Report: Side Event on "Syria after tyranny: achieving a democratic and pluralistic future"

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Overview

With the fourth anniversary of the inception of the Syrian uprising, the future of that country and its citizens continues to grow bleaker. Crushed between the mass atrocities of Al-Assad regime’s forces and the fanatical savagery of terrorist groups and foreign militias, Syria’s people are looking both for an end to violence, and for justice and redress as concrete alternatives to the dual tyranny of extremism and dictatorship.

In addition to findings by Syrian non-governmental actors monitoring the violations since November 2011, the UN’s Independent International Commission of Inquiry (CoI) has documented patterns of summary executions, enforced disappearance, torture, rape and other sexual and gender-based violence, starvation sieges, forced displacement, and deliberate bombardment of civilians, including with the continued use of chemical weapons. The consequences currently do not fall on those who are breaking the law, but on those whom the law should protect, namely the civilian population of Syria, particularly in areas that are unreachable by aid efforts.

The inability to achieve any type of accountability for anyone for what is happening in Syria has created a situation where impunity is the norm, breeding extremism, terrorism and widespread violence. Violations continue to increase in scope and intensity as perpetrators see an “easy” way to reach their objectives. According to the UN Refugee Agency, over the past three years, 2.8 million people have fled the civil war in Syria: nearly four in five of them are women and children. There are now more than 145,000 Syrian refugee families in neighbouring countries living in refugee camps and shelters, with constant threat of sexual violence, forced marriage, prostitution and daily humiliation.

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 Hisham Marwah, Vice President of the National Coalition of Syrian Revolution and Opposition Forces; Bassma Kodmani, Arab Reform Initiative; Amir Kazkaz, Violations Documentation Center in Syria; Imad Al-Din Al-Rashid, Chair of the Political Bureau, Syrian National Movement; and Alison Smith, Legal Counsel and Director of the International Criminal Justice Program of No Peace Without Justice.

1.2. The panel discussion

Mr Figà-Talamanca opened the event, stressing the situation of the Syrian people, overwhelmed by years of war and currently crushed between the inconceivable violence of both the Al-Assad regime and terrorist groups such as Al-Nusra and ISIS. The inability of the international community to achieve any type of accountability for anyone for what is happening in Syria has created a situation where impunity is the norm.

Mr Marwah highlighted the crucial role of civil society in the present and future of Syria. Recalling that tyranny will not disappear overnight, he stressed how there is an absolute need for justice to prevail in what will be the new Syria. To this end, civil society must be a key player in ensuring the building of a country in which human rights defenders will not be penalised, those accountable for atrocities will be brought to justice and those who have lost property or family will be compensated. In Syria, there is full space for transitional justice and accountability. Forgetting and forgiving what happened and what is currently happening is not an option. Civil society can play a critical role in this endeavour, by advocating for redress, providing support to the survivors and fostering inclusiveness and tolerance. These are the critical tools to fight terrorism and bring back Syria to its culture, its national pride and its respect of other religions, alongside tolerance toward these principles. Every solution should be based on this first cultural framework that terrorism and Assad are simply destroying.
Mrs Kodmani, referring to the pursuit of a political solution, addressed the lack of responsible management at a high level. In particular, she recalled the unsuccessful meetings held in in Geneva and Moscow between 2012 and 2015, in which no effective solution to the crisis was found. Assad is not interested in finding a solution, and that is why he cannot be part of the overall solution. She also stressed how there is no alternative to a political strategy, because this is a conflict that cannot be won by military means. At the moment, neither party is able to prevail and bring the war to an end. One of the key factors that allowed the festering of the crisis is the lack of a serious willingness to organise the opposition, as this is an alternative that has never been pursued with the right motivations, by Syrian actors, by external forces and the international community. Replying to a question about the capacity to organise the opposition effectively, Mrs Kodmani stressed how ISIS cannot be considered, never was and never will be, part of the opposition forces. ISIS is as a sort of “joker card”, introduced for the benefit of the regime. Those who are fighting ISIS are the rebels, not the regime. The emergence of ISIS led to a triangular situation in which the opposition is fought at the same time by both the regime and the Islamic State. There is the absolute need of getting rid of both of them as they represent the two faces of the same coin. To this end, the coordination between actors within the opposition is now crucial and where it happened, for instance in Kobane, it has been fundamental to fight ISIS.

Mr Al-Rashid discussed the inner reasons of extremism in the region, trying to answer the question whether terrorism is an international or regional problem. He underlined that extremism and terrorism have both cultural and political roots in Syria. The Syrian population has never been able to deal with the power, since Syrian citizens never experienced democracy. Mr Al-Rashid urged the international community to support Syrian citizens, since very little has been done so far to alleviate their suffering. The doors of democracy were open in 2011, but the world only stared at them, leaving room to extremism, violence and death. Analysing the international framework of the Syrian war, Mr Al-Rashid stressed that this must be considered as an international armed conflict with international repercussions. Giving the example of foreign fighters currently operating in Syria, he recalled that 750 of them are from Belgium and once the war will end, no matter when, they will try to go back to their home countries. To this end, international cooperation and coordination are necessary in Syria to overcome the shortcomings of the last years.

Mr Kazkaz explained the documentation work carried out by the Violations Documentation Center (VDC) in Syria. He explained the methodology used by VDC to collect and validate evidence related to crimes and violations of human rights in Syria. There are three fundamental stages: the first one is the gathering and collection of data by human rights volunteers. The second is the compilation of all the evidence. The third is the verification of data, carried out weekly and daily by the VDC’s “Daily Verifiers”. By adopting a multiple-stage process of documentation, the aim of VDC is to achieve the highest accuracy possible.

Mrs Smith, stressed how important it is, after many years of war and crimes, to have a big and overall picture in mind. The questions are many, including who am I going to prosecute and for what crimes? To answer these questions, it is critical to know everything that happened in order to make a good selection, particularly to ensure responsibility is located in decision-makers. She highlighted two points that are crucial in ensuring information is reliable and can be used by accountability processes: the first is the chain of custody and the second is the safety and security of the people who are gathering information as well as the safety of the information itself. Regarding transitional justice processes for Syria, one thing to bear in mind is that there is no a single approach that necessarily works in every situation. It is very important to identify the goals and the objectives of a possible transitional justice program in Syria and later to adopt the relevant systems. If, for instance, the final aim is to provide redress and give compensations how can we do that? The international community can help answer the question but the key player on this topic is Syria itself. In conclusion, in order to reach substantial achievements, the goals and the aims of the future transitional justice must be decided now.

1.3. Discussion from the floor

During the open debate several Permanent Missions in Geneva 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 the role of civil society to how to foster pluralism and civic engagement in Syria.

The discussion then moved to the current role of the Islamic Republic of Iran within the Syrian war. Mrs Kodmani stated that Assad regime is more and more a simple “façade” for decisions taken in Tehran. Iran is a main player, perhaps the most important in the region.

Conclusions

This side event analysed the role of civic engagement, victims’ rights and accountability as fundamental requirements to ensure the development of a participatory and democratic process in Syria that can break the dual tyranny of extremism and dictatorship. Accountability can act as a beacon, shining a light through the horrors of Syria’s past and current realities, to illuminate a path towards peace, prosperity and the enjoyment of human rights for all of Syria’s people. The meeting served as a reminder that to achieve a lasting political solution to the Syrian war, the international community must overcome obstacles to accountability and instead act upon it as a necessity for the future of Syria.