Overview

After five years of war in Syria, the conflict has claimed staggering numbers of lives. The entry into force of UN Security Council Resolution 2268, the commencement of a “cessation of hostilities” in Syria and the announcement by UN Special Envoy for Syria Staffan de Mistura of his intention to resume the political negotiations in March offer some hope that the violence will abate and that humanitarian aid will finally reach the civilian population.

It is not clear what will happen next: notwithstanding the establishment of the International Syria Support Group (ISSG) on 30 October 2015 and the opening of a new round of intra-Syrian negotiation on 29 January 2016 by Mr de Mistura, the range of violations of international humanitarian law and war crimes continued to widen and the number of parties to the conflict allegedly involved in the violation of international norms continued to grow. Even since the beginning of 2016, the report on the implementation of UNSC Resolution 2139, the report of the Commission of Inquiry, as well as the Secretary-General’s letter of 17 February 2016, all paint a tragic and harrowing picture of the desperate conditions of civilians, including women and children. Attacks against civilians and civilian installations such as hospitals and schools actually increased since the end of January 2016. Unprecedented levels of internal displacement and the growing number of Syrians embarking on often a fatal journey across land and sea to seek safety and asylum only add to the dire situation.

The events at the end of February nonetheless represent the most realistic prospect for peace that Syria has seen for half a decade. To consolidate those efforts and avoid spiralling back into disaster, more needs to be done. After five years of war the root causes of the war and the call for freedom of the Syrian population still remain to be addressed. While the cessation of hostilities is a necessary and needed step, any realistic prospect for a political solution to work needs to address accountability and redress for the victims of the brutal atrocities committed against them and promote a political transition that meets the legitimate aspirations of the Syrian people and enables them independently and democratically to determine their future.
Side event summary

1.1. The participants

Panellists of the meeting - co-chaired by Niccolò Figà-Talamanca, Secretary General of No Peace Without Justice, and Hussein Sabbagh, Secretary General of Euro-Syrian Democratic Forum - included Rami Nakhla, NPWJ Syria Project Coordinator; Farah Al Atassi, National Syrian Women’s Association; Salma Jalkhi, Women Now for Development and Fadel Abdul Ghany, Syrian Network for Human Rights; Gareth Bayley, UK Special Representative for Syria, Mouaffaq Nyrabia, Vice President, National Coalition of Syrian Revolution and Opposition Forces and Michael Ratney, US Special Envoy for Syria. Welcome remarks were made by H.E. Amb. Elisabeth Laurin, France Permanent Representative to the UN; H.E. Amb. Peter Matt, Liechtenstein Permanent Representative to the UN and H.E. Amb. Mark Matthews, UK Deputy Permanent Representative to the UN.

The side-event was designed as an opportunity for a chair-moderated debate where Syrian human rights leaders and democracy activists to convey priorities for peace from communities and civil society across Syria to the organised opposition and to the international community. Following the welcome remarks from representatives of the co-sponsors States, the format consisted of a series of brief questions from the co-Chairs and quick answers from each of the panellists, which elicited clear and strong positions on key issues from human rights activists on the Intra-Syrian Talks based on perspectives from the civil society on the ground in Syria.

1.2. The panel discussion

In their welcome remarks, Ambassadors Laurin, Matt and Matthews stressed the central role of accountability as part of a political settlement to the conflict in Syria, noting the worsening situation of the Syrian people and the need that all efforts to bring about a peaceful conclusion to the ongoing conflict in Syria fully reflect the need to ensure accountability for the crimes committed in the country, as documented by the CoI and the Cesar report. This is a prerequisite to bring about reconciliation and sustainable peace. It is of utmost importance that the atrocities be properly documented. The Ambassadors also underlined as there has been a serious lack of progress on the justice dimension, with the veto in the Security Council to refer the situation in Syria to the ICC as just one example, and the need to find alternative ways to bring justice to the victims also through the criminal justice authorities in national jurisdictions. The Geneva Peace Talks must incorporate these issues in their proceedings, as accountability must form part of any political solution. Finally, they stressed it is how essential that the voices of civil society, including women, are heard with respect to accountability and justice.

Co-Chairs Mr Figà-Talamanca and Mr Sabbagh led the panellists through a number of questions designed to explore the complexities of what is happening in Syria and draw out the panellists’ views on key issues relating to the Intra-Syrian Talks. Mr Nakhla conveyed the message that Syrian people are thirsty for peace, and after five years of brutal conflict, this is an essential priority. The developments of recent weeks, with the establishment of the cessation of hostilities and the resumed talks led by Mr. de Mistura seem to suggest, for the first time, that something is moving on the political process and there is a need to help those at the negotiating table to succeed. The people of Syria started its revolution five years ago for justice. Justice is why people sacrificed everything; justice is what people in every town and village in Syria are still demanding and it is critical that the international community do not fall for the illusion that compromising on justice will make it easier to bring peace. Justice was the original call that started all this and it will have to be the foundation of the path to peace.

Ms Jalkhi underlined that it is fundamental to ensure the success of the Intra-Syrian Talks to abandon the many stereotypes that still surround the discourse around women participation in the resolution of the conflict. It is not enough to call for the inclusion of women in the talks; it is a flaw just to think to women just as “peace-makers”, only interested to the halt of the violence. The truth is that Syrian women have been disproportionally affected by the conflict, suffered violations, egregious instances of sexual and gender-based violence, and they are committed to justice and accountability and their voice should not be limited to women’s rights issues, or women’s issues but entitled to discuss, propose and be active actors on all the aspects of the on-going negotiations.

In its presentation Mr. Abdul Ghany provided fresh analysis and statistical information on the consequences of the last five years of war in terms of victims and violation of human rights and stressed how human rights violations continue to be committed by all parties in the conflict.
Ms Al Atassi underlined that to achieve positive results at the negotiating table it is critical to deal with the roots causes of the Syrian revolution, not the symptoms. Ignoring regime crimes is one of the reasons why there is the current crisis in Syria. Many of these are sexual and gender-based crimes, yet the role of women in the political dialogue still has to be fully recognised and reinforced. It is time for Syrian women to be recognised as policy-makers, not only activists, and they need to be in a leadership position when the Intra-Syrian Talks will start to discuss the establishment of the Transitional Governing Body and the drafting of the new Constitution. Women need to be fully engaged in any future transitional justice process; otherwise women’s rights will not be guaranteed. Syrian women must be seen as active partners, not simple supporters, in the ongoing negotiations.

Responding to the interventions of the civil society representatives, Amb. Bayley, Mr Nyrabia and Mr Ratney commended the role of civil society and underlined how the international community’s and the recognised Syrian opposition’s focus remain on three central issues, namely the urgent need for a guarantee on civilian protection, the fight against terrorism and accountability for the perpetrators of war crimes. Also, they stressed how the current diplomatic momentum to end the conflict in Syria can only be maintained with the buy-in of Syrians themselves, and in this civil society actors and democracy advocates can play a critical role. Women, as an important part of the Syrian society, can and must play an important role in the national reconciliation process and in rebuilding Syria. After five years of suffering, they will not just sit in their home waiting. The coming months will be a critical test of the international community’s resolve to enforce a political solution in Syria. If a genuine political settlement is to be achieved, the international community must listen to Syrians, and take urgent steps to ensure that their voice is heard.

1.3. Discussion from the floor

During the open debate several Permanent Missions in Geneva1 and civil society representatives took the floor to thank the panellists, underscore their commitment to accountability for Syria and ask them a series of questions ranging from how to document ongoing crimes to how to address the dual needs of peace and accountability in a way that supports both. Mr Di Michele, the Italian Special Envoy for Syria, underlined the importance to make clear that this is not a conflict between Assad on the one side and terrorists on the other side. Everyone in between tends to be forgotten and it is critical that this will not happen. It is critical that justice will prosecute those who bear the greatest responsibility, but the biggest challenge ahead will be reconciliation and national dialogue as the majority of Syrians will have to live together. Mr. Muntarbhorn, member of the Independent International Commission of Inquiry on the Syrian Arab Republic, recalled the work done by the CoI to impartially and independently document violations of the laws of war and human rights by all sides, and how the compelling message that the CoI received from the victims of the five-year long war is that they want peace and demand justice. The on-going political dialogue led by Mr. de Mistura must encompass a discussion on transitional justice options and ensure that human rights and accountability issues remain present at the negotiation table. There will be neither peace nor justice if victims will not be involved in the process, and the HNC should also include victims’ representatives among its members. The CoI strongly supports credible international and domestic criminal proceedings as a means of fighting impunity, because accountability is the only foundation for peace in Syria.

Conclusions

This side event in the margins of the United Nations Human Rights Council looked at the fundamental issue of accountability and democratic transition as essential components of any negotiation on Syria. The meeting also served as a reminder that the urgent priority of reaching a lasting political solution to the Syrian war requires an inclusive and participatory process capable to ensure that the root causes of the war be addressed and the request for freedom, democracy and accountability for the violations and abuses of human rights and violations of international humanitarian law, irrespective of their ethnic, religious and political affiliation, be met to foster national reconciliation and a political solution fully in line with the requests and demands of the Syrian democracy activists and human rights defenders.

---

1 Representatives from Permanent Missions attending the meeting included: Algeria, Australia, Belgium, Denmark, Estonia, European Union, France, Germany, Greece, Ireland, Italy, Lichtenstein, Maldives, the Netherlands, Switzerland, Qatar, Turkey, the United Kingdom and the United States of America.