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# International Humanitarian Law in Syrian Civil War

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## **Abstract**

Human rights and international humanitarian law have been flagrantly violated by all parties to the Syrian crisis. Targeting civilians is a particular offence committed by all parties. Rape and sexual assault have frequently been employed by governments, ISIL, and extremist organisations as weapons of war. Serious transgressions of international humanitarian law, such as war crimes, crimes against humanity, and other flagrant violations of human rights, are committed by these groups without consequence. The most conclusive source of information about human rights abuses during the Syrian crisis is reports by the International Independent Commission of Inquiry on the Syrian Arab Republic. Reports from other human rights organisations, such as Amnesty International and Human Rights Watch, as well as media coverage, support their results.

**Keywords** violated, extremist, humanitarian law, targeting civilians.

## **1. Introduction**

Serious violations of international humanitarian law, including as war crimes, crimes against humanity, and other flagrant violations of human rights, are still being committed by parties to the conflict with impunity. The Idlib governorate and western Aleppo countryside were subjected to indiscriminate aircraft bombing, artillery shelling, and direct attacks on populations and civilian

infrastructure, like as hospitals and gas stations. Additionally, they barred and prevented civilian access to humanitarian aid across the nation and trapped residents in southern Syria. Security forces arbitrarily detained refugees who were returning to their homes, subjected them to torture and other cruel abuse, and disappeared them. Tens of thousands of people, including peaceful activists, aid workers, attorneys, and journalists, were unjustly detained by government officials in the past year, and many of them suffered enforced disappearances. With the help of Turkey, the Syrian National Army (SNA) has persisted in kidnapping, torturing, and arbitrarily detaining civilians in the northern cities of Afrin and Ras al-Ayn. Children were arbitrarily detained in the north-east by the autonomous administration, which was run by the Democratic Union Party (PYD), and moved to jails where they were held alongside adults.<sup>1</sup> The opposition armed group Hay'at Tahrir al-Sham arbitrarily imprisoned and persecuted activists and journalists in the northwest. The government failed to take strong action to stop the spread of Covid-19 and denied thousands of people in south and north-east Syria access to medical care. Due to their poor living conditions, tens of thousands of internally displaced persons were at danger of getting Covid-19. Under the tenet of "universal jurisdiction," some European nations have looked into and prosecuted people who they believe committed crimes against the law of nations in Syria. Executions were reported, and the death penalty was still in use.<sup>2</sup>

## 2. Background

Syria's conflict started in 2011. The high rates of unemployment, extensive corruption, and lack of political freedom infuriated a lot of people. Peaceful demonstrations began in March, spurred on by the "Arab spring" events in Tunisia and Egypt. However, the administration quickly opposed the nonviolent protests. Protests broke out all over the country when the authorities employed lethal force to quell the discontent.<sup>3</sup> Rapidly rising acts of violence eventually gave way to a horrific war. The Syrian conflict has a large number of participants. An uprising in Syria against

<sup>1</sup> Abdul-Khalek RA, Kayyal W, Akkawi AR, Almalla M, Arif K, Bou-Karroum L, *Health-related articles on Syria before and after the start of armed conflict: a scoping review for the lancet-American University of Beirut Commission on Syria*. CONFL HEAL (2020).

<sup>2</sup> El Arnaout N, *Assessment of the health needs of Syrian refugees in Lebanon and Syria's neighboring countries*. CONFL HEAL (2019).

the Syrian government and its president, Bashar al-Assad, served as the catalyst for the conflict. Since then, numerous groups have joined the war, many of them engaging in cross-group combat. These organisations include the so-called Islamic State, the Free Syrian Army (FSA), Kurdish Rebel Fighters, Jabhat Fath al-Sham, Hezbollah, and the Syrian Democratic Forces (SDF). The conflict's development has also been influenced by other factors.<sup>4</sup> The governments of Russia and Iran have supported Syria. At the same time, Turkey, a number of Western nations, and certain Gulf Arab states have backed the resistance. In the end, there is no distinct frontline in this conflict. There are several sides involved in this splintered battle. At least 11 million people have left their homes as of right now.<sup>5</sup> Families continue to be evicted from their homes due to escalating conflict, and the current shelters need to be repaired after years of service. Many people are still experiencing an exhausting amount of turmoil, and a clear route to calm remains elusive. Most refugees from Syria have remained in the Middle East. Over 90% are being hosted by Syria's neighbours, Lebanon, Jordan, and Turkey. Other families have migrated to Egypt, Iraq, or North Africa, which are nearby. Some refugees have emigrated to nations in Europe. In 2015, at the height of the European refugee crisis, 1.3 million Syrians applied for asylum, with the majority going to Germany, Sweden, Hungary, Greece, Austria, the Netherlands, Belgium, Denmark, France, and Bulgaria.<sup>6</sup>

### 3. Objectives of Research

- ☐ To study Syrian Civil War
- ☐ To have a deep knowledge about this socio-legal issue of refugee crisis in Syria, which is affecting the lives of various individuals.
- ☐ To be aware of International laws that are acting to safeguard Syrian refugees?
- ☐ To learn about the root cause of their displacement and how the community ended on this footing.

<sup>3</sup> Doocy S, *Internal displacement and the Syrian crisis: an analysis of trends from 2011-2014*. CONFL HEAL (2015).

<sup>4</sup> Price M, Gohdes A, Ball P. *Documents of war: understanding the Syrian conflict*. SIGNIFICANCE (2015).

<sup>5</sup> *Ibid.*

<sup>6</sup> Guha-Sapir D, *Civilian deaths from weapons used in the Syrian conflict*. BMJ CLINICAL RESEARCH ED. (2015).



## 4. Research Methodology

The following research is socio-legal research and a doctrinal one. It concerns societies legal frame work and can therefore be called socio-legal research. Thus, for my research work, I adopted the doctrinal Research methodology which is based on gaining knowledge by means of thorough study and analyzing different studies in order to gather precise data for your research.

## 5. Denial Of Humanitarian Access

Government soldiers surrounded residents, denied them access to food, water, and other necessities, and persisted in preventing UN humanitarian agencies from reaching the south and north. In order to force the armed opposition groups to submit and leave, the government besieged thousands of civilians in Daraa al-Balad from 24 June until mid-September 2021. Government forces prevented the delivery of food, medical supplies, and other life-saving relief during the siege.<sup>7</sup> A local said that the lone bakery in the area had shut down after the flour ran out and that there had been a 60-day food, electricity, and water shortage. Tens of thousands of people still lived in substandard conditions without access to healthcare, sanitary facilities, or clean water in the Rukban camp in the remote region known as "the berm" between the Syrian and Jordanian borders.<sup>8</sup> The government continued to deny UN help to this camp. Menbij and Kobani, two towns in northeastern Syria, were shut off from UN agencies by the government, leaving locals to rely mostly on aid from international relief agencies and the Autonomous Administration, neither of which could meet their demands.

The UN Security Council approved Bab al-Hawa crossing point on July 9 for the delivery of UN humanitarian aid from Turkey to northwest Syria, with a six-month conditional extension. The humanitarian catastrophe in northeast Syria was made worse by the 2020 closure of the al-

<sup>7</sup> Sparrow A, Almilaji K, Tajaldin B, Teodoro N, Langton P. *Cholera in the time of war: implications of weak surveillance in Syria for the WHO's preparedness-a comparison of two monitoring systems*. BMJ GLOB HEALTH (2016).

<sup>8</sup> Supra Note 2.

Yarubiyah border crossing, which prevented the UN from receiving aid from Iraq. The government's access limitations and procedural hurdles prevented UN agencies and their implementing partners from providing enough relief, particularly medical aid.<sup>9</sup>

## 6. Analysis

### □ Freedom Of Expression And Assembly

Parts of northwestern Syria were under the control of Hay'at Tahrir al-Sham, which persisted in suppressing the right to free speech and assembly by arbitrarily imprisoning and harassing media activists and journalists who opposed the armed group's rule and ideology. For instance, it prohibited transmission of the Orient News Channel in September.

The Autonomous Administration's armed force, the Syrian Democratic Forces (SDF), killed at least seven people on May 18 while dispersing a demonstration over rising fuel prices in the governorate of al-Hasakeh.<sup>10</sup> To disperse demonstrators calling for the Autonomous Administration to cease the mandatory military conscription of men between the ages of 18 and 21, the SDF opened fire on a demonstration in Menbij on May 31. Only one demonstrator died.

### □ Right To Health

Similar as in 2020, the government did not mount a forceful defence against the spread of Covid-19, failing to disclose intelligibly and consistently about the epidemic in its jurisdiction. There were too few beds, oxygen tanks, ventilators, and PPE at public hospitals, endangering hundreds of patients and medical personnel. According to the WHO, just 4.2% of Syrians had gotten at least one dose of the COVAX and bilateral donations-delivered Covid-19 vaccination as of November 2021.<sup>11</sup> People living in north-east Syria had serious shortages of testing supplies, oxygen tanks, and ventilators as a result of the government's restrictions on humanitarian aid deliveries and lack of support for the

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<sup>9</sup> Alsaied T, Mawas A, al Sayah F, Kental A, Saqqur M. *A new primary health-care system in the Syrian opposition territories: good effort but far from being perfect*. Avicenna J Med. (2017).

<sup>10</sup> Fujita K, Shinomoto S, Rocha LEC. *Correlations and forecast of death tolls in the Syrian conflict*. SCI REP (2017).

health system. Aid workers claimed that NGOs were unable to guarantee a steady supply of essential drugs to treat diabetes, cardiovascular disease, and bacterial infections, as well as reproductive health kits and post-rape treatment, even though the WHO and the UN Population Fund had previously provided these supplies internationally.<sup>12</sup>

One medical professional in Menbij, where the Syrian government had barred UN access, claimed that due to a lack of supplies, they were forced to prioritise which patients to treat from among those with cancer, thalassemia, and diabetes. Government forces prevented people with serious medical issues from being transported to hospitals in places under government control when Daraa al-Balad was under siege. Additionally, they prevented access for medical personnel and supplies. Health professionals claim that these measures resulted in the deaths of sick and injured persons.

## □ Refugees and Internally Displaced People's Right

6.7 million people had been internally displaced in Syria since 2011, while 5.6 million had sought safety outside of the nation. The number of refugees returning to Syria, where some of them faced detention, torture, and other ill treatment, as well as enforced disappearances, increased as a result of deteriorating humanitarian conditions in surrounding nations and the resulting administrative and financial challenges to obtaining or renewing residency permits.<sup>13</sup> At least 36,000 individuals were displaced by the military assault on Daraa al-Balad in July. The majority of them were housed by friends and family, while some were placed in communal facilities like mosques and schools, where they had limited access to food and medical care.<sup>14</sup>

The majority of those who were displaced lived in overcrowded, improvised camps and collective shelters with little access to help, necessities like clean water, sanitation, food, healthcare, education, and employment prospects. More than 60,000 individuals, mostly women and children,

<sup>11</sup> Elamein M, Bower H, Valderrama C, Zedan D, Rihawi H, Almilaji K, *Attacks against health care in Syria*, LANCET (2017).

<sup>12</sup> Mohammad Y, Rafea S, Latifeh Y, Khaddam A, Sawaf B, Zakaria MI, *Uncontrolled and under-diagnosed asthma in a Damascus shelter during the Syrian crisis* (2018).

<sup>13</sup> Abbas F, Sawaf B, Hanafi I, Hajeer MY, Zakaria MI, Abbas W, *Peers versus professional training of basic life support in Syria: a randomized controlled trial*, BMC MED EDUC (2018).

<sup>14</sup> Supra Note 11.

were staying in the al-Hol and al-Roj camps in the al-Hasake governorate.<sup>15</sup> These people were refugees and internally displaced persons from Syria and Iraq. The camps didn't offer a suitable level of living and were overcrowded.<sup>16</sup> There was little access to food, water, and medical care for the people living in the camps. Children still have limited access to healthcare and education. Due to the lack of preventative measures, all displaced persons in camps across Syria were at a higher risk of catching and being badly harmed by Covid-19.<sup>17</sup>

## • Right To Truth, Justice and Reparation

Despite the UN Security Council's ongoing reluctance to send the situation in Syria to the ICC, at least four European nations conducted their own investigations into and prosecutions of those suspected of committing war crimes or other crimes against international law in Syria. An ex-security guard from Syria was given a four-and-a-half year prison term for crimes against humanity on February 24, 2021 by the Higher Regional Court in Koblenz, Germany, for his part in the torture of demonstrators who had been arrested there.<sup>18</sup> A Syrian doctor accused of torturing patients in military hospitals in Homs and Damascus was charged with crimes against humanity on July 15 by the German federal prosecutor's office. The doctor departed Syria for Germany in 2015. On July 16, a Dutch court handed down a 20-year prison term for war crimes committed in Syria by a former commander of an armed opposition organisation who had applied for refuge in 2014.<sup>19</sup> Two Syrian citizens were given sentences on August 26 by the Düsseldorf Higher Regional Court in Germany. One, a media activist, received a nine-year prison term for recording the execution of a Syrian government soldier by the armed opposition group al-Nusra Front. For "shielding the execution" and belonging to a "foreign terrorist group," the other received a life sentence.<sup>20</sup>

<sup>15</sup> Hallam R. *Response to Syria's health crisis*, LANCET (2013).

<sup>16</sup> Sahloul E, Salem R, Alrez W, Alkarim T, Sukari A, Maziak W, *Cancer Care at Times of crisis and war: the Syrian example*, J GLOBAL ONCOL (2017).

<sup>17</sup> *Ibid.*

<sup>18</sup> Van Berlaer G, Elsafti AM, al Safadi M, Souhil Saeed S, Buyl R, Debacker M, *Diagnoses, infections and injuries in northern Syrian children during the civil war: a cross-sectional study*, PLOS ONE (2017).

<sup>19</sup> De Lima Pereira A, *Infectious disease risk and vaccination in northern Syria after 5 years of civil war: the MSF experience*, PLOS CURR (2018).

<sup>20</sup> Doocy S, Lyles E. *Humanitarian needs in government controlled areas of Syria*, PLOS CURR (2018).

## 7. Conclusion and Suggestions

There is still no obvious way to achieve peace. The battle in Syria has evolved into a complex, three-front conflict. It features Turkish-backed forces in the northwest who are engaged in combat with Syrian government forces while simultaneously opposing Syrian Kurdish rule in the northeast, which is supported by the US.<sup>21</sup> It is hoped that the new US President's foreign policy will help Turkey and the Syrian Kurds come to an agreement, but this could make any peace deal more difficult.<sup>22</sup> Forces in the northwest that are supported by Turkey are emphatic that any peace deal must call for the ouster of Syrian President Bashar al-Assad. Russia and Iran, two nations that support their governments, will be hesitant to take this into account.<sup>23</sup> But there is still hope. Families in Syria exhibit tremendous fortitude and ingenuity by building houses, operating businesses and schools, and providing some kind of normalcy for kids all while living in displaced persons camps. Beyond the borders of Syria, a new generation of young refugees is developing their talents and looking for solutions through higher education, determined to reconstruct their devastated country when they can at last return.

- **Death Penalty**

Many crimes continued to carry the death penalty. The government rarely supplied information on executions and only occasionally provided information on death sentences that were passed.<sup>24</sup> However, on October 21, 2021, the Ministry of Justice declared that those accused of starting the wildfires that ravaged Syria in 2020 will be executed.

<sup>21</sup> Ballouk MA, Dashash M. *Syria during the Syrian crisis: a cross-sectional epidemiological oral health survey* BMC RES NOTES (2018).

<sup>22</sup> Chen B, Shrivastava A, Steorts RC. *Unique entity estimation with application to the Syrian conflict*, ANN APPL STAT (2018).

<sup>23</sup> *Ibid.*

<sup>24</sup> Guha-Sapir D, Schlüter B, Rodriguez-Llanes JM, Lillywhite L, Hicks MHR. *Patterns of civilian and child deaths due to war-related violence in Syria: a comparative analysis from the violation documentation center dataset, 2011–16*, LANCET GLOB HEALTH, (2018).



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9. Alrifai A, Alyousef T, Fanari Z. Tele-cardiology in the Syrian war. *J Am Coll Cardiol*. <https://doi.org/10.1016/j.jacc.2018.01.001>.