



No: 4

Date: 5 January 2021

**Ms. Beatriz Balbin**  
**Chief of Special Procedures Branch**  
**Office of the High Commissioner for Human Rights**

**RE: JOINT COMMUNICATION FROM SPECIAL PROCEDURES (Ref# AL OTH 74/2020)**

I would like to extend my warmest greetings to you for the New Year, and I sincerely extend my heartfelt wishes that you enjoy good health and success in achieving the noble missions of promoting and protecting human rights;

In response to the joint letter written on November 6, and sent by you to the president of the Syrian National Coalition on behalf of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Working Group on enforced or involuntary disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the human Rights of internally displaced persons, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and the Special Rapporteur on violence against women, its causes and consequences, within their respective mandates;

While we appreciate your interest, and support most of what was mentioned in your letter, we would like to clarify the following:

The political process in Syria was based on the Geneva Communique and Security Council resolutions in particular 2118 and 2254, and over the past ten years, four UN envoys were mandated for mediation, none of them succeeded because the [REDACTED] regime, supported by Russia and Iran, adopted one strategy based on destruction, obstruction and procrastination.

The National Coalition of the Syrian Revolution and Opposition Forces supports the political solution process in accordance with the Geneva Communiqué, Security Council Resolutions 2118 and 2254, and General Assembly Resolution 67/262, and while the Opposition made every possible effort to make the political process succeed, and showed a serious commitment to its all forms, the international community did not pressure the regime and its allies to commit to the negotiations for a political solution in Geneva.

The Coalition supports the efforts of the UN Special Envoy to Syria and supports the work of the constitutional committee, and we have made great efforts to establish the Constitutional Committee, so as not to miss any opportunity in the political solution, and to serve as a gateway to start negotiations on the rest of the paths mentioned in 2254. However, despite the passage of a year and a half since its establishment, the Constitutional Committee has not yet entered into the core of its mission, and no article in the draft constitution has been drafted due to the regime's obstruction. While the time passes and [REDACTED] and his supporters commit more war crimes, genocide and crimes against humanity, the Constitutional Committee is still working without limited time schedule, and negotiations over the baskets of government and a safe and neutral environment are still completely frozen.



In accordance with the terms of reference and basic procedural rules of the Constitutional Committee, and in accordance with Security Council Resolution 2254, the Constitutional Committee has been assigned the tasks of drafting a new draft constitution, led by Syria, that is credible, balanced and comprehensive and facilitated by the United Nations in Geneva. This draft constitution should be submitted to popular approval, and this necessitates the achievement of a safe environment required for this approval at the political transition stage;

The issues of transitional justice in the sessions of the Constitutional Committee have not received the necessary amount of discussion so far, although the Coalition always seeks to discuss these issues. Despite our project in the Coalition to establish the national commission for Human rights, and despite the proposal to establish a national committee for refugees and a national committee for human rights by the SNC, which represents the opposition in the constitutional committee process in Geneva, during the fourth session of the committee held between November 30 and December 4, 2020; and we mention the role of the aforementioned committees in determining the property rights of the displaced, in examining guarantees of their safe, voluntary and dignified return to their places of origin in accordance with Security Council Resolution 2254, in cooperating to achieve justice in incidents of human rights violations in Syria, and in examining the structural reforms necessary for non-recurrence.

We share with you the same attitude regarding a need to address - during and outside the political process - on the files of transitional justice, in order to bring justice to the victims, hold the perpetrators accountable and protect society from the recurrence of the same atrocities, and with our belief in the need not to wait for a political solution to achieve justice, and that justice must be imposed now and at all times, we affirm that the fundamental solution to end violations and the implementation of - and not just discuss - transitional justice, achieved by the political transition and forming a transitional governing body with full executive powers that includes the powers of the presidency and the government, in accordance with the Geneva Communiqué, Security Council Resolutions 2118 and 2254 and General Assembly Resolution 67/262;

In 2020, the report of the team to identify the perpetrators of the crimes of using chemical weapons was issued, and it holds the high military leadership in Syria responsible for ordering these crimes, and the report of the committee formed by the Secretary-General of the United Nations confirms that the destruction of hospitals, schools and places of protection was caused by the aerial bombardment, and that all the targeted sites are civilian, not military targets. In this regard, it is worth recalling the failure of the international community to achieve accountability for these crimes and for the crimes of using chemical weapons.

With the suffering of more than 15 million people, including displaced, detained, missing, wounded, and bereaved from the families of the victims, the regime continues with the same policies. This regime is primarily responsible for the grave violations of human rights in Syria and in another direction, it causes the economic crisis that the Syrians are experiencing in its areas of control. The main reason behind this economic crisis [REDACTED] use of the wealth and resources of the Syrian state to feed his war economy against the Syrian people, another main reason is also the rampant corruption in the regime's institutions and the looting processes [REDACTED] his families and pillars of his rule carry out;



The legal memorandums sent by the opposition to all the UN agencies, the documents delivered, and the briefings of their delegations focus continuously on the issues of the transitional justice, to reveal the truth, redress the victims and prevent impunity. But, unfortunately, the United Nations did not frame a special path for these issues in the negotiations for a political solution despite the horrific violations committed, and despite the provision to condemn them, demand their cessation, and demand for accountability in the resolutions of the Human Rights Council, the Security Council and the General Assembly;

In all international meetings, the Syrian National Coalition called for the release of the detainees, and in the first round of negotiations in 2014, the members of its delegation carried pictures of the forcibly disappeared prisoners of conscience. Furthermore, the Syrian National Coalition formed the National Commission on Detainees and Missing Persons, assigned an official for human rights files, contributed to the activities of the Human Rights Council, and accomplished plenty of legal memorandums, documents, human rights reports and papers necessary to contribute to redressing victims, identify the perpetrators and ensure non-recurrence;

The National Commission on Detainees and Missing Persons works on the related files, and it monitors, documents, and cooperates with the United Nations committees. It has conducted many reports, and it can contribute to working towards uncovering the fate of forcibly detainees, and it also can play with other committees a key role in the consultations to define transitional justice mechanisms.

The Coalition worked on the presence of a number of victims in its international meetings, and created opportunities for many of them to participate in the activities of the United Nations. The National Commission on Detainees and Missing Persons signed a memorandum of understanding with the Gathering of Survivors of the Al-Assad Holocaust, and it brought representatives of victims' associations to a number of its meetings with the International Commission of Inquiry, and it also facilitated their participation in many international events and activities related to the issues of detainees, the safe environment and transitional justice.

The presidency of the Coalition founded a legal office inside Syria, and an office for women, and one of its seats was allocated for representatives of victims, and the president and members of the Coalition held many meetings and contacts with the displaced and their gatherings throughout 2020.

The National Coalition of Syrian Revolution and Opposition Forces supports all initiatives aimed at holding those responsible for using these prohibited weapons accountable, and it cooperates with the United Nations in this regard, and with the IIIM and the International Commission of Inquiry in Syria.

A number of courts have been established by the Interim Government of the Coalition in the areas under the control of the legitimate opposition with the aim of securing security and controlling criminals, and although the trials that take place in these courts did not fall within the framework of transitional justice, we consider them gains in efforts to achieve the principle of accountability.



We affirm that the transitional justice path must not be a tool for legitimization of terrorist organizations, and in this context, we warn against the attempts of the YPG / PKK - PYD through the so-called Syrian Democratic Forces to prosecute ISIS terrorist militias in cooperation with those countries that refuse to accept their citizens from these militias on their soil without a legitimate and legal basis approved by the Security Council. We consider this principled position as an inalienable part of the transitional justice process.

We recall that the opposition, in 2016, suspended its participation in the negotiations on the condition of making a progress on the humanitarian provisions contained in Security Council Resolution 2254 in order to release the detainees, end the bombing, cease fire, lift the siege imposed on the besieged areas, and to create good conditions for the voluntary and safe return of the displaced. Unfortunately, for a year of suspending participation in negotiations, the international parties did not pressure the [redacted] regime and its allies to commit.

The Memorandum of Understanding concluded in Astana in May 2017 between Turkey, Russia and Iran stipulated four de-escalation areas, but Russia, the guarantor of the regime, violated the agreement and assisted the [redacted] regime in relying on the military solution, which led to [redacted] regime's occupation of large areas under the control of the opposition, and that the regime's occupation of these areas constitutes a violation of all ceasefire understandings as it seeks to impose a military solution to kill civilians and destroy the country.

About 5 million people are living now in northwestern Syria /the only remaining de-escalation area/ which has turned into a miniature Syria that embraces - in addition to its population - internally displaced persons from all provinces. We seek with Turkey to protect all civilians and through the support of all friendly countries to preserve the ceasefire. While Turkish forces are deployed in accordance with the agreements concluded in Sochi and Astana to ensure commitment in this region, [redacted] regime and its backers Russia and Iran repeat their hostile actions against it, committing additional war crimes, genocide and crimes against humanity;

The negotiations for a political solution in Geneva did not produce a result so far, in all their rounds, to achieve any progress in the detainees file, despite the constant demands of our delegations to do so, and despite the text of Article 12 of Security Council Resolution 2254 calling for the international team for Syria support to use its influence to achieve these goals;

In Astana meetings, the opposition delegation invested its rounds to demand the release of the detainees, and they rejected the Russian proposal to turn the file into a prisoner exchange, and presented a proposal to release the detainees, reveal the fate of the missing and hand over the bodies of the victims. Turkey supported the proposal and the United Nations delegation supported it. A memorandum of understanding was concluded regarding it to form a working group that includes the guarantor parties and the United Nations, and the International Committee of the Red Cross is an observer party, but the regime's reluctance to implement the agreement, and Russia's failure to pressure it to adhere to agreement's content, caused little progress, except for simultaneous releases of a limited number. It was used as a testing step to measure the extent of the guarantor parties' ability to implement the agreement, and as an attempt to move the file in a form that did not develop to achieve its goals, by rescuing



those who remained in detention and preventing new arrest, torture and liquidation campaigns the regime continues to conduct in its areas of control;

Despite the limited results of the meetings of the Working Group in the file of detainees, and from a humanitarian standpoint, the Coalition looks positively to the release of 109 people, during the simultaneous release deals, and it also looks positively to the formula of understanding concluded in Astana "by forming a working group to release detainees, reveal the fate of the missing and hand over the bodies of the victims." The Coalition stresses the need for a productive pressure on the regime to implement the agreement according to this formula and in accordance with Security Council Resolution 2254 and other relevant resolutions and principles of international human rights law, the Coalition also reaffirms its support for the participation of victims' families.

The issue of "supporting the return of refugees from Lebanon to Syria" is not included in the outcomes of the Astana negotiations, nor in the work of the group that emerged from it,

With regard to the Russian project for the return of refugees, we share with you, in the attachments, our legal memorandum sent to the General Assembly and the Secretary-General of the United Nations, which includes our approach, our position and our suggestions in this regard;

We support your observations regarding the need for the effective inclusion of victims, women and internally displaced persons in the political process;

We also support your observations regarding the need for a focused examination of transitional justice issues as a priority in the political process in order to reveal truth, bring justice to the victims, hold those involved accountable and prevent recurrence, and in order to move forward with releasing detainees, uncovering the fate of the missing and handing over the bodies of the victims;

In this context, we highly appreciate your efforts, and we welcome a full cooperation with you, and we hope your effective support to achieve our common goals mentioned in your letter.

Please accept assurances of my highest appreciation.

Dr. Nasr Alhariri  
President

National Coalition of Syrian Revolution and Opposition Forces

