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Human rights situations that require the Council's attention

Written statement* submitted by Maat for Peace, Development and Human Rights Association, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language of submission only.



Human Rights Violations Committed by Hay'at Tahrir al-Sham in the Syrian Arab Republic

Preamble

At a time when Maat for Peace, Development and Human Rights Association welcomes the return of the Syrian Arab Republic to the Arab League, the Syrian Arab Republic is still a fragile state that is unable to recover, due to the gross violations of human rights committed by all parties, especially the armed militias in Western and northeastern Syrian Arab Republic, and this situation is exacerbated by the control of these militias over parts of the territory and exercise effective powers. The imposition of unilateral coercive measures by the United States of America (USA) and the European Union (EU) continues to play a decisive role in the deterioration of the human rights situation in the Syrian Arab Republic, especially the deterioration of economic and social rights, which deepens the dire humanitarian situation in the Syrian Arab Republic.

First: Forced Arrest and Arbitrary Detention

Hay'at Tahrir al-Sham (HTS) exercised effective control over the Idlib governorate in western Syrian Arab Republic, the countryside of Aleppo, and other areas in northwestern Syrian Arab Republic, and tried to appear as a de facto state in these areas after appointing a salvation government-like entity. However, HTS militants committed gross human rights violations, especially forced arrests and arbitrary detention. Since April 1 to May 13, 2023, HTS arrested more than 100 people and placed them in the HTS's prisons in western Syrian Arab Republic(1), and these practices contradict common Article 3 of the four Geneva Conventions of 1949 that apply in non-international armed conflict(2), and also contradict Article 9 of the Universal Declaration of Human Rights, which prohibits the arbitrary detention of any person(3). These people who were arrested also remained deprived of their basic rights, as they were not allowed to seek the assistance of a lawyer, and they were not informed of the charges against them immediately after their arrest, nor were the families of these people able to visit them, in contradiction to Article 14 of the International Covenant on Civil and Political Rights(4). These people are being held for various types of abuse, some of which amount to torture, which has led to the death of some detainees, in flagrant contradiction with international human rights standards, which the commission is supposed to comply with, in line with the consensus expressed by Member States and endorsed by the High Commissioner for Human Rights that whenever armed groups exercise functions similar to those of the state, they become obligated to respect human rights and international standards(5). Among those detainees was a media figure who was arrested in May 2023 by the "general security service" of the commission from his home in the countryside of Aleppo, and more than 2,330 people are still under arbitrary detention or enforced disappearance by the commission, including 11 journalists and bloggers. According to testimonies reviewed by Maat for Peace, Development and Human Rights Association, journalists practiced self-censorship over their activities in the Authority's areas for fear of arrest(6), which contradicts Article 13 of the Second Additional Protocol of 1977, which prohibits any attacks on journalists as civilians who do not participate in hostilities. These practices also contradict the UN Plan of Action on the Safety of Journalists and the Issue of Impunity.

Second: Extrajudicial Execution

HTS expanded implementation of extrajudicial executions during 2023. For example, in April 2023, HTS executed 8 people who had been arrested, including four people who do not hold Syrian nationality. Before that, the eight people had been placed in Prison 107, which is run by the Public Security Department of HTS, and they did not obtain the legal guarantees supposed to enjoy(7). Until May 2023, the number of executions carried out by the HTS reached about 19 executions against civilians, including two executions against two women including a girl named (A.A.), who is a content manager on Tik Tok(8). According to local organizations in the Syrian Arab Republic, the average of executions carried out by HTS each year amounts to 45 executions, and Maat for Peace, Development and Human Rights Association believes that the numbers are greater than that, as HTS carried out some executions often in secret, in an attempt not to appear as a group that violates human rights to legitimize its reputation to remove the organization's name from terrorist lists(9).

Executions carried out by HTS are carried out in a summary and arbitrary manner, and the death penalty is issued based on unfair sentences, and the elements of a fair trial are not available. According to the testimonies that Maat for Peace, Development and Human Rights Association reviewed, those sentenced to death are not allowed to communicate with a lawyer, and the families of these people were not informed of the trial procedures or to meet with their families before the sentences were executed. Executions are often carried out by shooting, stoning, or slaughter, according to each charge, in a public square or in desert areas. Most of the charges faced by those executed were of espionage for the Syrian government. In some cases where executions took place, death sentences did not pass through the judiciary, but were issued by the head of the commission and Shura Council. These practices contradict General Assembly Resolution 73/175. These decisions are consistent with General Comment No. 36 of the Human Rights Committee, a comment that led to the application of the death penalty contradicting the right to life, which is the nominal right of human rights(10). Maat for Peace, Development and Human Rights Association believes that the oral update of the Independent Commission of Inquiry on the Syrian Arab Republic should include a reference to this unfair practice that violates the right to life.

Third: Unilateral Coercive Penalties

The EU and the United States of America have been imposing coercive unilateral sanctions on the Syrian Arab Republic, and these sanctions take various forms, including the freezing of assets, and economic sanctions that include restrictions on the import and export of specific goods. According to the Special Rapporteur on unilateral coercive measures and human rights, sanctions lead to shortages of medicine and medical equipment that affect the lives of ordinary Syrians(11). In the context of not backing down from the coercive sanctions, on April 24, 2023, the Council of the European Union imposed unilateral sanctions on about 25 individuals and 8 entities affiliated with the Syrian government, within the framework of describing these procedures as EU restrictive procedures in light of the situation in the Syrian Arab Republic, so the list of persons and entities subject to sanctions in the Syrian Arab Republic becomes about 322 persons targeted by the assets freeze and travel ban, in addition to 81 entities subject to the assets freeze. These include a ban on persons and entities in the European Union for not making funds available to individuals and entities on the list(12). Maat for Peace, Development and Human Rights Association shares with the Special Rapporteur on Coercive Measures and the UN Envoy that economic sanctions delay reconstruction efforts in a country where almost half of its infrastructure has been destroyed, making efforts toward recovery and reconstruction elusive. These sanctions also impede humanitarian work in a country where there were 15.3 million people - more than half of the population - in need of humanitarian assistance and protection before the February 2023 earthquake(13). Maat for Peace, Development and Human Rights Association confirms that unilateral coercive sanctions have a direct impact on the lack of funding for the humanitarian response plan for the Syrian Arab Republic in 2023. As of April 2023, only 7.8% of the humanitarian response plan has been funded due to excessive compliance with the sanctions and the fear of private institutions and member states of sanctions, which pushes more people into food insecurity and a vicious circle of multidimensional poverty.

Recommendations

- Maat for Peace, Development and Human Rights Association calls on the investigation committee to focus on the extrajudicial executions practiced by HTS in its areas of control;
- Maat for Peace, Development and Human Rights Association calls on the investigation committee to urge all that have an influence on HTS to immediately stop executions, arbitrary arrests, and torture practices;
- The need to press for the immediate cessation of imposing unilateral coercive sanctions on the Syrian Arab Republic due to the catastrophic repercussions on human rights and the humanitarian situation;
- The need to appeal to the Commission of Inquiry in its verbal update to Member States to fund the Humanitarian Response Plan for the Syrian Arab Republic.

(1) Article 3 - Conflicts not of an international character, <https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949/article-3>

(2) Universal Declaration of Human Rights, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

(3) International Covenant on Civil and Political Rights, <https://bit.ly/3IjPIH5>

(4) The rise of armed non-state actors and our failure to adequately react, <https://bit.ly/3OnEO6V>

(5) Arbitrary arrests | Media activist arrested in north Idlib countryside, <https://www.syriahr.com/en/298603/>

(6) HTS executes foreign, Syrian ex-members, <https://npasyria.com/en/95816>

(7) HTS executes 19 people in Syria's Idlib since early 2023, <https://npasyria.com/en/96731>

(8) Ibid

(9) CCPR/C/GC/36, Available at the following link: <https://daccess-ods.un.org/tmp/2287761.42001152.html>

(10) UN envoy urges lifting of sanctions harming Syrian civilians , <https://www.arabnews.com/node/2197501/middle-east>

(11) Syria: EU sanctions drug trade benefitting the regime, <https://www.consilium.europa.eu/en/press/press-releases/2023/04/24/syria-eu-sanctions-drug-trade-benefit-the-regime/>

(12) Syria at 'Potentially Important Juncture', Special Envoy Tells Security Council, Stressing Key Stakeholders Working Together Vital to Advance Peace Process, <https://press.un.org/en/2023/sc15270.doc.htm>

(13) NORTH-WEST SYRIA Situation Report, <https://reports.unocha.org/en/country/syria/>