



Report:

Online event on “A human rights approach to combat illicit trade: the case of Syria”
8 March 2022, 16:00-17:30

The poster is orange and features the following content:

- Co-Chairs:**
 - Hussein Sabbagh, Euro-Syrian Democratic Forum
 - Niccolò Figa-Talamanca, No Peace Without Justice
- Panel:**
 - Houam Hafez, Syrian Council for International Relations
 - Hiba Alhajj, Equity and Empowerment
 - Laura Poltronieri Rossetti, Sant'Anna School of Advanced Studies
 - Axmad Al Achi, Hayma Syria
 - György Tatar, Budapest Center for Mass Atrocities Prevention
 - Huda Abonabou, Women's rights activist
- Logos:** Budapest Centre, UN, ES, and Sant'Anna School of Advanced Studies.
- Title:** A HUMAN-RIGHTS APPROACH TO COMBAT ILLICIT TRADE: THE CASE OF SYRIA
- Context:** On the occasion of the 49th regular session of the UN Human Rights Council
- Date and Time:** 8 March | 16:00 -17:30 (CET)
- Registration:** Register now at: <https://bit.ly/3tu6lHB>
- Interpretation:** Simultaneous interpretation in English and Arabic
- Images:** A map of Syria with a white outline and a photo of a row of flags in front of a building.
- Logo:** PMI impact

The event was organised by No Peace Without Justice in collaboration with the Euro-Syrian Democratic Forum, the Budapest Center for Dialogue and Mass Atrocities Prevention and the Sant'Anna School of Advanced Studies and the support of PMI Impact.

Overview

Exacerbated by a complex and intertwined regional conflict, illicit trade flourishes in Syria, increasing criminal and terrorist profits, contributing to political instability and feeding mechanisms that favor impunity and fuel human suffering, ultimately prolonging the conflict. Although the United Nations Security Council has raised its concerns “*about the links between the activities of terrorists and organized criminal groups that, in some cases, facilitate criminal activities, including trafficking in cultural property, illegal revenues and financial flows as well as money-laundering, bribery and corruption*” at least since 2017, with the adoption of UNSC Resolution 2347, the massive level of violence witnessed in Syria for the past decade diverted the attention from the economic and trade interests of the warring parties. The conflict has determined the complete collapse of all socio-economic structures within Syria, compounded for the past two years by the spread of the COVID-19 pandemic, and the emergence of an unregulated and informal economic and trade system within Syria, which is fueled on the one hand by the need to acquire financial and economic resources to feed the military operations but also on the will to gain and amass political power to avoid accountability and establish a system of impunity based on the “rule of might”. While the international community has established various mechanisms, such as the UN Independent International Commission of Inquiry and the IIIM, to monitor and report the massive human rights violations perpetrated by all warring parties; the focus and attention on the economic and trade repercussions of the conflict have been mostly limited to the exploitation of antiquities, narcotics and sanctioned goods, leaving in the shadow the economic, social, political and humanitarian consequences of illicit trade.

Against this backdrop, it is critical that the United Nations, its specialised Agencies and its Member States develop a human rights approach to the challenges posed by the emergence of war economies and trafficking in conflict situations and look into the necessary tools and mechanisms for effectively addressing these challenges in holistic ways. The nexus between illicit trade, human rights violations against individuals and communities and conflict remains largely untapped territory while synergies and collaboration between law enforcement agencies and international actors active in the domains of human rights protection, development and humanitarian aid remain largely disjointed. It is crucial that the international community, civil society and the private sector acquire an increased awareness on the nexus between illicit trade and human rights violations against individuals and communities as a basis for greater commitment to counteracting illicit trade.

This event aimed at highlighting how war economies and illicit trade have serious and tangible costs for human rights and for the erosion of the rule of law, increasing the suffering of civilians, contributing to political instability and feeding mechanisms that favour impunity and underline the need for a human-rights based approach to countering illicit trade and the effects of war economies on the affected populations.

Event summary

Participants

The side event was co-chaired by **Niccolò Figà-Talamanca**, Secretary General of No Peace Without Justice, and **Hussein Sabbagh**, Secretary General of the Euro-Syrian Democratic Forum – and included **Hosam Hafez**, Syrian Council for International Relations; **Hiba Alhaji**, Equity and Empowerment; **Luca Poltronieri Rossetti**, Sant’Anna School of Advanced Studies; **Assaad Al Achi**, Baytna Syria; **György Tatár**,

Budapest Center for Dialogue and Mass Atrocities Prevention and **Huda Abonabout**, Women's Rights activist, as panellists.

Panel discussion

Hussein Sabbagh introduced the panellists and welcomed them. He highlighted the necessity to shed light on illicit trade that affects the daily life of all Syrians. While some research and investigation has been conducted in the past on the illicit trade of antiquities and drugs, the linkage between illicit trade and human rights violations has never been closely studied until the research conducted by NPWJ and its partners. Mr. Sabbagh also stressed the need to increase awareness of civil society, the United Nations and its Member States and to develop a human rights-based approach to face these challenges imposed by war lords and illegal economies.

Niccolò Figà-Talamanca introduced his co-chair Hussein Sabbagh and himself as well as the topic of the event. He stated that illicit trade in its core comes to power over people and creates cross-parties alliances between those that have benefited from the war on the expense of the civilian population and on the expense of human rights.

Hosam Hafez, started his intervention by clarifying that illicit trade affects people in all parts of Syria. However, since the country is so fragmented, a combination of humanitarian law, international human rights law and public international law and its correlations play a role in the legal applicability as well as national law enforcement.

The control of the territory is fractured among various entities, such as the Assad regime, the Syrian Democratic Forces, the Turkish government or the Syrian interim government, and other troops in the South. A large number of foreign troops from Russia, Iran and Turkey are also present in Syria, additionally complicating the situation. With the overlapping mandates and laws, it is a huge challenge to develop international cooperation, with responsibility and accountability being the most important issues.

Mr. Hafez explained that central governments are primarily responsible for the implementation of international human rights law. However, Syria is fragmented and there is no central authority apart from specific areas. Establishing a framework of international and local cooperation is necessary to counter illicit trade in conflict areas and in Syria particularly. Hosam Hafez stated that the reunion of Syrian territories under one democratic unity that is subject to rule of law is only remotely achievable now, therefore, we have to focus on local answers. Some of them are still political, like the recognition of the Syrian interim government that holds central command of the liberated areas in North. Others are awareness raising of the illicit trade and the illegal activities that keep happening. Furthermore, we have to focus on the cooperation of international bodies enforcing human rights, like the UN monitoring bodies. In his conclusions, Mr. Hafez recommended the creation of a coordinating body that works with local powers and local NGOs in Syria. Finally, he reiterated that local NGOs can have a strong and helpful impact in this regard.

Hiba Alhaji explained that violence against women is not a separate issue, but an intersectional concept that affects many aspects of the conflict. Several factors feed violence against women in Syria. She said that there are many types of illicit trade in Syria and each part of illegal trade has its own impact on women. Hiba Alhaji stated that the most prominent one is sexual exploitation. Girls and women are most vulnerable to this kind of exploitation, especially during times of war or conflict. Sexual exploitation is used as a war tool against women by the different de-facto-authorities. Places of sexual trafficking usually attract homeless girls who do not have any support or divorced women who have been left behind. Moreover, there are also many cases of sexual exploitation in exchange for humanitarian assistance, which are committed by

humanitarian workers. Furthermore, Hiba Alhaji depicted the situation at the borders, where women who are fleeing Syria are sexually exploited by the smugglers. This happens also inside Lebanon. One of the main problems is the illegality of their presence in Lebanon: most of them do not have any legal recognition and thus do not get the residence permit. This is another example where women are differently affected than men because of the absence of official papers. Therefore, we always have to be gender sensitive when we talk about a crisis response.

The second type of illicit trade that Hiba Alhaji mentioned is the trade of organs. It happens both within the borders of Syria and with the neighbouring countries. The main reason is the people's economic situation. Hiba Alhaji reported that here are many Facebook groups for buyers and sellers to coordinate the surgeries to take place. The surgeries are held in inappropriate centres and in many cases the sellers die because of that. Discussing, whether women are more exposed to these cases, Hiba Alhaji said that the violation is the same for both, men and women, but the difference is that women are more likely to be deceived and do not receive money for their organs.

Another raised issue was corps trade: Hiba Alhaji reported that it had started by the Syrian regime who put signs on certain corpses (for example the siblings of wealthy families). These corpses were then very expensive, each corps being sold for almost 3000 dollars. Many families sold everything to have the corpses of their loved ones back. Moreover, ISIS did the same and sold the corpses for an even higher sum than the regime. Often it is the mothers who are exposed to these expenses. To sum up, Hiba Alhaji reiterated that in every detail of illicit trade there is an impact on women.

Hiba Alhaji concluded recalling that the event took place on International Women's Day and took this opportunity to say to all Syrian women that they are great because they endured all different kinds of injustice and violations.

Luca Poltronieri Rossetti highlighted the necessity of a human rights-based approach in countering illicit trade. The research and documentation work conducted by Syrian activists and human rights defenders clearly shows the strong connection between illicit trades and the violation of fundamental human rights. Despite this evidence, the current global and regional legal framework on illicit trade mostly focuses on the protection of "objects" against illicit trade and the property rights of those who produce, sell or buy them. This approach, while necessary and legitimate, risks leaving in the shadow the economic, social, political, environmental, humanitarian consequences of illicit trade on the real everyday life of people, both as individuals and as communities. Therefore, a paradigm-shift in order to integrate a human-rights approach in international efforts to curb illicit trade seems necessary.

Mr Poltronieri Rossetti pointed out that reasoning through the lens of human rights allows to underline the fundamental values that are violated through illicit trade. These contain the right to life, health and adequate standard of living, including access to food and water, the protection of the environment, and the enjoyment of cultural property. All of them being affirmed and protected by international treaties. A human-rights based approach to illicit trade would also help to enhance the legitimacy of existing and future mechanisms for fact-finding and accountability at the national, regional and international level, concluding that there is a need for better responses for victims, especially necessary for vulnerable groups like women.

With regard to the role of the UN and its bodies in fostering a human-rights based approach to the countering of illicit trade, there are various avenues and actions that could be pursued to achieve this goal. For instance, the UN Human Rights Council (HRC) could put special consideration on the link between human rights violations and illicit trade also in the context of the Universal Periodic Review (UPR), where this link has not yet been explored. Luca Poltronieri Rossetti pointed out that NGOs and other

stakeholders can participate or ask questions within the UPR and should bring this issue on the table. Moreover, the HRC can institute Special Procedures, with either a country-based mandate or a thematic mandate, on the relation between illicit trade and human rights violations. Furthermore, the preservation of testimonies and evidence is vital for a future level of accountability.

Regarding the responsibility of States, the situation in Syria is very complex. For example, Syria is part of the Torture Convention and efforts have already been made to possibly bring a case at the ICJ, as demonstrated by the Dutch Canadian initiative. So far, it has not been possible to refer the situation to the ICC and we cannot expect Syria in the near future to accept the jurisdiction of the Court. Nevertheless, it would be possible to exercise jurisdiction on certain transboundary crimes, for instance deportations of people to Jordan, which is a State party to the ICC. It might be that through these procedure related crimes that are committed in other countries become applicable. Efforts at the national level based on the principle of universal jurisdiction must also be supported, such as those currently on-going in Germany. The combination of illicit trade and human rights violations might be reflected in the sentencing practices of judges. Luca Poltronieri Rossetti concluded that despite the apparent lack of any prospect to solve the conflict in Syria in the near future, there are nevertheless avenues for a human rights-based approach to encounter illicit trade. To improve the situation, we need the political will to do so. Furthermore, creativity, courage and commitment are needed both by NGOs and other stakeholders.

Assaad Al Achi started his intervention with a reminder that sanctions on Syria are not new, but exist since the 70s, when the United States called Syria as supporting terrorists and under the law of accountability. All the tactics we see now, the Syrian regime has worked on since the 70s, like their main partner Iran.

He explained the importance to see the ways and means through which sanctions are avoided and circumvented.

The first step the Assad regime did was an export platform. These platforms were not affected by any sanctions and experienced impunity for example when the financial networks of the Assad Regime were punished in 2011. With the development of the conflict in Syria, they created new economic platforms. Now there are two important platforms. Assaad Al Achi reported that the economic platform is hard to track and does the “dirty job” for the regime. These platforms work through family links meaning if you impose sanctions on one individual, other family members are still connected and stay unpunished. The second platform concerns citizenships. This platform helps businessmen by getting other nationalities, like the Turkish one. Assaad Al Achi said that for example they could change the name into Latin spelling and through that avoid sanctions.

After the collapse of the relations between Syria and the Arab world and the termination of Jebel Ali being the export hub for Syria, the trading system moved to Lebanon. The Lebanon border became the third party for all imports to Syria. Then the import of fuel and oil to Lebanon increased 420 times since 2012 through smuggling networks to Syria. Another recent example Assaad Al Achi gave considered the impact of the Ukrainian war on Syria. Since 2010 and 2011 Ukraine was the major importer of wheat. In the last years, the Ukrainian export decreased for Syria, but increased to Lebanon. This indicates another way of smuggling. There are no sanctions on food in Syria, but they wanted to benefit their proxy agents and smuggling agents who pass by Lebanon.

Finally, the trafficking networks are spread over all parties and areas of Syria, being the only thing that was not affected in the war. Assaad Al Achi suggested to firstly address the countries with programs for investments and family networks of changing the nationalities. Secondly, as it has been already done in the USA, EU countries could

impose secondary sanctions, meaning to put the sanction not only on one person, but also on anyone dealing with this person. Thirdly, there also have to be clear clarifications on sanction exemptions, like food and pharmaceutical products. If this is clear, the regime would not be using these bridges for illegal trade. Furthermore, there should to be a financial mechanism to help the merchants who want to work legally.

György Tatár elaborated on the different levels his organisation's recommendations touch upon, for example different global actors as well as the regional level. Mr. Tatár highlighted that all the recommendations could be implemented if there were peace in Syria. In this regard, the prominent role of the global actors, including the UN Security Council (UNSC), has to be addressed. Several times the UNSC failed to act upon the war in Syria, due to the shielding offered by Russia to the Assad regime. György Tatár pointed out the significance of the French-Mexican declaration on the suspension of veto powers in case of mass atrocities.

To raise awareness on the nexus of illicit trade and human rights violations, the HRC has to set it on its agenda during future meetings. There are already established mechanisms which aim to monitor and report massive human rights violations in Syria, such as the UN Independent International Commission of Inquiry and the IIIM. The approach of these mechanisms must be holistic, and the exchange of information should include illicit trade. Actions need to be tailored to local needs and global actors need to consult with civil societies. A dialogue process with civil society should be facilitated with a special focus on the gender perspective. Regarding the ICC, György Tatár recommended to contextualise the crimes when they are consequences of illicit trade. There is a need to present them as aggravating factors in the sentencing. For example, charges of starvation should be brought as a crime against humanity. In the case of the Arab League, there is a need to convene a ministry level meeting to discuss the challenges of fighting against illicit trade and the connection to human rights. In the case of Syria, we also need to further support the civil society by documenting and collecting evidence. National prosecutors and juridical authorities should also be supported. Concerning the private sector, György Tatár called to the attention of global actors to involve the representatives of the private sector in advocacy and awareness raising because they have the local expertise.

Huda Abonabout discussed the role of the civil society. Illicit trade is the main result of the war and used by the de-facto-powers. Mrs. Abonabout said that there is a lack of clarity in knowing how much civil society organisations can interfere. Syria has become the main producer of drugs and narcotics. However, civil society organisations are not capable of fighting this defiance on their own. There are different mechanisms of interventions, and it has to be clarified how to interfere and when. Huda Abonabout explained that civil society has only been established recently in Syria, since it started in 2011 with the revolution. Currently, the civil society intervention will be limited because the regime is oppressing all liberties and freedoms and the de-facto-powers are not willing to interfere.

Offences like the arrest of women have a great impact. Afterwards they often cannot return to their normal live and are looking for support. Huda Abonabout said that she and her colleagues offer psychological support and try to raise awareness for this concern. Advocacy has to be done, since Syrian women were arrested just because they asked for their freedom. Moreover, the regime used them as a tool for oppression. Next to the arrests, child marriage is another big problem in Syria, since it is sort of human trafficking. Huda Abonabout also pointed out that with the illicit trade of weapons or drugs for example, we might not see the direct impact on women, but civil society should develop programs to monitor violations and their impact on women. We also see in the civil society the drug addiction and use by men, women, boys and girls.

Although the regime is exporting drugs to Jordan, the drug use within the country is increasing as well. We need to work on awareness and the setup of hospitals and addiction and rehabilitation centres.

Furthermore, Huda Abonabout stated that we have to tackle the questions how to continue preparing accurate reports on illicit trade and how to send these reports to all international actors; how to encourage studies, research and how to develop plans. Furthermore, we have to give a clear picture as to know what are the needs and we have to find a way to limit the consequences of illicit trade. Civil society could also make more pressure on decision makers. At last, Huda Abonabout reiterated the necessity to continue shedding the light on this matter.

Finally, **Hosam Hafez** elaborated more on the political part of the international crossing points. explained that Russia has always used humanitarian crossing with the intention of bringing aid as a political tool to strengthen its authority and revive its economy. Russia and China also vetoed draft resolutions in the Security Council. At that time, Russians evoked Syrian sovereignty to close crossings, however now they are not talking about Ukrainian sovereignty. This shows the harsh nature of politics in the Middle East and the world. He also added on the recommendations to activate international protection mechanisms of the treaty-based bodies to raise awareness for the connection between illicit trade and human rights violations. Moreover, he said that we have to explore other activities how to implement these recommendations. He ended with the remark that this implementation presents itself difficult because of the fluidity of authorities and hard to reach responsibilities on the ground in Syria.

Closing the side-event, **Niccolò Figà-Talamanca** expressed his gratitude to the speakers and the translator. He closed with the call that we need to continue to work on this matter and we should do it together.

Conclusion

The event provided an overview of different aspects around illicit trade and human rights. The multiple difficulties of law application in the fragmented Syria were explained and the necessity of international and local cooperation was highlighted. Different forms of trade like human trafficking, trade of organs and corpses were discussed and their specific impact on women was elaborated. Moreover, the ways how offenders avoid sanctions were mentioned. There are different economic platforms and family networks that do illegal trade and smuggling within Syria and the neighbouring countries. Main topics of considerations should be awareness, responsibility, and accountability.

On the political level, a human rights-based approach is necessary. For example, the Human Rights Council could put special consideration on the nexus between human rights violations and illicit trade by addressing it directly in the UPR. Global actors need to consult with NGOs, the private sector, and the civil society. Additionally, monitoring and the collection of evidence are essential. Finally, in all this concerns, gender-sensitivity is of high importance.

To conclude, accountability and cooperation on international and local level are necessary to combat illicit trade and the consequential human rights violations in Syria.