

AMNESTY INTERNATIONAL:

RECOMMENDATIONS AHEAD OF THE BRUSSELS IV CONFERENCE ON SUPPORTING THE FUTURE OF SYRIA AND THE REGION, JUNE 2020

This paper outlines Amnesty International's key recommendations to the EU and EU member states participating in the Brussels IV Conference on Supporting the Future of Syria and the Region.

Over the past year, parties to the conflict in Syria have continued to commit serious violations of international humanitarian law with impunity. Between May 2019 and March 2020, the Syrian and Russian governments carried out attacks on civilians and civilian objects, including medical facilities and schools, in north-west Syria forcing hundreds of thousands to flee towards the Turkish border where they continue to live in dire humanitarian conditions. Amnesty International found that the actions of the Syrian and Russian government [amount to war crimes](#). In addition, the Syrian government continues to arbitrarily detain people and subject tens of thousands of people to enforced disappearance. The actions of the Syrian government amount to crimes against humanity.

Refugees in Syria's neighbouring countries continue to be subjected to barriers that hinder access to services and aid, leading many to live in dire conditions. These host states have also forcibly returned Syrian refugees in recent months despite this putting their lives and freedoms at serious risk.

Amnesty International calls on the EU and its member states to consider the following key issues at the forthcoming Brussels conference and in any communications around the conference:

HUMANITARIAN ACCESS

- 1) **Strongly support the renewal of the UN cross-border aid mechanism for north-west Syria for a period of at least 12 months and reauthorize cross-border access to the north-east via the al-Yarubiyah border crossing**, as envisaged in UN Security Council resolution 2165. On 10 July 2020, UN Security Council Resolution 2504, which authorizes cross-border aid to people in north-west Syria, expires. The Security Council must renew cross-border aid to sustain the UN's ability to continue delivering food, medicine, and other essential aid across the border. Today, north-west Syria is the only region in Syria in which the UN is authorized to facilitate cross-border delivery of aid. However, the Syrian and Russian governments have argued that aid to the remaining opposition-held pocket can be delivered from areas under the control of the Syrian government. It is unrealistic to expect aid from within the country, which requires the authorization of a government that has a track record of curtailing assistance. The non-renewal of the resolution and subsequent end to the UN's direct involvement will prevent Syrian organizations from effectively continuing their work as they heavily rely on the UN for funding as well as other crucial functions such as coordinating and facilitating the humanitarian response.
- 2) **Increase financial assistance to humanitarian programmes in north-west Syria and ensure that the UN plan to prepare and respond to a potential outbreak of COVID-19 in north-west Syria receives the needed funds, in accordance with the priorities outlined by humanitarian actors.** The unlawful attacks by Syrian

and allied Russian government forces have forced close to a million people to flee to areas close to the Turkish border between December 2019 and March 2020. More than 80% of those displaced are women and children, while many of the remaining men are older persons, persons with disabilities and members of other at-risk groups. Even in displacement, civilians continued to come under attack as strikes hit displacement shelters and their vicinity. Cornered in an ever shrinking and crowded space, in areas that were already struggling to accommodate overwhelming existing needs, the displaced continue to suffer intolerable conditions, including shortages in shelter and other basic needs such as food, medication and other aid. Humanitarian organizations are unable to meet the acute humanitarian needs of displaced people due to the scale of displacement damage and destruction of crucial facilities resulting from unlawful attacks by government forces. The strain on the humanitarian response has severely impacted access to medical services, education and livelihood projects. The COVID-19 global health crisis is putting further pressure on the humanitarian response in a region where the health care system, battered by hostilities, is far from equipped and where overcrowded displacement sites heighten the risk of transmission.

- 3) **Acknowledge the complexity of operating in north-west Syria in areas under the control of armed groups designated as “terrorist” by the Security Council and accept that the responsibility to mitigate the risk of aid diversion must be shared with humanitarian actors implementing the response:** Donors should recognize that attempts to regulate humanitarian actors are likely to continue in north-west Syria and should commit to sharing the responsibility of mitigating the risk of aid diversion rather than placing the burden entirely on implementing partners. EU member states should also work closely with implementing humanitarian partners to identify ways to respond to possible breaches of counter-terrorism regulations without having to suspend programmes altogether, rescind funding, or interrupt crucially needed assistance as long as partners report these potential violations in a transparent and timely manner. In addition, EU member states should facilitate the ability of implementing partners to continue strengthening their due diligence and risk mitigation measures pertaining to aid diversion, including by supporting local organizations to build their capacity.

SUPPORT TO CIVIL SOCIETY, HUMAN RIGHTS DEFENDERS, WOMEN AND YOUTH

- 4) **Enhance EU efforts to support local civil society, human rights defenders and organizations and ensure the active participation of women and youth:** The EU should involve these actors in the upcoming Brussels conference and ensure they are included in other international processes such as political negotiations and the constitutional committee while ensuring effective and equal political participation for Syrian women.

PRISONERS AND DETAINEES

- 5) **Urge Iran, Russia, and Turkey to ensure the release of people arbitrarily detained and abducted by the Syrian government and armed opposition groups and to ensure that the fate and whereabouts of people subjected to enforced disappearance is disclosed:** In light of COVID-19, the EU should urge Russia and Iran to ensure that the Syrian government [secures the release of all prisoners of conscience](#) – political activists, human rights defenders, and others imprisoned solely for peacefully exercising their rights as well as to consider the early or conditional release of prisoners at high risk, such as older prisoners or

those with serious medical conditions. The Syrian government continues to arbitrarily detain, forcibly disappear and subject tens of thousands of people to torture and other ill-treatment in military prisons and other detention centres. Detainees are often held in inhumane conditions including overcrowded cells without proper access to medicine and medical treatment, sanitation, food and clean water.

JUSTICE AND ACCOUNTABILITY

6) Support the pursuit of justice and accountability for violations of international human rights and humanitarian law committed by all parties to the conflict in Syria by:

- Reaffirming the EU's **unified support for justice and accountability** mechanisms at the Brussels conference and ensure this issue is on the agenda of the Brussels IV conference;
- Continue to provide consistent support to the **International Impartial and Independent Mechanism (IIIM)**;
- Ensure that **national investigatory and prosecuting bodies** collecting information from victims and witnesses in Europe continue to coordinate and exchange information with the IIIM;
- Support the renewal of the mandate of the **UN Commission of Inquiry on Syria** at the UN Human Rights Council's 33rd session and continue to provide it with the necessary support;
- **Support civil society organizations** engaged in documenting crimes and engaging with victims, including by supporting Syrian civil society.

7) Continue to exercise universal jurisdiction over international crimes before national courts¹ and reinforce international justice efforts by:

- Establishing, where not in place, **an adequate legal framework** for prosecuting crimes under international law wherever they have been perpetrated;
- **Ensuring adequate resources are provided for specialized war crimes units** within law enforcement and prosecutorial bodies;
- **Adequately communicating to Syrian refugees, asylum seekers** and the broader public, how victims or witnesses of crimes under international law can contact the specialized war crimes units;
- **Protect witnesses and victims** in domestic systems, and cooperate with the IIIM in this regard, including by **entering into witness protection agreements with the mechanism**.

SUPPORT TO REFUGEES AND NEIGHBOURING HOST COUNTRIES

8) Refrain from pushbacks and *refoulement* and ensure refugees from Syria have the right to seek asylum through full access to fair and efficient asylum procedures. Ensure the protection of refugees by providing them safe and legal routes and significantly increasing the number of resettlement places and other admission pathways such as humanitarian visas, student visas, family reunification and private

¹ To date, universal jurisdiction has been the only means for Syrians hoping to see justice for war crimes and crimes against humanity. In April 2020 the Higher Regional Court in the German city of Koblenz began hearing evidence in the [cases of Anwar Raslan and Evad al-Gharib](#). It is the first trial of former officials of the Syrian government's security service charged with crimes against humanity, including torture, rape and sexual violence. This marks an important step towards justice.

sponsorship. Do not return asylum-seekers from Greece to Turkey under the EU-Turkey Statement on the grounds that Turkey is a [“safe third country” or a “first country of asylum”](#).

9) **Urge governments of neighbouring countries to Syria to respect the principle of non-refoulement**, and halt forcible returns to Syria. Since 2014, [Turkey has consistently and unlawfully deported](#) hundreds of Syrian refugees back to Syria. In 2019, [Lebanese authorities deported](#) thousands of Syrian refugees. Syria’s neighbouring countries must stop forcibly returning Syrian refugees to a place where their lives and freedoms are at serious risks. They should also keep their borders open to people fleeing conflict and persecution in Syria.

10) **Reaffirm that refugees should only return in safety and with dignity and that these international standards cannot currently be guaranteed in Syria.** Without independent monitoring bodies allowed into Syria, it is challenging to determine whether Syrians would be at risk of serious human rights violations inside Syria. In addition, restrictive policies, economic crises, and lack of legal status in Syria’s neighbouring countries are strong push factors for refugees, influencing their decision to return. In this case, refugees’ consent to repatriation cannot be considered free.²

11) **Guarantee full, flexible and predictable funding for refugee protection and meaningful financial support to countries hosting large number of Syrian refugees and translate commitments to take on a fair share of responsibility for supporting Syrian refugees through:**

- EU and member state contributions to UN inter-agency humanitarian appeals. The amounts committed and disbursed should be published annually.
- Bilateral assistance – both financial and technical support, depending on the host country’s needs – to enable the host state to provide support to refugees and asylum-seekers, including ensuring access to adequate shelter, food, health care and education. The extent of such bilateral assistance should also be published annually.

12) **Urge governments of neighbouring countries to follow through on their commitments made in the London and Brussels Conferences to provide protection**, including legal status and access to essential services, education and job opportunities to refugees. In the context of the outbreak of COVID-19, the EU and its member states should urge host countries to ensure that all refugees have access to medical treatment, relevant information and can receive treatment without any fear for their security.³

² For further information see Amnesty International’s release: [Why are returns of refugees from Lebanon to Syria premature?](#)

³ Amnesty International has recently [documented](#) a worrying lack of basic medical care along the Syria-Jordan Rukban crossing which risks putting the lives of thousands of people at risk during the COVID-19 pandemic.