



Report: Virtual “Colloquium on the impact of illicit trade on Human Rights: The case of Syria”

On the occasion of XX Session of the Assembly of State Parties of the ICC
15 December 2021 16:00 – 17:30

COLLOQUIUM ON THE IMPACT OF ILLCIT TRADE ON HUMAN RIGHTS: THE CASE OF SYRIA

**On the occasion of XX Session of the
Assembly of States Parties of the ICC**

15 DECEMBER | 16:00 -17:30 (CET)

Co-Chairs:
Hussein Sabbagh,
Euro-Syrian Democratic Forum

Niccolò Figà-Talamanca,
No Peace Without Justice

Panel:
Mr. Mohamad Almrwah,
Syrian human rights activist and
researcher

Mr. Yaser Alfarhan,
Syrian lawyer and member of
the Syrian Constitutional
Committee.

Luca Poltronieri Rossetti,
Sant'Anna School of Advanced
Studies

György Tatár,
Budapest Center for Mass
Atrocities Prevention

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Simultaneous interpretation in
English and Arabic

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

Overview

For the past decade the conflict in Syria has led to a de-facto partition of the country between various areas of influence and the control of the Syrian territory remains strongly fragmented. In these conditions of armed competition among actors that aim at different, and sometime, contradictory political goals the violations of international norms and human rights continue to be perpetrated daily. International legality and the rule of law have been constantly violated by all parties in the conflict to establish the “rule of might”. National laws and international conventions protecting the rights of individuals have been crushed by terrorism, foreign interventions and regional and geopolitical logic that have turned Syria into contested territory.

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 18 months by the spread of the COVID-19 pandemic, and the emergence of an unregulated and informal economic and trade system, 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 in Syria; and several other UN and International agencies work to assist and support Syria’s neighboring countries in countering the regional effects of the conflict, the focus and attention of the economic and trade repercussions of the conflict in Syria have been mostly limited to the exploitation of antiquities, narcotics and sanctioned goods.

Side event summary

1.1 The participants

Panelists of the meeting - co-chaired by **Niccolò Figà-Talamanca**, Secretary General of No Peace Without Justice, and **Hussein Sabbagh**, Secretary General of the Euro-Syrian Democratic Forum - included **Mr. Mohamad Almrwah**, Syrian human rights activist and researcher; **Mr. Yaser Alfarhan**, Syrian lawyer and member of the Syrian Constitutional Committee; **Luca Poltronieri Rossetti**, Sant’Anna School of Advanced Studies; **György Tatár**, Budapest Center for Mass Atrocities Prevention.

The side-event offered an opportunity for a chair-moderated debate with researchers, human rights activists and scholars to highlight how illicit trade and war economies have severe and tangible human rights costs by eroding the rule of law, increasing human suffering, laying the groundwork for a future based on impunity, unchecked power and criminality. Exacerbated by a complex and intertwined regional conflict, illicit trade flourishes in Syria, increasing criminal and terrorist profits, fueling political instability and human suffering and ultimately prolonging the conflict. It is critical 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.

1.2 The panel discussion

Co-chairs Mr. Figà-Talamanca and Mr. Sabbagh introduced the topic under discussion. In particular, Mr. Sabbagh stressed that, despite - over the past decade - there have been several analysis focusing on illicit trade most of them focused on high-valuable, goods such as narcotics and oil. Instead, seizing the opportunity offered by the XX Session of the Assembly of State Parties of the ICC, the aim of this colloquium is to highlight the human rights implication of illicit trade of other products that affect people’s everyday life and their fundamental rights.

Taking the cue from Mr. Hussein, Mr. Figà-Talamanca argued that illicit trade has been one of the hardest issues to deal with in Syria, because of the scarcity of sources and information about it. Yet, such phenomenon is not only an intrinsic part of the war economy but also impacts directly on the political dynamics of the conflict and on human rights. Following the brief introduction by the co-chairs, the rest of the panelists took the floor.

In his contribution, **Mr. György Tatár** underlined the significance of criminality in global terms and, more specifically, in the Syrian context. According to the Global Initiative Index, the criminality score of Syria is 6.84/10, while human trafficking and smuggling amount to 8.5/10. Within the criminality ranking, Syria is in the thirteenth position in the world out of 190; sixth out of 46 Asian countries; fourth out of 14 western Asian countries. These worrying data has had direct consequences on the civilian population, with 6.1 million people displaced and other 13.1 million in need of assistance. What makes the situation even more problematic, according to Mr. Tatár, is the strong linkage between organised crime and regimes' authorities, which often allow the perpetrators to engage in institution-building, counting on cooperation and protection of both the state and the civilian population. Furthermore, considering the poverty and scarcity of resources within the country, the population itself often engages in these illicit trading activities either as active participants or consumers, creating mutual dependence among the parties involved. Such involvement and/or consensus led to the gradual establishment of a so-called "mafia-state", in which human rights violations and abuses are neglected, thus, laying down the basis for impunity.

Reflecting on the increasing production and trade of narcotics, as well as the human rights breaches taking place during such activities, Mr. Tatár defined today's Syria as the newest narco-state, in which the army and some political top figures play a critical role as enablers and beneficiaries. Such condition is leading to growing inequalities due to the accumulation of fortunes in the hands of few people, which in turn has caused grave and systematic mass atrocities against the Syrian population. Indeed, money coming from the illicit trade nurtures terrorism – which is basically an identity-based crime – generating conflicts and violations based on religion and ethnicity.

As to the role of the international community to address the problem of illicit trade and human rights breaches within Syria, Mr. Tatár highlighted the need to monitor those crimes now, while they are happening rather than in the future, as a way to guarantee accountability. International organisations may set up a task force to investigate and document the violations, with a view to taking into account the perpetrators' revenues and economic resources that allow them to commit such human rights breaches. A lot of advocacy and awareness action shall also be implemented at a local and international level by consolidating inter-institutional relations among civil society groups and institutions.

Mr. Mohamad Almrwah started his intervention by exposing some of the findings from his studies on Syrian crossing and their employment by rebel forces and the regime itself to illegally trade goods. Since 2011, Syria has been divided into four different controlled areas characterised by crossing border activities: the Northwest, Northeast, Central, Western Syria. Before 2012 there were only 7 to 12 official crossing borders in those areas, but after 10 years of conflict, there are now more than 80 of such passages, which are often closed and reopened according to the geographic changes and power shifts of the conflict. In the Northeast, between Syria and Iraq, there are many unofficial crossing points (such as the tunnels in Al Bukamal, used to smuggle weapons, oil, and other goods from Iraq to Syria). The volume of these illegal gains is huge; from Tabqa, for example, the exchange of oil barrels between the SDF and the regime is estimated to be worth one million dollars every day. Moving to the Northwest, to this date there are more than 18 crossing borders, 10 with Turkey and 8 with SDF. The largest of those crossing points, Bab al-Hawa, has profited between 2013 and 2018 85.000 dollars a day. Today, the volume of exchange between Turkey and Northern Syria is 1.5 billion a year, while in 2013 was only half of that. Across most crossing points a series of grave human rights violations have been reported, such as detention, arrest, killing, prevention from movement and forced conscription. In the Northeast, the security forces have arrested many young boys and girls to recruit them and involve them in the illicit

trafficking of goods. However, the gains arising from such activities have only been feeding the regime, giving it the power to control and punish people without any liability.

Narrowing the focus to the illicit trade of antiquities, Mr. Almrwah noted that during the conflict in Syria, many antique and archeological sites have been looted, both before and after ISIS forces gained control. The humanitarian heritage has been subjected to sabotage, often smuggled to Iraq and Lebanon through a very organized and institutionalised trading system towards the North and the South. On the other hand, the illicit traffic of narcotics is even more worrisome according to Mr. Almrwah, considering that only in 2019 the profits coming from the exportation of narcotics in Turkey, Italy, Greece, Jordan and Saudi Arabia amounted to 1 billion dollars. The size and volumes of drugs trafficking are, in fact, four times the Syrian GDP.

In conclusion, Mr. Almrwah highlighted how all these activities, in some ways or another, benefit from the involvement of the state.

During his intervention, **Mr. Yaser Alfarhan** underlined how although the United Nation Security Council and most of the international organisations rightly focus on combating the financing sources of ISIS and other terrorist groups in Syria, there is the need to also investigate and condemn the grave and systematic human rights violations committed by the Assad's regime against the civilian population thanks to the revenues generated from illicit trade. Referring to the cross-border activities in Syria, he stressed on the importance to have a legal distinction between internal and external crossing borders. While some of them can be beneficial for the civilian population – allowing them to get basic and vital goods - others are used for illegal purposes (illicit trade of antiquities, narcotics, human trafficking, among others). Mr. Alfarhan also noted how children are the main victims of such illicit trade, as they are being abused both for its production and trafficking. Furthermore, Mr. Alfarhan discussed how Iranian forces present in Syria are favouring the dissemination of drugs among the contested areas to influence peoples' behavior and destroy the social structure of Syria. This constitutes not only a serious violation of human right to health but also an obstacle to development. In order to stop this phenomenon, UN should focus on the control of drugs and narcotics movement across the region, advocating for the implementation of The Single Convention on Narcotic Drugs (1961) and other relevant legal instruments.

Mr. Luca Poltronieri Rossetti stressed the importance of using a human-rights based approach to countering illicit trade. Indeed, while illicit trade can be considered one of the most densely regulated areas of international law – with global, regional, and bilateral instruments obliging States to criminalize various conducts – these instruments have a sectoral approach, which does not consider the phenomenon in its globality and the connections between different illicit trades. Furthermore, most measures limit their focus on the protection of “objects” against illicit trade (because of their value, such as cultural property, or because they are potentially dangerous, such as weapons or other materials) and of the property rights of those who produce, sell and buy them. This approach, while perfectly legitimate and necessary, risks leaving in the shadow the economic, social, political, environmental, and humanitarian consequences of illicit trade on the everyday life of real people, both as individuals and communities.

For the above-mentioned reasons, Mr. Poltronieri argued that integrating a human-rights approach in international efforts to curb illicit trade would be extremely beneficial for three main reasons: (1) Reasoning through the lens of human rights allows to shed light over the fundamental values that are negatively affected by illicit traffics, offering a more comprehensive understanding of this complex phenomenon in relation to life, health, environment, sovereignty on natural resources and the right of people to preserve and enjoy cultural property. (2) A human rights-based approach to illicit trade would help to reinforce accountability mechanisms and establish new ones for crimes and human-rights violations at the national, regional and international level (including in the field of truth-finding and fact-finding for future prosecutions such as with the IIM and Independent Commission of Enquiry in Syria). Framing illicit trade, especially when State-sponsored or tolerated by State authorities, as a violation of specific human rights might also contribute to establishing State responsibility for violation and failure

to protect human rights in the context of international oversight mechanisms (UN Charter and Treaty bodies) or regional courts. (3) Through a human rights-based approach it is possible to address more effectively the specific needs of victims, especially when they are part of vulnerable groups, such as women, children, indigenous people, religious or ethnic minorities, people with disabilities, among others. This would also help to design a more effective mechanism of assistance and reparation, in the context of both International Organisations and State-sponsored cooperation efforts, and of initiatives by civil society and other private actors. Reasoning in terms of human rights would also be beneficial in bringing in international principles and guidelines on reparation, tools of restorative and transitional justice, which would, in turn, help address the detrimental effects of illicit trade on institutions, markets and help restore confidence in the rule of law.

Conclusions

This side event reviewed the fundamental issue of illicit trade as an essential obstacle to human rights protection and respect in Syria. The meeting served as a reminder that, while it may be simple to talk about the illicit trade in terms antiquities, human trafficking and drugs smuggling, it is rather harder to consider the phenomenon in relation to non-inherently illicit objects such as oil, flour, yeast and water. Ordinary people rely during conflicts on these trades to survive, particularly in a conflict where starvation was a method of warfare by the regime.

The panelists underscored how the international community should play a more proactive role in enabling both monitoring activities and advocacy towards the shadowed phenomenon of illicit trades and its impact on human rights in Syria. Guaranteeing the documentation and investigation of these crimes represent the only way to fight the persistent impunity as well as the compensation of the victims.