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A Critical Study on the Violations of International Humanitarian Law in Syria and Status of Refugees

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ABSTRACT

The present study aims at exploring the Condition and Situation of Syria. This Study also shows the Data Taken from different sources which states about the number of persons killed in Syria by different parties. It also gives a brief view of the judicial, legislation and refugee status in Syria. The Data will help in understanding the emergency situation in Syria. The Paper Examines about the Status, Rights and Resettlement of Refugees from Syria to Different States. It also specifies about the International Humanitarian Laws which are constantly violated by the Government of Syria and other States such as Israel.

Keywords: International Humanitarian Law, Refugees, Syria, Human Rights

I. INTRODUCTION

Syrian Conflict is not new in the eyes of world, and violations of human rights and humanitarian law by Syrian government and other states can be seen every year, whether it is Russia or Israel or Itself Syria. There is not a proper mechanism in Syria for differentiation between a civilian and a terrorist. Inside Syria, Different People support different parties, but in the movement of rush², even those are targeted who are not part of any party or any movement, and they are the Syrian civilians who are just trying for living a normal life in Syria. From collapsed Infrastructure to the daily riots, children of Syria are mostly in distress. There are only few education opportunities available for the children of Syria. As they grow in the environment of gun sounds and violence it is always hard for them to understand the situation.³

Every Year, Syrian Citizens are crossing borders for running from their bad reality for getting a peaceful life without fear of sudden death by a fighter of any state or even by their own state. There are numerous states which published their reports regarding the violation of human rights in Syria such as UNHCR. But there are no any major changes in the situation. Even the

¹ Author is a student at Law College Dehradun, Uttaranchal University, India.

² Sorenson, David S. *Syria in Ruins: The Dynamics of the Syrian Civil War: The Dynamics of the Syrian Civil War*. ABC-CLIO, 2016.

³ Ibid.

volunteers are targeted for aiding the people of Syria.⁴

The Conflict is now only for the Presidency of Republic of Syria where the Basher al-Assad is the President of Syria and Syrian Other Parties and some groups are not accepting him as the president. From Airstrikes to the Firearms, Syria became the state of violence where the situation have become worse for just fulfilling the daily needs such as food, water, shelter and clothes.⁵

The image of the Syrian people is become as terrorists in the eyes of world, but that's not true because as not every citizen is a terrorist, most of them are just people who want to live their normal life. Most of them don't want any movement or revolution.

Local and International Laws are enacted with different provisions, but only the enactment of laws cannot solve the real time problem as they need the right implementation. The first law will govern the second as; laws consist of binding in nature. But how laws will work in a situation where there is not a proper implementation. Or in a place where the local laws are enacted while manipulating them and taking advantage of them.

Such as Syrian law was changed when the Age limit for a President was Lowered to 34 years of age, Because that was the age of basher al-Assad, At the time when he was elected for president from his Political party. The Legislation was changed for one individual, that's the example of Manipulating the Law. There is no specific guidance for the legislation and less implementation of coded laws, which results into the moulding of laws for personal use.⁶

II. HISTORICAL BACKGROUND

Syria Plays a very Unique Role in the Process of Globalization in Ancient Era, It was as old as 3000 B.C, As It was Ruled by Several Empires such as Egyptians, Hittites, Mitanni, Babylonians, Sumerians, Assyrians, Canaanites, Phoenicians, Amorites, Arameans, Persians, Amorites, Greeks and Roman. In 1516, Syria was occupied by Ottoman Empire until 1918. After that period of time, British and France Took control over Syria in 1920. In 1925 to 1927, People of Syria raised their Voice against France which is known as the Great Syrian Revolt.⁷

In 1946, Syria Became an Independent Country and in 1958, it became The United Arab Republic. In Later after few years the union was split into different parts as result which caused more riots and revolts. In 1963, Baath Revolution took over the place of Arab Socialist Baath

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ "Syria", *HISTORY* (Webpage, 2017) < <https://www.history.com/topics/middle-east/the-history-of-syria> >.

Party.⁸

Hafez AL-Assad

In 1970 Hafez Al-Assad Became the President of Syria who was also the minister of defence. He remained as president for thirty years. During period of his presidency he was credited for helping and strengthening the Syrian Military. In 1973 Syria and Egypt went into war with Israel in which after it Syria was also included, as a military presence in civil war of Lebanon.⁹

In 1982, A Rebellion against the Assad presidency was Formed in Hama city, where Assad Responded by arresting, and torturing the rebels. Amnesty International has stated that there were 10,000 to 25,000 civilians were killed. As the Assad government had already violated the human rights in 1982. But there was no major involvement of the United Nations in the matter. And Till Date Syrian government have not given any official records for the incident that took place in Hama.¹⁰

Basher Al-Assad

After the Death of Hafez Al-Assad in 2000, His Son Became the President of Syria at age of 34. The Constitution of Syria was amended to reducing the age limit of becoming the President of Syria from 40 to 34.¹¹

Older Brother of Bashar Al-Assad was the first choice as the Successor But he was killed due to an accident in 1994. Basher released 600 political prisoners after becoming the president of Syria which established an image of him in the mind of general people of Syria that the new leader will give more freedom and opportunity to the general public.¹²

Axis of Evil

In 2002, the United States Listed Syria as “Axis of Evil” Countries. It accuses Syria for Acquiring Mass Destruction Weapons. Later on Syria was also accused in the Assassination of Rafic Hariri who was the Lebanese Prime Minister, in year 2005.¹³

III. CIVIL WAR IN SYRIA

From 2006 to 2010, Syria Faced the Worst Case Scenario of Drought ever Witnessed in Syria

⁸ Ibid.

⁹ Ibid.

¹⁰ Azmat Khan, "On 30Th Anniversary Of Hama Massacre, Syrian Troops Lock Down City", *FRONTLINE* (Webpage, 2012) < <https://www.pbs.org/wgbh/frontline/article/on-30th-anniversary-of-hama-massacre-syrian-troops-lock-down-city/> >.

¹¹ "Syrian Civil War" Encyclopaedia Britannica, July 17, 2020. Syrian Civil War." Encyclopaedia Britannica" (Webpage, 2021) < <https://www.britannica.com/event/Syrian-Civil-War> >.

¹² Ibid.

¹³ Ibid.

under the Regime of President Bashar Al-Assad. As result it contributed towards the First nonviolent pro-reform protests against the Syrian government.¹⁴

In 2011, Syria was already fighting against problems of corruption, unemployment, lack of political freedom under presidency of Basher al-Assad. Several Protests were started around the nation against the President in the period of March, 2011. Since 1971, Syrian Government was used to, for using Military, Police and Paramilitary Forces against the Civilians and the other rebellion parties.¹⁵

Both Assad's military and rebels have regularly targeted civilians in areas beyond their control. The administration has used siege and airstrikes on a regular basis. These collective punishment tactics serve two purposes. In 2013 a chemical attack killed nearly 1400 civilians which were enforced by the Assad Administration. In 2018, the United Nations Humanitarian Agency said more than one million people lived in areas that were besieged or beyond the scope of aid. However, since then, the Syrian government has used devastating conventional weapons, which have also caused massive civilian casualties.¹⁶

Parties Involved in the Civil War

There are numerous parties involved in the Syrian Civil War Conflict. Some of are on the side of Assad Government or Syrian Government and others are against of it.¹⁷

Syrian Arab Republic and Allies

These Parties are in Support of Assad Government in Syria including Syrian Armed Forces, National Defense Force, Shabiha, Hezbollah, Iran, Foreign Shia Militias and Russia.¹⁸

Syrian Armed Forces

Before the Happening of Civil war, The Syrian Armed Forces were Estimated at around 325,000 normal troops, and 300000 reservists force. Syrian armed force is one of the defendant force supporting the Syrian Government and Fighting against the Rebels in the Syrian Civil War.¹⁹

National Defense Force

This National Defence Force was formed from the Pro Government Militias. The Salaries given to the NDF are released from the Syrian Government. In, 2013, the estimated number of troops

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid

¹⁸ Ibid

¹⁹ Ibid

was around 100,000 troops. The NDF work as the Fighting agency against The Rebels and conduct Joint Operations on ground with the Syrian Army. The NDF consist 500 Women's wing called "Lionesses of National Defense"²⁰

Shabiha

Shabiha is a group of people from Syria's Alawite minority group. Opposition used this term to identify the civilians as the supporter of Basher Assad Government. It mostly contains the people who are in Illegal Business of Smuggling Drugs, Weapons and other Criminal Activities.²¹

In December 2012, The United States of America Declared the Shabiha As a Terrorist Organisation Opposition Parties Blames Shabiha For Violent Activities against the anti-government Protestors.²²

Hezbollah

Hezbollah consist people who support Assad Government as they were classified as the people who have collaborated with the Syrian army in the battle between the Syrian army and other parties. Approximately 500 Hezbollah Fighters Had Died During the Conflict²³

Iran

From the Start IRAN have denied the Presence of its army in the Syria, whereas it is a supporter of Assad government through other means, such as Financial, Military Support, Technical Support, and Combat training to the Syrian Army. In 2014, Iran came forward in support of President Assad during the Peace Talk at Geneva II. A Figure Declared by the Syrian Minister of Finance and Economy Stated that Syria Government Received 14 Billion dollar from Iran.²⁴

Foreign Shia Militias

It Consist Shia Fighters From Afghanistan and Pakistan, The Afghans in Syria are Fighting on behalf of Syrian Arab Republic with number of 10,000 to 12,000 Fighters. Most of the Fighters of this group organisation are Refugees or those who are unable to obtain work permit in Iran and after words Deported to Syria for Joining the Group Organisation.²⁵

²⁰ Abboud, Samer N. *Syria: Hot spots in global politics*. John Wiley & Sons, 2018.

²¹ Ibid.

²² "Syria Unrest: Who Are The Shabiha?", *BBC News* (Webpage, 2021) < <https://www.bbc.com/news/world-middle-east-14482968> >.

²³ Abboud, Samer N. *Syria: Hot spots in global politics*. John Wiley & Sons, 2018.

²⁴ Ehteshami, A. and Hinnebusch, R.A., 2002. *Syria and Iran: Middle powers in a penetrated regional system*. Routledge.

²⁵ Bakker, E. and Singleton, M., 2016. Foreign fighters in the Syria and Iraq conflict: Statistics and characteristics of a rapidly growing phenomenon. In *Foreign fighters under international law and beyond* (pp. 9-25). TMC Asser

Russia

Russia is the supporter of Syrian Assad Government. On 30th September 2015, Russian President Vladimir Putin Requested the Federal Council of Russia for Giving Permit of Using Russian Armed Forces in Syria against the Islamic State group. Russian officials had stated that the operation is not only against the Islamic State group but on every person who is the part of anti-government group which are considered as “Moderate Opposition” By U.S. After the Approval of Involvement of Russian Armed Forces, after an hour Russia Began its Air Strike Operation in Syria. According to SOHR 8,661 Civilian Have been killed and according to Russia’s MoD 85,000 killed which are listed as ‘Terrorist’. According to SNHR report 6,859 civilians have been killed.²⁶

Syrian Opposition and Allies

It is the Political structure in Syria which is represented by Syrian National Coalition and Relation with the anti-government groups involved in the Syria. These oppositions have territorial control of different locations in Syria and they are working as an alternate government in Syria. There are several parties are involved such as Syrian National Coalition and interim government, Free Syrian Army and Affiliate Groups, Syrian National Army, Syrian Salvation Government and Hayat Tahrir Al-sham, National Coordination Committee for democratic change and salafist fraction.²⁷

IV. SYRIAN REFUGEES

The Civil War in Syria Created a very difficult situation for the civilians living in the country due to the repeatedly violation of Humanitarian Law in Syria. According to a study conducted by World Vision in 2017, more than Eleven Million Syrians Have Been displaced from their Homes. Some of the Civilians Have moved to countries like Lebanon, Iraq, Turkey, Jordan, and Egypt. And others have relocated themselves inside the Syrian Territory.²⁸

According to the study of Migration Policy Institute, Most of the refugees are resettled in different parts of Europe such as Netherlands, Germany, and Belgium.²⁹

Who is a Refugee?

Under international refugee law, Article 1(A)(2) of the 1951 Convention states that -

Press, The Hague.

²⁶ Allison, R., 2013. Russia and Syria: explaining alignment with a regime in crisis. *International Affairs*, 89(4), pp.795-823.

²⁷ Landis, J. and Pace, J., 2007. The Syrian Opposition. *The Washington Quarterly*, 30(1), pp.45-68.

²⁸ Dahi, O.S., 2014. Syria in Fragments: The Politics of the Refugee Crisis. *Dissent*, 61(1), pp.45-48.

²⁹ Ibid.

“The term ‘refugee’ applies to any person who is outside the country of his nationality, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, and is consequently unable or unwilling to avail himself of the protection of that country. This is the ‘centrepiece of international refugee protection’ today. It is further supplemented by subsidiary protection in regional bodies and through progressive development of international human rights law”.³⁰

WHY IS SYRIANS LEAVING THEIR HOMES?

Following are the Reasons Due to which Syrians are leaving their Homes and resettled in Different places inside and outside of Syria

Violence

Violence is one of the top most reason due to which Syrian civilians are compelled to leave their homes. According to a report of Syrian Observatory for Human Rights, from 2011 to till Date, nearly 585,000 people have been killed, consisting more than 21,900 children. After the Involvement of foreign forces the situation is now became worse as Russia, Israel and Other Countries Have started their Military Operation in the Syria. Whereas UN is the continuing authority condemned the attacks on Syria.³¹

Collapsed infrastructure

Due to the Airstrikes, most of the Syrian Infrastructure in major cities is collapsed and no more can be used by the civilians for living their Daily life. Bombs, Gun Sound is Became common for the Civilians due to which they are compelled to be a refugee and take shelter in the neighbourhood country. Within Syria, more than 2.4 million children are not part of Syrian schools due to the violence. The Civil war has caused the economy to be shattered, and most of the Syrian population Lives in the Poverty. “Only 53 % of Hospitals and 51 % of Healthcare Facilities are Fully Functional”

Children are in danger and distress:

Syrian Children are the ones who suffered the most, as they have lost their childhood in the name of Civil war, they have lost their loved ones, Education, Basic Life Needs, and suffered Injuries. The only thing they see is the brutality among the people regarding with each other.

³⁰ HOME, "Who Is A Refugee? | Refugees | International Social Service Japan (ISSJ)", *International Social Service Japan (ISSJ)* (Webpage, 2021) < <https://www.issj.org/en/refugees/about> >.

³¹ Turner, L., 2019. Syrian refugee men as objects of humanitarian care. *International Feminist Journal of Politics*, 21(4), pp.595-616.

PLACES WHERE SYRIAN REFUGEES RESETTLED

Turkey - There are estimated to be 3.6 million Syrian Refugees in Turkey, where most of the refugees live outside the refugee camps and they even does not have access to the necessary services.

Lebanon - Around 865,531 Syrian Refugees are resettled in Lebanon where they make up about 1/8 of the country's population. Most of the refugees live in their own tent, and no refugee camps are provided. They Struggle for fulfilling their basic need of food, fees, rent, utilities.³²

Jordan – There are around 663507 Syrian refugees are living in Jordan whereas 120,000 people are living in refugees camps in Za'atari and Azraq. Where some people have helped them to converted the desert waste into the cities.

Iraq – Estimated figure of 243,121 of Syrian refugees are living in Iraq where most of them are living in the Kurdistan region who have been fled to escape the ISIS. Most of them are living in the form of Community which putting pressure on the government services.

Egypt - 130,577 Syrian refugees are living in Egypt

WHAT IS THE UNITED NATION DOING FOR HELPING THE SYRIAN REFUGEES?

The United Nations High Commissioner for Refugees has provided shelters, life-saving supplies, clean water, hot meals and medical care to displaced families since the onset of the crisis. UNHCR has also helped restore private infrastructure such as housing, school facilities and recreation centres, supported children's educational activities and provided psychosocial support.³³ During the pandemic, UNHCR has stepped up efforts to combat and contain the COVID-19 epidemic through the provision of protective equipment to hospitals and clinics, the distribution of medicines, and the construction of quarantine areas and sanitation facilities³⁴. It also assisted nearly 800,000 additional Syrian refugees with emergency cash assistance to meet the most basic and urgent needs.³⁵

RIGHTS OF REFUGEES

- **Non-Refoulement**

³² "FOCUS ON SYRIA | European Resettlement Network", *Resettlement.Eu* (Webpage, 2021), <https://www.resettlement.eu/news/focus-syria>

³³ "Syrian Refugee Crisis: Facts, Faqs, And How To Help | World Vision", *World Vision* (Webpage, 2021) <https://www.worldvision.org/refugees-news-stories/syrian-refugee-crisis-facts>

³⁴ Janmyr, M., 2018. UNHCR and the Syrian refugee response: negotiating status and registration in Lebanon. *The International Journal of Human Rights*, 22(3), pp.393-419.

³⁵ "Syria Refugee Crisis Explained", *Unrefugees.Org* (Webpage, 2021) <https://www.unrefugees.org/news/syria-refugee-crisis-explained/>

Non-refoulement is that the core obligation of all parties to the CSR51, and refers to the prohibition against returning an asylum-seeker to his or her country of prior residence if doing so would cause an asylum-seekers “life or freedom (to be) threatened on account of his race, religion, nationality,(or) membership of a selected grouping or political opinion.” “Exceptions to non-refoulement are limited to persons who present “a danger to the protection of the country within which he's, or a danger to the community of that country”. Non-refoulement is additionally a ‘jus cogens’ norm, and is binding even upon those states that haven't ratified the CSR51.

In Sale v. Haitian Ctr. Council, Inc., 509 U.S. 155 (1993)

The U.S. Supreme Court held that “The U.S. was not in violation of its non-refoulement obligation when it returned Haitians interdicted on the high seas because the Haitians were not within U.S. territory and therefore the non-refoulement obligation did not apply. The Inter-American Commission on Human Rights (IACHR) rejected this reasoning in IACHR, Report No. 51/96, Case 10.675, Haitian Centre for Human Rights (United States), 13 March 1997. The IACHR held that the U.S. had violated the petitioner’s right to seek asylum as well as their right to life, liberty, and security of the person when it summarily returned interdicted Haitians – many of whom were subsequently arrested by Haitian authorities – without providing them with a meaningful opportunity to have their claims adjudicated. The IACHR also held that the U.S. had violated their right to freedom from discrimination, noting that a much more favourable policy was applied to Cubans and Nicaraguans”.³⁶

In Abdi and Another v. Minister of Home Affairs (734/10) [2011] ZASCA 2 (15 February 2011) (S. Afr.)

A South African court said that while waiting for a transfer to Kenya, two Somali citizens (one asylum seekers and one as a refugee) detained in an airport's unauthorized facility detention center were subject to South African law. The court ruled that it was not important that the two left South Africa for Namibia before their detention and were subject to Namibia's deportation order as illegal immigrants.

- **Right to work**

The CSR51 also requires host states to “accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same

³⁶ Gorlick, B., 2000. Human rights and refugees: enhancing protection through international human rights law. *Nordic Journal of International Law*, 69(2), pp.117-177.

circumstances, as regards the right to engage in wage earning employment".³⁷

- **Right to freedom of movement**

The International Covenant on Civil and the Political Rights, Art. 12. Article 26 of the 1951 Convention provides for refugees to choose their place of residence within their territory and to give them the right to move freely within the state. Article 28, on the other hand, requires States parties to issue travel documents for refugees to allow them to travel abroad, "unless there is a compelling reason based on national security or public order and morals."³⁸ Freedom of movement is a particularly important issue regarding the protracted refugee situation in countries which have limited national resources and in countries with limited legal frameworks to protect refugees who still accept a large number of refugees, in such countries; refugees are trapped in refugee camps, thereby limiting access to employment and education. U.S.Comm. conducted World Refugee Survey 2009 for Refugees and Immigrants. Countries such as Kenya and Ethiopia have national law that allows refugees to move across the country and to live in designated areas instead of refugee camps.

- **Other Rights**

Convention of 1951 also protects several other rights such as Right to Education, Right to Justice, Right for Employment, and some other privileged rights given by some treaties. Under the Enjoyment rights the refugees are treated as the nationals as whether there is a case pending in the court or wage earning employment or property rights. Some Laws Given under the 1951 convention- Article 16 states that "refugees are to be granted equal access to the courts", Article 17 States that "refugees are to be afforded the same access to wage-earning employment as foreign nationals", And Article 13 states that "refugees are to be afforded the same rights to moveable and immoveable property as foreign nationals"³⁹

V. INTERNATIONAL HUMANITARIAN LAW

The International Humanitarian Law which is also known as the "Law of War" is basically adapted for protecting the civilian life's and the persons who are not taking any participation in the war from causing injuries or deaths.

- **What is International Humanitarian Law?**

It is the Law which protects the Persons who are not participating in the hostilities through its

³⁷ Ibid.

³⁸ Ibid.

³⁹ Paul, J.A., 1990. *Human rights in Syria*. Human Rights Watch.

set of rules and norms. It limits the effect of armed conflict. In basic terms, it helps in the protection of civilians of a state. It is also known as the Law of War. It is the part of International Law, international law is present in between the agreements, treaties, conventions, and in customary rules of two or more states. And by which the Principles and legal binding takes place.⁴⁰

- **Origin of International Humanitarian Law**

International Humanitarian Law can be seen through the Rules of Ancient Civilizations and Religions. The Universal Codification of the law started from the early 19th century. In which the countries have agreed to follow the certain rules to protect from the destruction caused by the modern warfare. The Law covers two areas such as, Protection for those civilians or people who are not taking any part in the warfare and restriction on the means of warfare such as weapons. As Chemical Weapons Convention on 29 April 1997, restrict the use of chemical weapons by a state who are the member of the treaty. As of 31 March 2021, 98.5 % World's declared chemical weapons stockpiles destroyed.⁴¹

Battle of Solferino in 1859 was the crucial moment for the Codification of International humanitarian law, Henry Dunant was one of the first promoter of humanitarian law. Dunant published his experience and made recommendations for the creation of Red Cross and Geneva Convention.

- **International Humanitarian Law Treaties and Conventions**

First Geneva Convention, 12 August 1949

The Convention contains 64 articles which provide protection for the wounded and sick persons. It consist new set of updated rules which formed after the 1864, 1906, and 1929 period of time. It consists of Two Annexes having a draft agreement with respect to the Hospital zones and Identity Card for the medical and religious personnel.⁴²

It also regulates the use of the Red Cross, Red Crescent and crystal emblems. It also Protect the persons who are attending the wounded persons and sheltered.

1949 Second Geneva Convention, 12 August 1949

It Protects the Military Persons during the War at Sea, who are wounded and sick. The Second Geneva Convention replaced Hague Convention of 1907 for the adaptation to Maritime

⁴⁰ "International Humanitarian Law And The Protection Of War Victims - ICRC", *Icrc.Org* (Webpage, 2021) < <https://www.icrc.org/en/doc/resources/documents/misc/57jm93.htm> >.

⁴¹ "Destruction Progress", *OPCW* (Webpage, 2021) < <https://www.opcw.org/media-centre/opcw-numbers> >.

⁴² Crawford, E., 2012. International humanitarian law. *HOT TOPICS*, (80), pp.1-30.

Warfare. The 63 Articles Given under the Convention specifies about the War at Sea. It consists of one annex containing the model identity card for Religious and for Medical Persons.⁴³

Third Geneva a Convention, 12 August 1949

This Geneva Convention applies to the Prisoners of war, it also replaced the Prisoner of war Convention of 1929. The Third Geneva Convention Contains 143 Articles in comparison to the previous convention which had 97 Articles. Through Convention 1 and Convention 2, the categories for the status of prisoners of war were broadened. There are now conditions apply to the prisoners of war with respect to the Financial Resources, Judicial proceedings and the relief they received. According to it “the prisoner of war shall be released and repatriated without delay after the cessation of active hostilities”⁴⁴. The Third Convention Contains 5 Annexes.⁴⁵

Fourth Geneva Convention, 12 August 1949

It is one of the most important conventions in view of the international humanitarian law, as it gives protection to the civilians, including in occupied territory. The Conventions before 1949 were only concerned with the military personnel’s only, and not with civilians. The World War 2 Proved that there are no strict or useful laws for the protection of civilians and that was the initial time when there was need raised for an international law which can protect the civilians and their rights during the war time. And due to which The International Humanitarian Law was formed. The Fourth convention contains 159 articles.⁴⁶

Common Article 3

The Article 3 is the common among all Four Geneva Conventions which applies in the case of an armed conflict of non-international character that occurred on the territory of one of the Parties to the 1949.⁴⁷

2014 and 2015 Reports of United High Commissioner for refugees, UNHCR-The UN Refugee Agency

Every end of a year Syria faces new problems with respect to the common basic needs such as food, water, shelter, and even for their protection of life. UNHCR – The UN Refugee Agency

⁴³ Roberts, A., 2000. Documents on the Laws of War.

⁴⁴ "The Geneva Conventions Of 1949 And Their Additional Protocols", *International Committee Of The Red Cross* (Webpage, 2014) < <https://www.icrc.org/en/document/geneva-conventions-1949-additional-protocols> >.

⁴⁵ Esqain, A.J. and Solf, W.A., 1962. Geneva Convention Relative to the Treatment of Prisoners of War 1949: Its Principles, Innovations, and Deficiencies, *The. NCL Rev.*, 41.

⁴⁶ Charmatz, J.P. and Wit, H.M., 1952. Repatriation of Prisoners of War and the 1949 Geneva Convention. *Yale LJ*, 62, p.391.

⁴⁷ “The Handbook of Humanitarian Armed Conflicts”, By Dieter Fleck, (1995), p.221.

Publish a report on yearly basis by giving data regarding the on ground situation in Syria while giving aid to the Syrian civilians. Following is the given data from 2014 to 2021 which was published by the UNHCR.

Year 2014

According to the report 12.2 million people need human assistance, and there are 7.2 million internally displaced persons, including 5.6 million children, 4.8 million are living in hard to reach area, 1,91,000 killed. 2 million jobs lost which amounts to 54 % of unemployment. 140 billion in economic loss. 1.2 million Houses damaged including 4, 00000 completely destroyed. 5.6 million Children affected and 4,000 schools are destroyed.

Challenges

1. Difficulty of access to some collective shelters due to the deterioration of the security situation as well as difficulties in reaching IDPs residing outside the shelters. Through providing legal aid, it came also to the attention of UNHCR that incidents such as early marriage, unofficial marriage and mistreatment of children have increased among the IDP populations leading UNHCR to arrange for raising awareness sessions for IDPs and the affected communities on the importance of documenting personal status events.
2. Limited number of NGOs permitted to operate in Syria as well as their limited operational capacity.
3. Security concerns for humanitarian personnel hindering the delivery of emergency assistance to those who are in need.
4. Shifting lines of crisis and proliferation of armed groups preventing the delivery of timely, needs based humanitarian assistance within Syria.

Operation of UNHCR In 2014

In year of 2014 various operations were conducted by the UNHCR focussed on providing, Core Relief Items, Shelter, Protection, And Health to the Syrian Civilians. The Primary objective of the Agency was to safeguard civilians from violence and attacks, and to provide them Human Assistance.

Year 2015

According to the report 13.5 million people need human assistance, and there are 6.5 million internally displaced persons, including 5.6 million children, 4.8 million are living in hard to reach area, 2,50,000 killed. 2 million jobs lost which amounts to 54 % of unemployment. 140 billion in economic loss. 1.2 million Houses damaged including 4,00000 completely destroyed.

5.6 million Children affected and 4,000 schools are destroyed. 58% of Public Hospitals and 49 % Public Health Centers are either partially functional or closed. 5.7 million Children and adolescents in need of educational assistance. 11 million people require health assistance and 4.2 refugees.

Challenges

1. Hindering Delivery of Emergency Assistance to Some Areas in Need
2. Inflation of Prices on Both CRIs And Fuel
3. Preventing Delivery of Timely, Needs Based Assistance
4. Limited Funding Affecting the Quantity of CRIs Distributed

Operation of UNHCR In 2015

In year of 2015 various operations were conducted by the UNHCR focussed on providing, Food Security and Agriculture, Shelter/NFIs, Health, Education, WASH, Protection and Community Services, Early Recovery and Livelihoods, Nutrition, Coordination and Common Services, Camp Coordination and Camp, Management (CCCM), Logistics and Emergency, And Telecommunications.

UNHCR Refugee Programme

Former United Nations High Commissioner for Refugees, António Guterres said on World Refugee Day 2015 that “More people fled last year than at any other time in our records, Around the world, almost 60 million have been displaced by conflict and persecution, Nearly 20 million of them are refugees, and more than half are children. Their numbers are growing and accelerating, every single day, on every continent, in 2014, an average of 42, 500 people became refugees, asylum-seekers or internally displaced persons, every single day – that is four times more than just four years ago”.⁴⁸

Refugees have limited possibilities for durable solutions in Syria. Local integration in Syria is not an option while many have no prospect for repatriation to their countries as there are not yet conditions for them to return to homes. Resettlement is the only vital option. 1,485 individuals’ vulnerable refugees were successfully resettled during the year in counties like Australia, Canada, Germany, New Zealand, Sweden, Switzerland, USA and Finland. Priority was given to people with medical needs, women at risk, unaccompanied minors and people

⁴⁸ Janmyr, M., 2018. UNHCR and the Syrian refugee response: negotiating status and registration in Lebanon. *The International Journal of Human Rights*, 22(3), pp.393-419.

with legal and physical protection concerns.⁴⁹

In April 2015, UNHCR Syria upgraded its registration services by introducing biometrics and issuing secured laminated ID cards. "The biometric system then verifies the identity of the persons to UNHCR with an Iris scan". Then it records the collected data on special secured application providing a high level of protection and credibility for the registration system. The new system will eliminate problems caused by lost Identity Cards and prevents unauthorized use of lost, stolen or abuse of someone else's ID cards. Since the introduction of biometrics in April, 18,857 new secure ID cards have been issued and 12,453 individuals enrolled in the system.⁵⁰

VI. LEGISLATION IN SYRIA

There are several legislation laws & Legislation Bodies in Syria some of them are given below:

Constitutional Law

In 1928, a delegation elected to the Constituent Assembly enacted a constitution to establish the First Republic of Syria. It provided for an indirectly elected president, a unicameral legislature, and a parliamentary government with a high court of 15 judges. In essence, the draft also argued for the nationalist agenda and the path to independence by requiring the reunification of some divided territories. The French initially refused to recruit for violating their mission. However, in 1930, the French High Commissioner unilaterally adopted the Constitution, with significant changes to reduce the scope of nationalists' territorial claims (Article 2), and the provisions of the Constitution were French. He insisted that he could not counter the power of delegation (Article 2). .116). This 1930 Constitution laid the foundation for all future Constitutions.⁵¹

In 1966, the Ba'ath Party was involved in a fierce coup with more radical wings. The new leadership suspended the 1964 provisional constitution and created another provisional constitution in 1969. The party split in 1970, when a group of more moderate party members under General Hafiz al-Assad seized power. Assad was elected new president in 1971 and promulgated a new constitution after being adopted by a referendum on March 14, 1973. Apart from some regular amendments, including the changes expressed in the new 2012 Constitution

⁴⁹ Ward, P., 2014. Refugee cities: Reflections on the development and impact of UNHCR urban refugee policy in the Middle East. *Refugee Survey Quarterly*, 33(1), pp.77-93.

⁵⁰ Stevens, D., 2016. Rights, needs or assistance? The role of the UNHCR in refugee protection in the Middle East. *The International Journal of Human Rights*, 20(2), pp.264-283.

⁵¹ Khadduri, M., 1951. Constitutional development in Syria: With emphasis on the constitution of 1950. *The Middle East Journal*, pp.137-160.

adopted under increasing pressure from demonstrators, the 1973 Constitution continues to constitute the governing structure of Syria.

Civil Code

Civil Code of Syria was First Produced by a Legislative Decree 840/1949, During the Presidency of Husni Zaim on 18 May 1949. It was the very first time when a strong foundation was established for the Civil Law. In Civil code there are 1130 provisions which deals with the matters of Torts, Insolvency, Contracts, Lease Agreements, Assignment, Sale of Goods, Securities, Employment, Architect, Inheritance, Commercial agency. Commercial Law, Companies Law, Employment Law and Landlord and Tenant Law are some of the Legislative laws which were written separately than the civil code. And they work independently but whenever there is need of reference, the court uses the civil code as the Foundation Law.

People's Assembly of Syria

It is the Legislative Authority of Syria, which consists of 250 MPs elected for 4 year terms and 15 multi seat constituencies. There are two major political fronts. The 2012 elections, held on May 7, brought a new multi-party parliament for the first time in 40 years. [2] In 1938, Fares Alcorn was the first Christian to be elected chairman. Hadiya Khalaf Abbas, Ph.D. representing Deir Ezzor since 2016 and 2003 Became the first woman to be elected as a speaker. In 2017, Hammouda Sabbagh became the first Orthodox Christian to take up that position.⁵²

The last election was held on July 19, 2020. Some lists have been allowed to run nationwide, but there is no real opposition. After fleeing the war that killed more than 380,000, millions of Syrians living abroad are not eligible to vote. The National Progressive Front won 183 of the 250 seats, of which 167 were for the Ba'ath Party, with 67 independents retaining the remaining seats.⁵³

VII. JUDICIARY IN SYRIA

In the 1980s, the Syrian judicial system remained integrated with the laws of the Ottoman Empire, France and Islam. The valid civil, commercial and criminal law was promulgated in 1949 with some amendments and was primarily based on French legal practice. In addition, special provisions authorize the limited application of customary law among Bedouins and religious minorities⁵⁴. The Islamic Inquisition under Sharia (Islamic law) continued to function

⁵² "Syrian People's Assembly", (Webpage, 2021) < <http://www.parliament.gov.sy/> >.

⁵³ Strong, J., 2015. Interpreting the Syria vote: parliament and British foreign policy. *International Affairs*, 91(5), pp.1123-1139.

⁵⁴ "Syria - United States Department of State", *United States Department of State* (Webpage, 2021) < <https://www.state.gov/countries-areas/syria/> >.

in parts of the country, but its jurisdiction was limited to issues of personal status such as marriage, divorce, paternity, child protection and inheritance. In 1955, personal codes were developed that relate to many aspects of personal status. The law amended and modernized Sharia by improving the status of women and clarifying the law of inheritance.⁵⁵

- **Classification of Courts in Syria**

The most important Courts in Syria are classified in the following manner:

Civil and Criminal Court

Defendants before these courts are entitled to their legal representative of choice. The court appoints a lawyer for the poor. Defendant is presumed to be innocent. They are allowed to present evidence and confront the whistle blower. The trials are open to the public, except for trials involving minors or sex crimes⁵⁶. Defendants can appeal their verdict to the State Court of Appeals and ultimately to the Court of Cassation. It is difficult to win such an appeal because the court does not provide a verbatim copy of the case, but only a summary prepared by the presiding judge.

Military Court

Military courts have the authority to bring civilians as well as military personnel to trial. The location of civilian defendants is determined by military prosecutors. There were on-going reports that the government operated military field courts outside of established courts. Such courts reportedly have a small number of formal procedures in regular military courts.

Supreme National Security Court

The Supreme National Security Court (SSSC) continues to be one of the pillars of Judiciary in Syria. The government, a descendant of the state of emergency declared by Syrian authorities on March 8, 1963, created the SSSC to prosecute those who were considered a threat to national security. In fact, SSSC's role was to prosecute those who were not approved by the Syrian authorities in trials without a guarantee of basic due process. SSSC consistently ignored defendants' allegations that their confessions were extracted under torture and often convicted of vague and widespread crimes that essentially criminalized freedom of expression and association.⁵⁷

⁵⁵ "Guide To Law Online: Syria | Law Library Of Congress", *Loc.Gov* (Webpage, 2021) < <https://www.loc.gov/law/help/guide/nations/syria.php> >.

⁵⁶ Leenders, R., 2020. 8. Prosecuting Political Dissent: Courts and the Resilience of Authoritarianism in Syria. In *Middle East Authoritarianisms* (pp. 169-199). Stanford University Press.

⁵⁷ "Far From Justice", *Human Rights Watch* (Webpage, 2009) < <https://www.hrw.org/report/2009/02/24/far-justice/syrias-supreme-state-security-court> >.

International and National Criticism of the SSSC

SSSC has received intense criticism from UN agencies, Syria and international human rights groups. The United Nations Commission on Human Rights, the body responsible for overseeing state compliance with Syria's party ICCPR, has repeatedly criticized the SSSC. On July 28, 2005, the authority concluded his view on Syria's submission to the ICCPR, saying, "We reiterated our previous concerns that the procedure of this court [SSSC] would be inconsistent with Article 14 of the Covenant."

"Syria should take urgent measures to ensure that all rights and guarantees provided under article 14 of the Covenant are respected in the composition, functions and procedures of the Supreme State Security Court and in particular that accused persons are granted the right to appeal against decisions of the Court." ICCPR⁵⁸

Several groups including Syrian and international have expressed criticism of SSSC. In April 2007, the Damascus Human Rights Research Center published a report while criticizing SSSC. Several Syrian groups such as National Human Rights Organizations (NOHR), Commissions for Freedom of Democracy and Human Defense which work for defending Human Rights also regularly criticises the SSSC.

- **Trials of Individuals who insulted the President of Syria**

SSSC tried eight citizens of Syria for criticizing the Syrian President and government policies in private conversation. Those accused even are not part of any political party, they are small shop owners and employees, and there was no evidence in the court of their political attachment. The prosecution took place over the reports of neighbours and family and friends, acting as the informants. This shows how government take criticism in Syria.

In the year 2007, Muhamad Walid al-Husseini aged 67 was sentenced for three years by the SSSC for spreading "false or exaggerated information that weaken national sentiment" (Art. 286 of Penal Code) as well as defaming the Syrian president (Art. 376 of Penal Code). The Court sentenced him because a member of security services heard him insulting and criticizing the Syrian president and speaking about the corruption in Syria while sitting at the Rawda café in Damacus.

VIII. CONCLUSION

The Numbers of Civilians killed in Syria every year is the proof that somehow, Our

⁵⁸ UN Human Rights Committee, Consideration of Reports Submitted by States Parties under Article 40 of the Covenant. Concluding Observations of the Human Rights Committee, Syrian Arab Republic, CCPR/CO/84/SYR, August 9, 2005, Para. 10,

International Law is not working as it should be. There are some errors due to which some countries take power by using them against a particular country such as Syria. As Russia Started its military mission by Conducting Airstrikes on the Civilians as well as on the Terrorist is the proof of Violation of Humanitarian Law in Syria, which directly prohibits the any state to harm any civilian during their military attack. But in the matter of Syria there were also evidences of chemical attacks by the Israel. The Government bodies use their force against the civilians.

There is not enough facility or solution for the Syrian refugees as the other states are not willing to accept them into their country. Syrian Have lost their voting and other right by becoming the refugee. There are no proper refugee camps, Non-Government Organisations somehow manage to provide temporary shelters and food for the civilians who have lost their house due to the on-going civil war. So many times, it becomes very hard also for the United Nation Volunteers, for giving Essential Aid for the Syrian civilians. In the Conflict of Parties, Syrian Citizens have lost so much that the other world cannot imagine. It is the case of fear, which cannot be experienced by some statistical data.

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