

Human rights violations against humanitarian actors

This report is submitted by Syria Civil Defense (known as the White Helmets). This submission aims to highlight the human rights situation of vulnerable sectors in Syria, focusing on civil society and humanitarian actors, both as vulnerable actors and as actors responsible for providing assistance to additional vulnerable actors – besieged communities and displaced population - in the context of armed conflict.

III. Human rights violations against humanitarian actors

16. Humanitarian workers are one of the most vulnerable categories in the context of the Syrian armed conflict. ⁽²⁷⁾ Humanitarian actors have increasingly become the main targets of airstrikes and military campaigns by the Syrian government forces. The Syrian Civil Defense has documented more than 566 attacks against health facilities and other facilities that provide medical services from 2011 to February 2020. ⁽²⁸⁾ Additionally, other parties to the conflict have targeted humanitarian workers – although to a much lesser degree than the Syrian government - with around 48 attacks having been carried out in the same period. ⁽²⁹⁾ Nearly 930 doctors and humanitarian workers have lost their lives while performing their humanitarian and moral duty. ⁽³⁰⁾

18. The repeated attacks on many hospitals located in areas outside of the control of the Syrian government forces, and in a pattern that always preceded greater military operations in the areas, confirms the deliberate targeting of them. ⁽³¹⁾ The deliberate commission of IHL violations against hospitals is further confirmed by the fact that the Syrian government forces have used weapons with very destructive power able also to target and destroy hospitals that were built underground. ⁽³²⁾ Additionally, the Organization for the Prohibition of Chemical Weapons also established that the Syrian government forces used sarin gas in an attack on Al-Lataminah Hospital through multiple attacks in March 2017. ⁽³³⁾ The ongoing attacks against humanitarian workers and medical services threatens the fate of 12 million people across Syria, especially in light of the outbreak of COVID-19, in addition to nearly 4 million people in North-Western Syria who had been deprived access to at least 67 medical facilities that were destroyed between April 2019 and February 2020, as a result of the attacks carried out by the Syrian-Russian alliance. ⁽³⁴⁾

19. In addition to IHL violations committed in the context of armed conflict, humanitarian workers continue to be at risk of detention and arrest. ⁽³⁵⁾ Indeed, any medical and humanitarian work in areas under the authority of the Syrian government need to receive approval by the Syrian government. Any medical or humanitarian service provided to vulnerable population without approval by the Syrian government would be prosecuted under the Counter-Terrorism Law. According this law any medical actors would be considered as terrorist for providing medical assistance within these areas ⁽³⁶⁾

20. Since the last Universal Periodic Review, violations against humanitarian workers in the field have sharply increased, the Syrian Civil Defense has documented unprecedented levels of violations of IHL and violations of human rights against paramedics and humanitarian workers in particular. ⁽³⁷⁾ In this context, it is necessary to recall the recommendations made by a group of countries during the work of the 26th session of the UPR, which focused on multiple themes, the most important of which is "international humanitarian law" to shed light on the violations taking place in Syria. The recommendations included more than 50 recommendations. Mainly the following recommendations (as per the matrix of recommendations): 109.98 - 109.99 - 109.102 - 109.107 - 109.108 - 109.110 - 109.111 - 109.129 - 109.132- 109.144 - 109.100 - 109.117 regarding violations against humanitarian workers and the subject of humanitarian aid and related services, which were accepted by the Syrian government, in addition to dozens of other recommendations, always on the same theme, whose implementation was not considered under review. ⁽³⁸⁾

21. In this regard, it should be noted that most of the recommendations agreed upon by the Syrian government during the last review were not implemented, which reinforces the necessity and urgency to follow up on the recommendations of the universal periodic review with more seriousness. It is also important to emphasize the importance of the current review to remind once again that the Syrian government's disregard for human rights and the rights of humanitarian workers is a major breach of international human rights law and international human rights law.

IV. Human rights violations against besieged communities and displaced population

22. The continuous and deliberate attacks against humanitarian workers exacerbate the already dire situation in which the majority of the vulnerable Syrian population lives.⁽³⁹⁾ Together with deliberate attacks against humanitarian actors through airstrikes and arrest campaigns, the Syrian government has also been involved in impeding humanitarian access to vulnerable communities.⁽⁴⁰⁾ These practices included the politicization of the delivery of humanitarian aid, the imposition of restrictions and obstacles to access to aid, in parallel with use the policy of starvation and siege against communities living in opposition-controlled areas, which led to the starvation of hundreds of thousands of residents and the loss of life of hundreds of them.⁽⁴¹⁾

23. Government forces and armed groups loyal to the Syrian government, did not submit to the appeals of humanitarian organizations (civil and international ones), and continued to besiege entire communities, so that the entry of humanitarian aid was subject to instant political agreements in accordance with the battles and the geographical expansion of the war.⁽⁴²⁾ The Syrian government deprived the following communities access to food, potable water and medicines: Ghouta, Qalamoun, Madaya, Eastern Aleppo, Yarmouk camp, Rukban camp, Talbiseh, al-Rastan, Al houleh. Some of the anti-government factions also took the same approach and used starvation as a weapon of war in the towns of Kafriya, Al-Foua, Nubl, Al-Zahraa. They justified their actions by reason of the communities alleged "loyalty to the Syrian regime or to the Syrian army".⁽⁴³⁾

24. As a result of the conflict, the aid delivery has been politicized by referral to the Security Council to allow the UN to deliver aid through the international cross-borders to opposition-led areas. Since 2014, the Security Council has adopted the resolution 2165 which has been implemented 5 times until 2018. The annual renewal of the resolution has put the lives of million people at risk to get humanitarian assistance. The link between aid delivery and political permission from the security council has impeded the delivery of humanitarian assistance through the international crossing.⁽⁴⁴⁾

Recommendations

1. Strengthen a permanent ceasefire, stop the systematic targeting of medical and health facilities and stop using internationally prohibited weapons such as Napalm, cluster and barrel bombs against them.
2. Investigate the methodology of the attacks in a manner that leads to the prosecution of the parties involved and the provision of redress to the victims.
3. Stop prosecutions against health personnel as "terrorists" and abolish the Counter-Terrorism law, and immediately release people arbitrarily detained for their human rights/ humanitarian work, and cease all threats and prosecutions directed against human rights defenders and humanitarian actors.

4. Establish concrete and genuine mechanisms to contribute to the non-recurrence of the use of chemical weapons against civilians and hold accountable those responsible for such violations.
5. Provide facilities to the health personnel to be able to exercise their work without discrimination, especially in light of the outbreak of the COVID-19 pandemic.
6. Establish accountability processes aimed at investigating and prosecuting the war crimes of using siege as a weapon of war against civilians and provide justice and redress to the victims.
7. Neutralize the humanitarian aid delivery and activate all cross-borders with Syria to maximize aid delivery for civilians.
8. Activating all crossings and neutralized from the political process, in accordance with a principle that mitigates the effects of the conflict on civilians who are more than 4.1 million civilians in northern Syria and who are still primarily dependent on humanitarian aid

Appendix 1: Endnotes

27. Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, UN Doc. A/HRC/44/61, 3 September 2020, available at: <https://undocs.org/en/A/HRC/44/61>
28. This information is extracted from Physicians for Human Rights, Medical Personnel are Targeted in Syria, available at: <https://phr.org/our-work/resources/medical-personnel-are-targeted-in-syria/>
29. Ibid
30. Ibid
31. See note 27
32. Ibid
33. Organization for the Prohibition of Chemical Weapons (OPCW), First Report by the OPCW Investigation and Identification Team Pursuant to Paragraph 10 of Decision C-SS-4/DEC.3 “Addressing the Threat from Chemical Weapons Use” Ltamenah (Syrian Arab Republic”, 24, 25, and 30 March 2017, S/1867/2020, 8 April 2020, available at: <https://www.opcw.org/sites/default/files/documents/2020/04/s-1867-2020%28e%29.pdf>
34. See note 28
35. Ibid
36. Ibid
37. Ibid
38. This information is based on recommendations number 109.95- 109.99, 109.102, 109.104- 109. 108, 109.110-109.112, 109.118, 109.124-109.127, 109.129-109.133, 109.135-109.136, 109.138. See Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Syrian Arab Republic, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, 13 March 2017*, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/055/86/PDF/G1705586.pdf?OpenElement>
39. Human Rights Council, International Independent Commission on the Syrian Arab Republic Policy Paper: Siege as a Weapon of War: Encircle, Starve, Surrender, Evacuate, 29 May 2018, available at: https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/PolicyPaperSieges_29May2018.pdf
40. Ibid

41. Ibid

42. Ibid

43. Ibid

44. The adoption of UNSC resolution 2156 at its session 7216 in July 14th 2014
[https://undocs.org/en/S/RES/2165\(2014](https://undocs.org/en/S/RES/2165(2014)

The report of "Syrian network for Human rights" about the arbitrary use of double vetos by Russia and China,
July 17th 2020 2.

<https://sn4hr.org/blog/2020/07/17/55263>