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Human rights situations that require the Council's attention

Written statement* submitted by *Non c'è pace senza giustizia*, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2024]

* Issued as received, in the language of submission only.



For a Human Rights Approach to Combat Illicit Trade: the Case of the Syrian Arab Republic

A. Introduction

1. Non c'è pace senza giustizia (NPSG) is an international non-profit organisation established in 1994 that works for the protection and promotion of human rights, democracy, the rule of law and international justice. Non c'è pace senza giustizia (NPSG) aims to address situations where fundamental and universal principles are often set aside in the name of political stability and presumed cultural incompatibility. Non c'è pace senza giustizia (NPSG) raises awareness, fosters public debate, and spurs mobilisation among democracy advocates, decision-makers and governments to promote human rights, democracy, the rule of law and international criminal justice. Non c'è pace senza giustizia (NPSG) is in special consultative status with the Economic and Social Council since July 2022.
2. In this document Non c'è pace senza giustizia (NPSG) outlines urgent concerns on the Syrian Arab Republic's current Human Rights conditions and offers recommendations that should be implemented by the international community.
3. Illicit trade has a concrete, tangible human rights cost, at the very least in terms of erosion of rule of law which becomes exponentially higher in conflict. Illicit trade increases human suffering, laying the groundwork for a future based on impunity, unchecked power and criminality; fuels the conflict preventing its resolution; and harms society by allowing perpetrators to act with impunity.

B. The Human Rights Impact of Illicit Trade in the Syrian Arab Republic

4. Since its inception in 2011 the conflict in the Syrian Arab Republic has continued to reach further peaks of brutality where human life and democratic values are shattered 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 the Syrian Arab Republic into contested territory. The nature of the conflict in the Syrian Arab Republic has further evolved, in recent years, becoming a war driven by international and regional powers leading in accordance with their respective geostrategic interests. The role played by external powers has led to a situation where Syrians are losing control over the course of events, including how to find a negotiated solution to the war.
5. 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 unabated. Exacerbated by this complex and intertwined regional conflict, illicit trade flourishes in the Syrian Arab Republic, increasing criminal and terrorist profits, contributing to political instability, fostering impunity, fuelling human suffering and ultimately prolonging the conflict.
6. War offers ample opportunities to undertake illicit activities and the profits gained from illicit activities provide ample resources for war. Therefore, illicit trade and all its implications, including human rights violations, can be fought effectively only by putting an end to the armed conflict through a Syrian-led and Syrian-owned political transition. Global actors, including the Permanent Members of the United Nations Security Council, must revitalise efforts to find a political and diplomatic solution to the war in the Syrian Arab Republic.

7. 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 the Syrian Arab Republic for the past fifteen years 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 the Syrian Arab Republic, compounded by the spread of the COVID-19 pandemic and the destruction caused by the 2023 earthquake in Northern Syrian Arab Republic (the), and the emergence of an unregulated and informal economic and trade system fuelled on the one hand by the need to acquire financial and economic resources to feed the military operations but also by 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 IIM, 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.
8. 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.

C. Recommendations

9. The following recommendations to the international community propose action to address the fact that 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.
 - Increase and raise awareness on the nexus between illicit trade, human rights violations against individuals and communities and conflict, to enhance political will within international organisations and UN Member States to apply consistently the tools available in the fight against illicit trade and human rights violations, including mass atrocity crimes. In this context, international organisations are invited to revisit and evaluate the implementation of their relevant policies and programs.
 - Ensure a holistic approach and enhance the exchange of information and other forms of collaboration between international organisations fighting illicit activities, international actors defending and protecting human rights and international agencies acting in the domains of development and humanitarian aid.
 - Devote specific attention to the link between illicit trade and human rights violations in preparing risk assessments of and responses to conflict situations. To that end, international institutions and agencies acting in the field of security, human rights, development and humanitarian aid are invited to include indicators relating to illicit trade activities and the transition out of illicit economies in the early warning and response kits.
 - Take into account the specific needs of women and people belonging to particularly vulnerable groups (children, elders, people with disabilities, etc.); consult them, within a safe and culturally sensitive environment, during the assessments of risks, the design of countermeasures and evaluation exercises, since illicit economies disparately affect the enjoyment of human rights by members of these groups.

- Give priority to the supply of alternative livelihood in humanitarian aid as illicit actors misuse primarily shortages in production and trade of goods for daily consumption and the hardships of civilians during armed conflicts. Population living in extreme poverty and those undertaking low and unskilled labours are particularly vulnerable to human rights abuses, human trafficking, forced labour and sexual exploitation.
- Revise and review existing global, regional and bilateral instruments obliging States to criminalise various conduct related to illicit trade, with the aim to include as aggravating factors human rights violations and abuses, in particular against civilians in armed conflict areas.
- Support Syrian civil society organisations in collecting evidence and documenting the human rights costs of illicit trade. In this framework, support the effort of national prosecutorial and judicial authorities to hold to account people responsible for serious crimes based on universal jurisdiction, taking into account the connection between war economies, illicit trades and international crimes.
- Internationally established mechanisms tasked to monitor and report the massive human rights violations perpetrated in the Syrian Arab Republic, such as the UN Independent International Commission of Inquiry (CoI) and the International, Impartial and Independent Mechanism (IIIM), should consider and include in their work the grave effects that illicit trade has on human rights, erosion of the rule of law and political instability.
- The International Criminal Court (ICC) should consider in their investigations the grave effects that illicit trade has on human rights and erosion of the rule of law, both to contextualise crimes and with a view to presenting them as aggravating factors in sentencing, for instance bringing charges of starvation under crimes against humanity when this is the consequence of illicit trade; or charges for pillaging in relation to the exploitation of certain resources or goods.
- Intensify diplomatic and political actions to relaunch the international efforts aimed at developing a political solution to the conflict in the Syrian Arab Republic, including by supporting the “Political Declaration on Suspension of Veto Powers in Cases of Mass Atrocities”, launched by France and Mexico in 2015 at the 70th session of the United Nations General Assembly, which propose a collective and voluntary agreement among the Permanent Members of the Security Council to refraining from using the veto in case of mass atrocities.

Euro-Syrian Democratic Forum (ESDF) NGO(s) without consultative status, also share the views expressed in this statement.