugd/92fa9e_abb05a45676a478aaf67bf9742b84bbb.pdf)

Sanctions on Syria have indirectly affected the humanitarian situation. Therefore, the exceptions issued in response to the earthquake aimed to facilitate the speedy delivery of humanitarian aid.

In this regard, the World Health Organization (WHO) published on 22 February that it was taking advantage of a temporary easing of sanctions. Rick Brennan, Regional Emergency Director of the WHO Eastern Mediterranean Region said, “WHO is moving very rapidly right now together with our partners to take advantage of this pause in the sanctions”.<sup>8</sup>

STJ emphasizes the importance and necessity of imposing sanctions on all individuals and entities involved in committing human rights violations in Syria. Furthermore, sanctions should not be politicized or limited to military and political parties. Moreover, STJ believes that it is fundamental to conduct a periodic assessment of comprehensive sanctions that affect human rights including the right to access basic services such as health, education, transportation, drinking water, etc.

## 2. Targeted and Comprehensive Sanctions on Syria:

International sanctions are restrictive measures imposed by international organizations or states against other countries, non-governmental entities, or individuals when their behavior or policies constitute a violation of international law and human rights, or a threat to global or regional peace and security, with the aim of changing the behavior or policies of these states, entities, or individuals and put pressure on them to stop the violations that threaten peace and security.<sup>9</sup>

Sanctions regimes should respect basic principles of human rights.

It is necessary to distinguish between two types of sanctions imposed on Syria.

- Targeted or individual sanctions which target specific individuals and entities that support the Syrian government and commit human rights violations (like asset freeze and entry ban).
- Comprehensive or sectoral sanctions which completely ban economic, commercial, investment, and financial activities with Syria. These sanctions practically affect the entire population, and their impact is limited on decision-makers who commit violations (like the ban on the import of oil and the freezing of the Syrian Central Bank assets).

Comprehensive sanctions are a form of collective punishment which contravene basic principles of justice and human rights, such as the right to life, the right to adequate food, and the right to health care.

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<sup>8</sup> WHO 'moving rapidly' with Syria quake relief as sanctions are paused. 22 February 2023. Reuters. Accessed on 20 March 2023.

<https://www.reuters.com/world/middle-east/who-moving-rapidly-with-syria-quake-relief-sanctions-are-paused-2023-02-22/>

<sup>9</sup> A brief overview of some of the sanctions regimes imposed on Syria (Arabic). 19 March 2020. Syrian Legal Development Program. Accessed on 20 March 2023. [https://c5a8d841-f233-4eb1-b756-6b4df54e9f1d.filesusr.com/ugd/92fa9e\\_abb05a45676a478aaf67bf9742b84bbb.pdf](https://c5a8d841-f233-4eb1-b756-6b4df54e9f1d.filesusr.com/ugd/92fa9e_abb05a45676a478aaf67bf9742b84bbb.pdf)

Therefore, although the aim of the sanctions is to prevent the access of perpetrators to funding that may contribute to their commission of war crimes, in practice they constitute a crisis for innocent Syrians as sanctions are imposed against the whole population.

For example, sanctions on the import of oil led to an increase in the price of gasoline and diesel in Syria and to a significant decrease in their quality and availability, which directly affected transportation, heating, bakeries, and other basic needs of the Syrians. Thus, an international determination is essential to assess the impact of sanctions on a regular and accurate basis, in order to limit their impact on human rights in Syria.

### **3. The Impact of the Temporary Exception:**

As mentioned earlier, sanctions on Syria contain exceptions related to the provision of humanitarian aid by the US, the EU, the UN, and NGOs. However, in practice, the aforementioned sanctions affect the direct response to any disaster in Syria. Even if the sanctions do not prohibit the import of fuel or machinery, they delay their delivery because of bureaucratic procedures. For example, to import equipment for removing the rubble resulting from the earthquake, a request must be submitted to the US Treasury or to member states of the EU and await approval, which impedes the response to the disaster and causes additional suffering (which may be fatal) for those affected by the earthquake.

The exceptions mentioned in this paper are issued to solve this problem for a period of six months. They facilitate the speedy delivery of goods and services intended for humanitarian needs such as telecommunications, medical equipment, generators, water purification equipment, and cranes.

Therefore, based on these exceptions, the Syrian government or any institution can import oil and equipment related to the earthquake without the need to submit a prior request.

Moreover, after issuing these decisions, money transfers (which were prohibited from/to Syria) became fully permitted in connection with the response to the earthquake.

Although the imposed sanctions on Syria included exceptions related to the provision of humanitarian aid, they had a significant impact on organizations, institutions, and individuals that could provide humanitarian assistance to Syria. The sanctions have hindered these actors' willingness, not their ability, to provide humanitarian support.

For example, while the sanctions contained humanitarian exemptions, their wide nature and scope caused foreign banks to over-compliant with them to avoid risk. They refused to process any transactions related to Syria, even if this led to depriving civilians of basic necessities. Delaney Simon, a senior analyst at the International Crisis Group's US program announced "I don't think that this license will suddenly open the floodgates and allow for unhindered humanitarian access and delivery in Syria. There are just too many other access issues."<sup>10</sup> But I

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<sup>10</sup> Syria/Turkey Earthquakes: How Has Vital Aid to Worst-Hit Areas Been Restricted or Blocked? 21 February 2023. Syrians for Truth and Justice. Accessed on 20 March 2023.

<https://stj-sy.org/en/syria-turkey-earthquakes-how-has-vital-aid-to-worst-hit-areas-been-restricted-or-blocked/>

hope that the license will ease the concerns of financial providers, the private sector and other actors, to show them that sanctions won't be a risk for them to engage in Syria".<sup>11</sup>

#### 4. The Importance of Imposing Impartial Depoliticized Sanctions:

Sanctions on Syria are supposed to protect citizens from human rights violations by depriving the government and other parties to the conflict of resources to rearm or launch military campaigns against citizens.

To achieve this goal, sanctions should not be politicized or limited to one or two parties to the conflict as all parties are committing grave violations against the Syrians.<sup>12</sup> Therefore, STJ believes that sanctions should not be limited to the Syrian government, the Islamic State (ISIS), and the Ahrar al-Sharqiya/opposition group<sup>13</sup> because other parties committed war crimes and violations against specific populations.<sup>14</sup> Moreover STJ believes that the sanctions must be impartial and proportionate, in order to reach their goal of preventing Syrians from being victims of multiple and overlapping forms of violations.

STJ emphasizes the importance of ensuring that sanctions do not affect human rights, especially in the aftermath of the earthquake. For instance, violations of housing, land, and property rights, which were already widespread during the past years of conflict (such as confiscations, illegal auctions, and denial of access to property).<sup>15</sup>

The decisions issued to respond to the earthquake should not be limited to a period of time (6 months). Theoretically, imposed sanctions on Syria include a humanitarian exception to ensure the continued provision of humanitarian assistance; However, in practice, they impede the provision of efficient support to civilians in terms of ensuring rapid humanitarian access and in the willingness of international parties to provide humanitarian aid.

Moreover, it is essential to ensure that perpetrators of war crimes in Syria do not benefit from the easing of sanctions. Therefore, it is important to monitor the implementation of sanctions provisions and exceptions. Also, it is fundamental to conduct independent regular assessments

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<sup>11</sup> US announces 180-day exemption to Syria sanctions for disaster aid. 10 February 2023. The Guardian. Accessed on 20 March 2023. <https://www.theguardian.com/world/2023/feb/10/us-syria-sanctions-exemption-earthquake-relief>

<sup>12</sup> Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/52/69. 7 February 2023. UN General Assembly. Accessed on 22 March 2023. <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F52%2F69&Language=E&DeviceType=Desktop&LangRequestd=False>

<sup>13</sup> Treasury Sanctions Syrian Regime Prisons, Officials, and Syrian Armed Group. Press Release 28 July 2021. US Department of the Treasury. Accessed on 22 March 2023. <https://home.treasury.gov/news/press-releases/jy0292>

<sup>14</sup> Syria: Turkey-Backed Fighters Kill 4 Kurdish Civilians. 23 March 2023. Human Rights Watch. Accessed on 22 March 2023. <https://www.hrw.org/news/2023/03/22/syria-turkey-backed-fighters-kill-4-kurdish-civilians>

Syria: Damning evidence of war crimes and other violations by Turkish forces and their allies. 18 October 2019. Amnesty. Accessed on 22 March 2023. <https://www.amnesty.org/en/latest/press-release/2019/10/syria-damning-evidence-of-war-crimes-and-other-violations-by-turkish-forces-and-their-allies/>

<sup>15</sup> Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/52/69. 7 February 2023. UN General Assembly. Accessed on 22 March 2023. <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F52%2F69&Language=E&DeviceType=Desktop&LangRequestd=False>

of the impact of sanctions to mitigate unintended effects on the daily life of the civilian population especially vulnerable groups (children, women, and the elderly).<sup>16</sup>

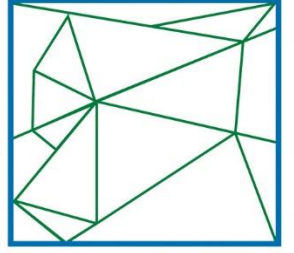
Finally, parties to the conflict should not be allowed to use the earthquake to demand the lifting of all sanctions or to use aid funds to launch new attacks on civilians, especially in the absence of conflict-sensitive, independent, and impartial assessments of needs and damages in earthquake-affected areas in Syria.

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<sup>16</sup> Human rights and unilateral coercive measures. United Nations Commission on Human Rights. 4 March 1994, E/CN.4/RES/1994/47. Accessed on 22 March 2023. <https://www.refworld.org/docid/3b00f0b318.html>

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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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