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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Joint written statement* submitted by the International
Organization for the Elimination of All Forms of Racial
Discrimination (EAFORD), the Arab Organization for
Human Rights, non-governmental organizations in special
consultative status, the International Educational
Development, Inc., the World Peace Council, non-
governmental organizations on the roster**

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

[16 May 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Summary Executions in the Syrian Arab Republic*

Background

Since the outset of the conflict in 2011, the Syrian civilian population has been subjected to horrific human rights violations and abuses, including torture, mass killings, sexual and gender-based violence, arbitrary detention, enforced disappearance, and summary executions perpetrated by all parties involved.

As highlighted in the report A/HRC/31/CRP.1¹ of February 2016 by the UN Commission of Inquiry for the Syrian Arab Republic, Syria “is party to international conventions that protect the lives of detainees and prohibit killings and summary executions, enforced disappearance, torture and other forms of ill treatment, including the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and the Arab Charter on Human Rights.” Therefore, the government should take adequate actions to provide effective remedy and reparation to all victims, and should ensure impartial investigations of all violations.

Furthermore, Security Council Resolution 2191 (2014) demanded that all parties to the Syrian armed conflict end practices resulting in extrajudicial killings and executions, torture, enforced disappearance, and other violations of international law in the Syrian Arab Republic. The prohibition of summary and extrajudicial executions or killings applies regardless of detainees’ status or of any offenses with which they may be charged. Sanctions may only be imposed after a trial conducted in accordance with due process standards. Both international human rights and humanitarian law contain rules ensuring that criminal justice is not carried out in secret.

In fact, Article 3 common to the Geneva Conventions, which prohibits murder, summary executions, mutilation, torture, rape, outrages upon personal dignity and other inhuman treatment states that “the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples” shall remain prohibited with respect to non-fighting parties.

While the legal framework concerning summary executions is clear and comprehensive, the parties involved have not implemented the provisions contained in the UN Resolutions and in the Geneva Convention. In fact, government security forces and terrorist groups are both responsible of summary executions and unlawful killings. Summary trials often lead to death sentences; detainees are not given the chance to defend themselves nor to speak with a lawyer, and confessions obtained with the use of torture are often the only evidence provided (if any evidence is submitted at all).

Governmental forces

The largest number of arbitrary killings and summary executions by the hands of governmental forces occurs in government-run detention facilities, where prisoners – both alleged terrorists and innocent civilians – are held captive in inhuman conditions.

Until 2013, there was little evidence on the fate of detainees and the conditions in detention centres. In August 2013, a military defector identified as “Caesar” smuggled thousands of pictures outside the country: the shocking collection contained brutal images representing tens of thousands of bloody and beaten dead bodies. From the images, it is clear that the prisoners were subjected to inhuman and degrading treatments. International independent monitoring

¹ *Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic*, A/HRC/31/CRP.1, 3 February 2016, available at http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-31-CRP1_en.pdf

mechanisms are not allowed in the Syrian detention centres; therefore, it is impossible to obtain accurate statistics on the number of deaths. However, thanks to the smuggled pictures and the information provided by former detainees, local activists and non-governmental agencies, it has been possible to identify the patterns of violations as well as the main causes of death.

Former prisoners and guards have revealed that tens of detainees die daily in the detention centres run by the Syrian government's security agencies. According to our sources on the ground, government forces are running a strict and ferocious campaign against the opposition, and those who criticise such practices are detained, beaten, tortured, and eventually killed while in custody. In the government-controlled prisons, detainees die of starvation, or as a result of severe injuries, torture, infections and diseases. Prisoners are also subjected to murder, rape, summary executions and all forms of inhuman acts.

Moreover, in its latest report, the Commission of Inquiry on the Syrian Arab Republic alleged that "Throughout 2016, Syrian air forces launched air strikes using chlorine bombs in eastern Aleppo city."² The suspected deliberate use of chemical weapons on civilian-inhabited areas violates the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, causes a disproportionate number of civilian casualties, and amounts to the crime of summary execution.

ISIS and Jabhat Fath al-Sham (former Jabhat al-Nusra)

According to the United Nations Commission of Inquiry on the Syrian Arab Republic, ISIS, and the former Al-Qaeda affiliate in Syria, Jabhat al-Nusra, which changed its name to Jabhat Fath al-Sham, have been found responsible for systematic and widespread human rights violations, including targeting civilians with torture, abductions, and executions. While information about the brutal actions and abuses of the two terrorist organisations is hard to obtain because of the difficulties independent monitors have accessing areas under their control, both groups have largely publicized their unlawful attacks. Circulating images and shocking videos showing the merciless executions of innocent civilians has become a means of propaganda and a weapon used to spread terror and instil fear.

Furthermore, the terrorist activities of the two groups include the abduction and detention in inhuman conditions of scores of civilians – both men and women – the forcible recruitment of children for combat and the brutal torture of detainees, which often leads to death. According to UN sources, ISIS and Jabhat al-Nusra have established makeshift courts and detention centres; civilians and government soldiers are unlawfully detained and often subjected to unfair trials. The prisoners are often executed by gunshot, are beheaded or hanged.

The number of civilian casualties caused by terrorist acts dramatically increases when the two organisations carry out large scale bombings or suicide attacks. In 2016, ISIS has claimed responsibility for a number of suicide attacks and bombings that have caused several victims. The attacks include:

- Attacks in the city of Deir al-Zour on January 17: in such instance, both ISIS and Jabhat Fath al-Sham executed at least 85 civilians and killed 50 soldiers while conducting an offensive in the area;
- Bombings on a Shia religious site and a civilian-inhabited neighbourhood in Damascus on February 23 that killed 109 civilians and injured 235;
- Suicide attacks and bombings in Latkia governorate on May 23 that caused the death of around 145 civilians;
- Bombings in Qamishli (in the North-Eastern part of the country) on July 27 when a truck bomb exploded killing 48 and injuring about 140.

² *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 27 February 2017, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/026/63/PDF/G1702663.pdf?OpenElement>

Furthermore, Jabhat Fath al-Sham militants continue to carry out summary executions, including the stoning of women accused of extramarital relations. Namely, in late August, in the Heish village in Idlib countryside, militants of the group stoned to death a woman that was found in the home of an unmarried man and immediately executed.

In addition, the terrorist organisation continues to forcibly recruit children for combat and to launch artillery attacks that kill scores of civilians, including women and children.

Recommendations:

We, NGOs Signatories to this statement recommend to the United Nations and its relevant bodies to:

- Pressure the Syrian government to comply with human rights and humanitarian law standards; particularly, put an end to illicit trials, torture and summary executions of persons deprived of their liberty;
- Call on the Syrian government to reinforce and respect the legal framework on civilian protection;
- Pressure all parties involved to immediately halt violence against civilians and call on the Syrian government to ensure adequate redress and reparation.
- Pressure the Syrian government and all Member States involved in the Syrian conflict to distinguish military from civilian targets and refrain from disproportionate and indiscriminate attacks that may amount to summary executions and war crimes; and
- Call on the Syrian government and all Member States to prohibit and prevent the use of prohibited weapons. The disproportionate impact of such weaponry kills scores of persons and has dramatic repercussions on civilians.

*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association- UK, Human Rights Defenders (HRD), The Brussels Tribunal, Euro-Mediterranean Human Rights Monitor, Association of Humanitarian Lawyers (AHL), The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), Alliance to Renew Co-operation among Humankind, General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), Women Will Association (WWA), The Iraqi Centre for Human Rights, The International League of Iraqi Academics (ILIA), Organization for Widows and Orphans (OWO), International Anti-Occupation Network (IAON), NGOs without consultative status, also share the views expressed in this statement.