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Geneva II conference on Syria conflict: Amnesty International's calls

Introduction

Amnesty International has compiled a list of 10 calls which the organization is making to those involved in the Geneva II peace conference on Syria, scheduled to begin on 22 January 2014. The calls relate to, among other points, humanitarian access, the release of peaceful activists and civilian hostages, access for the UN-mandated independent international Commission of Inquiry on the Syrian Arab Republic and effective participation of women and civil society in the conference. Some of the calls are to the parties to the conflict and relate to abuses committed in, or in the context of, the conflict itself. Others are to states supporting parties to the conflict or to the international community more broadly.

The conference is taking place some two months ahead of the third anniversary of the start of the crisis in Syria. Since then, according to UN figures, at least 100,000 people have been killed and around nine million have been forced from their homes; 2.3 million have sought refuge outside the country, while 6.5 million more are internally displaced.

Serious human rights abuses, including war crimes and crimes against humanity, continue to be committed with impunity. Government forces have used artillery, unguided air-delivered bombs, rockets, ballistic missiles and internationally banned cluster munitions against civilian residential areas in towns and villages, killing tens of thousands of civilians as result. They, along with pro-government militias, have arbitrarily detained, tortured, subjected to enforced disappearance or extrajudicially executed thousands of people suspected of supporting the opposition, including human rights defenders and peaceful political activists.

At the current time, they are enforcing blockades on opposition-held towns and districts that amount to unlawful collective punishment of the civilian populations there and have reportedly led to dozens of civilians dying of starvation. Areas affected include Moadamiya and Daraya, west of Damascus, Eastern Ghouta, to the east of the capital, and Yarmouk, home to tens of thousands of Palestinian refugees, to the south. A December 2013 truce between government forces and armed opposition groups in Moadamiya has so far failed to ensure that the basic needs of the civilian population are met.

While the majority of the abuses have been committed by government forces, serious human rights abuses, including war crimes, have been committed by armed opposition groups, including some affiliated to al-Qa'ida and some affiliated to the Free Syria Army, and recent months have seen an escalation in these. Armed opposition groups have increasingly resorted to summary killings of members of the various government armed and security forces, pro-government militias, suspected informers or collaborators, members of rival armed opposition groups and members of minority communities perceived by members of armed opposition groups as loyal to President Bashar al-Assad such as Shi'a or Alawite Muslims. Armed opposition groups have also carried out indiscriminate attacks leading to civilian casualties, used children in hostilities, tortured or otherwise ill-treated captives, issued sectarian threats and carried out attacks against minority communities perceived as pro-government, and abducted and held hostages.

The goal of the Geneva II conference is to achieve a political solution to the conflict through a comprehensive agreement between the Syrian government and the opposition for the full implementation of what was known as the Geneva communiqué, a document adopted after a meeting held on the Syrian conflict on 30 June 2012 known as Geneva I, which called for the creation of a transitional government that would lead to the holding of elections.

Apart from the Syrian government and the National Coalition for Syrian Revolutionary and Opposition Forces (Syrian National Coalition), invitees include the five permanent members of the Security Council – China, France, Russia, the UK and the USA – and representatives of the Arab League, the European Union, the Organisation of Islamic Cooperation and 26 other countries.

Amnesty International's calls

1. Allow humanitarian access

- Both the Syrian government and armed opposition groups must allow humanitarian organizations and agencies unfettered access to assist the civilian population without discrimination. Such humanitarian access should include the Syrian government granting cross-border access (e.g. from Turkey into opposition-controlled territory in the north of Syria), as well as cross-line access.
- Both the Syrian government and armed opposition groups must immediately end attacks on humanitarian workers and medical personnel.
- The Syrian government must lift blockades it is undertaking on opposition-held towns and districts that amount to unlawful collective punishment of the civilian populations there. Syrian authorities may inspect material entering and leaving towns or districts under opposition control, but must allow access to independent humanitarian organizations and agencies. Security restrictions must be necessary and proportionate and may in no circumstances prevent the entry of basic necessities, including food, medicine and fuel. They must never block the impartial delivery of medical aid.
- Likewise, armed opposition groups must lift sieges on districts in government-held areas. Any restrictions on the entry of supplies to these areas must exclude basic necessities. They must never block impartial delivery of medical aid.

2. Release peaceful activists and civilian hostages

- The Syrian government must release all peaceful activists held solely for exercising their rights to freedom of expression, assembly and association.
- The Syrian authorities must bring recognizable, criminal charges against any person in their custody or release them. Those charged should be promptly referred to trials that comply with international standards. Anyone deprived of their liberty must be given immediate access to their family, lawyers and medical attention.
- Armed opposition groups must set free all persons, including women and children, taken hostage for exercising their rights to freedom of expression or for merely belonging to religions or sects perceived as supporting the Syrian government. They must also ensure all captives are treated humanely.

3. Give access to Commission of Inquiry and other human rights bodies

- The Syrian government must allow the UN-mandated Commission of Inquiry on Syria access to investigate all human rights violations and abuses, including those amounting to crimes against humanity and war crimes, being committed by all parties to the conflict. It should also allow access to Amnesty International and other human rights organizations.

4. Ensure effective participation of women and civil society in Geneva II

- The Syrian government and Syrian National Coalition must ensure that the numbers of women present on their delegations to Geneva II are sufficient to ensure that women's perspectives and concerns are represented and that women delegates are able to participate effectively and fully.
- The organizers of Geneva II must ensure that the impact of the conflict on women and girls is on the agenda and that gender expertise is made available to the debates through direct advice, policy, research and position papers on relevant issues under negotiation.
- They must also ensure that Syrian civil society is able to contribute to the Geneva II process, particularly on issues on which they have expertise such as humanitarian concerns, gender issues, social and economic development, human rights and accountability. Women should fully participate and take a leadership role in civil society contributions, with equal rights and responsibilities to participate, negotiate and determine the procedure and pathway to the future.

5. Stop attacks on non-military targets

- The Syrian government and armed opposition groups must end direct attacks on civilians and civilian objects, as well as indiscriminate and disproportionate attacks.
- Syrian government forces must stop the use of artillery, unguided air-delivered bombs, rockets and ballistic missiles in the vicinity of populated civilian areas. They must also stop any use of internationally banned cluster munitions and destroy their stockpiles of these weapons in addition to those of all chemical weapons.

6. Stop summary killings and torture

- The Syrian government and armed opposition groups must stop carrying out summary killings of captured soldiers and fighters, suspected collaborators, peaceful activists and civilians perceived as supporters of the other party to the conflict or foreign nationals.

7. Reveal fate of disappeared and those abducted

- Both the Syrian government and armed opposition groups must disclose the fate and whereabouts of all persons subjected to enforced disappearance, secret detention or abductions, including civilians, soldiers, fighters and suspected informers.

8. Stop arms transfers fuelling abuses

- The international community must impose a comprehensive arms embargo on the Syrian government given the overwhelming evidence that the Syrian government has used arms to commit crimes under international law on a systematic basis and mass scale. In the absence of a UN-imposed arms embargo, all states should stop sending any military assistance to the Syrian government.
- States must stop sending any military assistance to the Islamic State in Iraq and al-Sham (ISIS) and any other armed opposition groups committing war crimes and serious human rights abuses. Those considering supplying arms to other armed opposition groups must first carry out a rigorous human rights risk assessment and establish a robust monitoring process which would enable all arms transfer proposals to be carefully considered before any approval is granted.

9. Take steps towards international justice

- Amnesty International has been calling on the UN Security Council since 2011 to refer the situation in Syria to the Prosecutor of the International Criminal Court, a call which has been echoed by an increasing number of governments internationally. The ongoing failure to do so means it is all the more important for states to accept a shared responsibility to investigate and prosecute crimes under international law committed in Syria, including crimes against humanity and war crimes. In particular, states should seek to exercise universal jurisdiction over these crimes before national courts in fair trials and without recourse to the death penalty.

10. Protect refugees

- Countries neighbouring Syria must maintain open borders to refugees fleeing the conflict in Syria.
- The international community must support countries faced with large influxes of refugees from Syria to enable them to cope with the pressure on their infrastructure and provide essential services to refugees, including adequate health care, housing, and food.
- The international community must ensure that the UN humanitarian appeals for Syria are fully and sustainably funded and must significantly increase the number of resettlement and humanitarian admission places.