

A Position of Syrian Civil Society Organisations on The Sanctions Imposed on Syria

Wednesday, 8 April 2020

Background:

The issue of the sanctions that are imposed on Syria, such as the American and the European sanctions, is considered one of the most controversial matters on the Syrian scene at the present time, especially amongst Syrian civil society organisations. This is due to the fact that, ever since these sanctions were imposed in 2011 and until now, there were only a few attempts to determine the extent of their effectiveness in achieving their intended objectives, and to measure their impact on the daily life of Syrians, which in turn made it difficult to differentiate between what is real and what is fabricated by the Syrian authorities in the context of the current economic and humanitarian crisis that Syrians are living through. Moreover, the topic of the sanctions is a complex one, and it has many dimensions; economic, political, social, humanitarian and legal, and all these aspects must be considered when adopting any position, with regards to the sanctions, by the Syrian civil society.

Furthermore, sectoral sanctions, and the sanctions that target specific individuals and entities are often confused. For, sectoral sanctions are sanctions targeting specific economic sectors, and they are mainly intended to deprive the Syrian authorities of their financial resources and of any technical support that may enable them to continue oppressing the Syrian people, and this includes, for example, restrictions on the import of Syrian oil and petroleum products, restrictions on the supply of equipment, technology or software that can be used to monitor or intercept internet and telephone communications, restrictions on equipment and technology for the oil and gas sector, and monetary and bank restrictions. As for individual sanctions, they target specific individuals and entities due to their association with the Syrian authorities and their crimes, and because they are considered responsible for oppressing the civilian population, and therefore, the individuals that are targeted under this type of sanctions, are subject to the freezing of assets, the prohibition of making funds available to them and to travel bans.

In light of this ambiguity and complexity surrounding the topic of sanctions, it was only natural to see an increase in the number of voices which consider sanctions a main cause of the economic and humanitarian crisis that the Syrian people are living in, with the argument that these sanctions prevent the import of many essential and basic items that Syrians need in their daily life, such as medicine, medical equipment and petroleum products, and that the sanctions hinder humanitarian funds from reaching Syria.

Therefore, and on the basis of belonging to Syria and to the Syrian people, and believing that the main objective of our work, as a Syrian civil society, is to ensure that human rights for all Syrians are respected and safeguarded, and in view of the increased debate recently on the topic of sanctions imposed on the Syrian authorities, and due to the split in opinions, between supporters of these sanctions and those demanding to lift them, we find ourselves obliged to take a clear position with regards to the sanctions; one that rests on the importance of studying these sanctions, periodically, continuously and objectively, in order to set basic parameters and principles to determine their effectiveness in achieving their desired objectives, and to ensure that they accommodate for justice to Syrians, and at the same time, that they do not contribute to human rights violations in Syria. This paper demonstrates the position of some Syrian civil society organisations with regards to the sanctions imposed on the Syrian authorities, and on the individuals and entities associated with them, and the ones which are involved in human rights violations and international crimes in Syria¹. There will be other papers which explain our position as Syrian organisations with regards to imposing sanctions on the other bodies that are involved in human rights violations and international crimes in Syria, which belong to non-Syrian authorities and individuals and entities associated with them.

¹ War crimes, crimes against humanity and the crime of genocide

First, our position on sanctions is:

1. Sanctions are an effective tool to hold the perpetrators of human rights violations and international crimes in Syria, accountable, in light of the slow pace in other accountability mechanisms at present, but they, for sure, are not an alternative to holding fair trials for all the perpetrators of human right violations and international crimes in Syria.
2. Sanctions are an important tool to pressure the Syrian authorities, their allies and the businessmen associated with them to stop human rights violations and international crimes in Syria, but sanctions are not a goal of themselves. Thus, it should be emphasized that the purpose of these sanctions is achieving transitional justice and seeking an effective and real democratic transition, that lays the foundation for sustainable peace.
3. There is no doubt that sanctions, especially sectoral sanctions, have collateral damage affecting civilians in Syria, but to say that these sanctions are the cause of the economic and humanitarian crisis in Syria is inaccurate, and is mainly promoted by the Syrian authorities and their allies such as Russia, China and others. Therefore, it must be emphasized that the first and main cause of the humanitarian and economic crisis in Syria is the widespread and systematic violations of human rights and international humanitarian law by the Syrian authorities and their allies.² Dozens of Syrian cities and towns are almost completely destroyed as a result of the air strikes that are carried out by the Syrian authorities and Russia during the past years, which also caused enormous damage to infrastructure, including hospitals, schools and factories, which led to the displacement of more than half of the population of Syria and contributed significantly to the lack in workforce, the flight of capital to other countries and the collapse of the Syrian pound, and they caused the current economic and humanitarian crisis. That is, it can be said that sectoral sanctions may have contributed to the aggravation of the economic and humanitarian crisis, but they are certainly not the main cause of this crisis.
4. We support the lifting of sectoral sanctions only if this does not lead to the continuation of international crimes and human rights violations and does not lead to the provision of funds to those against whom there is documented and credible evidence in human rights and international reports, indicating their involvement or association in these violations, and that this process is carried out on the foundations of transparency, justice and democracy. As for lifting the sanctions at the present time without any alternative accountability mechanisms, it means rewarding the Syrian authorities for their crimes and refinancing them. This will lead to the continuation of international crimes and human rights violations, and in particular, violations related to the refugees' right to property and to return to their original places of residence, and as for the result, it will help to rehabilitate the crimes of the Syrian authorities, and it will divert attention from holding perpetrators of crimes and human rights violations in Syria accountable.
5. We emphasise the importance of sustaining individual sanctions on top businessmen and entities associated with the Syrian authorities, which participate in supporting them, and also any individual or entity that are accused of committing human right violations and international crimes in Syria.

² For example, the report of the Independent International Commission of Inquiry on The Syrian Arab Republic, HRC/34/CRP(February 2017), the report of the Independent International Commission of Inquiry on The Syrian Arab Republic, "Siege As A Weapon Of War: Encircle, starve, surrender, evacuate" (May 2018), the report of the Independent International Commission of Inquiry on The Syrian Arab Republic, "Detention In The Syrian Arab Republic, A Way Forward" (March 2018), Amnesty International, "Syria: We Leave Or We Die: Forced Displacement Under Syria's Reconciliation Agreements" (2017).

Second, our requests from the countries that imposed the sanctions are:

1. It is necessary for countries that have imposed sanctions on the Syrian authorities, to work in cooperation with Syrian civil society organisations, to study sanctions periodically, continuously and objectively, in order to determine their effectiveness in achieving the desired objectives, and to ensure the existence of appropriate mechanisms to provide medical and relief assistance to civilians throughout Syria, transparently and effectively, and without benefiting the perpetrators of human rights violations.
2. We stress the necessity for countries that have imposed sanctions to cooperate with the Syrian civil society organisations, through updating the lists of individual sanctions periodically and quickly, by adding the individuals and entities who contribute to the support of the Syrian authorities and any entity accused of human rights violations and international crimes in Syria.
3. We emphasise that the basis for these countries to impose individual sanctions on persons and entities must rely on explicit human rights violations or a contribution to the support of international crimes committed in Syria by these persons or entities.
4. With regard to sectoral sanctions, they must be evaluated objectively by the countries that imposed them, in cooperation with the Syrian civil society, and there must be effort to ensure that the sanctions do not cause harm to or violations of the rights of the civilian population in Syria, but rather contribute to their protection.
5. We emphasise that it is essential, for the countries that imposed the sanctions, to simplify, accelerate and unify the procedures of acquiring humanitarian exemptions, especially the ones related to providing humanitarian aid in Syria, or offering help to local civilians, and that these exemptions are carried out in an effective manner, and that they don't remain theoretical exemptions on paper. Sanctions programmes include a lot of exemptions that allow the provision of financial and economic resources, and the import of some essential medical and food items to provide humanitarian aid and to offer help to civilian residents in Syria. However, they have not been implemented effectively when it came to application.
6. We stress that it's important for states that imposed sanctions to ensure that humanitarian exemptions are not used as a means of circumventing sanctions and providing funds to perpetrators of crimes and human rights violations, which is similar to what happened through the procurement and contracting processes, that are carried out by some United Nations agencies and some international organisations operating in Syria, which led to the provision of funds to those close to the Syrian authorities, who have links to human rights violations, and to a number of individuals and entities who are included on the sanctions lists due to their violations.
7. We stress that it is essential for the countries that imposed sanctions to take all necessary actions and measures to ensure that the financial and banking sanctions are applied in an accurate and correct manner, without causing any harm to Syrians; individuals and institutions. Many banks and financial institutions impose restrictions on dealing with Syrians, and sometimes prohibit engaging with them permanently, to avoid the burdens of investigating and finding the true scope of sanctions, which exceeds the scope of the sanctions and harms the rights of individuals and institutions who are essentially not included in the sanctions.

8. We call upon all countries that imposed sanctions to use these sanctions as part of an integrated and comprehensive approach that includes the exercise of diplomatic and political pressure that would push towards achieving transitional justice and the pursuit of effective and real democratic transition that lays the foundation for sustainable peace in Syria, because sanctions alone are not capable of achieving these goals unless they are accompanied by diplomatic and political pressure from the countries that imposed them.
9. We stress that it's important for the countries that imposed the sanctions to take all necessary actions and measures to ensure that some countries are not used as safe havens by Syrian people who are included in the sanctions, in a manner that includes requiring countries that are used as safe havens to seize funds and assets belonging to persons subject to sanctions. Many Syrian businessmen who are included in the sanctions, due to human rights violations in Syria (or their support for these violations), established companies outside Syria, and also transferred a part of their funds and investments to other countries to circumvent the sanctions.

Third, on our part as civil society organisations we :

1. Assert the importance of working together as Syrian civil society organisations to open channels of communication and dialogue with the countries that are responsible for imposing, implementing and reviewing the sanctions imposed on Syria, especially the American and European bodies. Engaging in an objective dialogue with the countries responsible for the imposition of sanctions will assist in giving us a more comprehensive understanding of the sanctions programmes and the mechanisms for imposing and implementing them. As a result, this will help us in assessing and monitoring the effectiveness of the sanctions, and it will help in ensuring that they do not contribute to human rights violations in Syria but rather contribute to enhancing and achieving the above-mentioned positions.
2. stress that we must have accurate data and statistics on the reality of sanctions, and that we must be able to distinguish between what is real and what is promoted through propaganda when we deal with the sanctions file, whether through our programmes or through our advocacy. This should be coupled with conducting more investigation, analysis and research in accordance with a clear methodology and not relying on a single source of information, and also not neglecting any allegations or concerns regarding the sanctions, but rather investigating these allegations and concerns to ensure their validity.
3. Emphasise the need to work together as Syrian civil society organisations in order to fight all misconceptions regarding the sanctions, as the Syrian authorities and their allies use this to promote that sanctions are the main reason for everything that is happening in Syria with the aim of diverting attention from the real causes of the humanitarian crisis in Syria.

The following organisations signed this position:

- *Americans for Free Syria*
- *Badael*
- *Baytna*
- *Human Rights Guardians*
- *Jusoor*
- *Kesh Malek*
- *Local Administration Councils Unit (LACU)*
- *Local Development & Small-Projects Support (LDSPS)*
- *Save the Rest Campaign*
- *Shaml Coalition*
- *Syria Civil Defense (White Helmets)*
- *Syrian Network for Human Rights*
- *Syrian British Council*
- *Syrian American Council*
- *The Day After (TDA)*
- *The Syrian Legal Development Programme*
- *The Syria Campaign*
- *The Syrian league for human rights and accountability*
- *The Syrian National Commission on Missing Persons and Detainees*
- *Urnammu*

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FOR A FREE SYRIA**

 **BADAEEL**

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GUARDIANS**

 **جسور للدراسات
JUSOOR for STUDIES**

 **Kesh Malek
كش ملك**

 وحدة المجالس المحلية
Local Administration Councils Unit

 **SNHR**
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LDSPS

Local development and
small-projects support

