Dear Mr. Geir O. Pedersen, UN Special Envoy,

We would like to congratulate you on accepting your new position as Special Envoy to our home country Syria.

We, the Syrian Network for Human Rights, are reaching out to you in defense of the rights of the democratic popular uprising, which set out to strive for freedom and dignity. We would like to raise with you our hopes as well as our concerns regarding the future of the Geneva talks and Syria’s peace process – and, indeed, the future of Syria.

Within the terrible ocean of brutal conflict, of horrific violations of every kind, and of unimaginable suffering which Syria has witnessed since 2011, and through the Geneva process, the United Nations, as supported by friendly countries, provided a precious kernel of hope for the Syrian people and their democratic aspirations.

Eight rounds of talks have been held thus far; yet, despite a good measure of efforts deployed under your three predecessors, the peace process appears to be slipping faster and farther away through our fingers.

Alongside a host of other organizations representing Syrian civil society, SNHR has been committed to supporting this process. Our core interest has been and remains to contribute to facilitating a meaningful political transition as a key prerequisite to building a democratic Syria and lasting peace. From a human rights standpoint, however, the situation has been catastrophic. In fact, the human rights situation has actually worsened as the talks continued, with the talks so far incapable of bringing the Syrian people even a small step closer to any
meaningful, sustainable peace as no breakthrough, however minor, has been achieved, whether in the form of a continuous flow of humanitarian relief aid, protection of civilians, an end to aerial bombardment or torture, or the freeing of even one detainee. We believe that these failures can be traced back to the Syrian regime's conviction that there is no need or real pressure on it to agree to participate in any negotiation process.

Instead of finding mechanisms that would compel the Syrian regime to adhere to Security Council Resolutions, the UN has attempted to find a solution to keep the Geneva process alive, as exactly devised in the Geneva 4 through Geneva 8 talks, where the negotiation path was divided into four ‘baskets’: governance, a future constitution, elections, and combating terrorism. As the regime flatly refused to discuss the main basket, namely the formation of a governing body with full powers, seemingly because it was itself a part of the proposed solution, the focus instead shifted to what can thus only nominally be called a constitution process and ‘elections’.

The Security Council Resolution 2254 was clearly and logically structured, stating that: a political transition would begin with the creation of a transitional governance body and a transitional phase, during which fighting would stop in favor of a new safe climate that would pave the way for the now approximately 12 million displaced citizens (either in Syria or abroad) to return, and to end the brutality and viciousness of the regime’s security apparatuses, followed by a constitutional process ahead of holding new elections.

Thus, the ‘basket’ plan ended up preempting rather than fostering the intended outcomes of the Resolution. For the massive number of Syrians suffering human rights abuses at the hand of the Syrian regime, the ‘basket’ plan is regarded as having achieved the opposite of the Resolution’s aim, being a blatant distortion and even violation of SCR 2254. In turn, from the perspective of its ‘basket’ implementation plan, the Resolution could be seen as a sure-fire way to exterminate both the idea of human rights in Syria and, with it, any prospects for long-lasting peace. Proceeding with this plan has inadvertently subverted the very concept of the political transition process in Syria.
Despite the regime’s involvement in perpetrating tens of thousands of crimes against humanity and war crimes, Russia has successfully obstructed and reversed the entire path of the political process through using its veto powers on 12 occasions, mobilizing its military forces in support of the regime, and appropriating certain tasks entrusted to the United Nations, such as the negotiations on the formation of the constitutional committee, which it transferred to Sochi. Russia therefore has effectively undermined the very mandate of the UN. Unfortunately, the ‘basket’ plan is perceived by the Syrian people to have contributed to this cunning strategy.

In this context, it is important to stress that, whatever the possible outcomes of any constitutional committee formed under these conditions, they will undoubtedly lead to rehabilitating and legitimizing the Syrian regime. Needless to say, a successful process would entail a legitimate committee that would truly represent the aspirations of the Syrian people, followed by a free electoral process conducted in accordance with international standards. In the absence of a legitimate constitution-making mandate, any constitutional outcome would either legitimize the 2012 Constitution, which largely protects the brutal practices of the regime’s security apparatuses, or would establish a new but similarly repressive framework. It is therefore unrealistic to expect any election to be free if it is held in an environment which continues to feature the regime’s brutal security apparatuses with the support of Iranian militias and Russian forces, or in areas controlled by extremist forces and militias, the environment will likewise by anything but free and conducive to a democratic process.

Moreover, ensuring the safety of the elections in these areas will likely become a justification for a bloody military campaign whose de facto aim would in fact be to suppress the Syrian people and to pound it into submission – or annihilation. Consequently, these ‘elections’ will lead to a sure victory for the regime and its security apparatuses – whether the regime will have won directly in every area or not. A supervisory role for the UN will
not alleviate Syrians’ anxiety and terror of the regime’s encroaching security apparatuses and even more so of the consequences to be borne by voters in the aftermath of the election, whatever its results. Democratic elections require not only legitimate frameworks and the freedom to participate as voters and candidates, but also the guarantee that the outcome will be accepted by all parties, principally in this case the Syrian people. It’s also clear that the 12 million Syrians who were displaced internally and abroad, overwhelmingly as a result of the actions of the Syrian regime and its allies, would be unable to participate in any such election under the regime’s authority. This would render the UN’s supervisory role at best superficial, while the de facto control will remain in the hands of the regime and its key foreign allies, Iran and Russia. In the end, a constitutional and framed electoral process in these circumstances will be used by the regime to claim more legitimacy and to gradually pursue its return to membership of the international community. This would ultimately pave the way for the Syrian regime to spearhead the transitional process and to continue beyond it, despite having been involved in murdering and displacing millions of Syrians.

Whilst there are, unarguably, deep-rooted issues with the Syrian constitution, these do not mean that it is acceptable to manipulate and overturn the process and progress of negotiations. Also, the primary, long-standing issue remains the implementation and adherence to the rules of the constitution in place since the era of Hafez Al-Assad. We at SNHR have repeatedly documented in many exhaustively detailed reports that the Syrian regime routinely and daily violates a number of clauses in the current Syrian constitution through its torture, killing and forcible disappearance of citizens among other practices, with no way to hold it to account or even deter it from these actions.

We would also like to note the involvement in the negotiation process of democratic civil society, whose demands focused primarily on issues of accountability, the release of detainees and revealing the fate of the forcibly disappeared, as well as on increasing the level of humanitarian assistance and the regulation of its distribution.
The importance of ensuring civil society involvement in negotiations in order to ensure that Syrian voices beyond the political milieu are heard cannot be stressed enough. Thus far, however, even though the role of civil society role was welcome in principle, their inclusion has not come without significant shortcomings, and has been at times lacking in transparency. At times, actors have been included who are not authentic representatives of civil society or genuinely independent or even loyal to the fundamental principles of human rights.

In light of all these issues, we, at SNHR, call on you and on friendly states to:

First: The UN should restore the steps of the negotiation process as per the principles established in SCR 2254 and the Geneva Communiqué, while the current recipe for continued human rights abuses and an open-ended war should be decisively abandoned.

Second: The friendly countries should increase their support to ensure adherence to the logical sequence in the implementation of SCR 2254 and, together with the UN, ensure that there is no pressure on the Syrian opposition and civil society to deviate from the fundamental principles of SCR 2254.

Third: The UN should activate the role of civil society by involving active national groups and avoid the previous mistakes of inviting non-existent groups just to give an impression of an inclusive, consultative process. Also, organizations and individuals that have been involved in human rights violations in Syria should be excluded from playing any part in the process. Last but not least, the recommendations made by civil society representatives should be left intact.

Ultimately, history will always bear witness to the support lent by the UN to the Syrian people and the path of peace. We are fully aware of the fact that the Syrian issue is an intricate one which requires bold steps based on high principles that place human rights, democracy, accountability, and transitional justice above any other considerations. SNHR will always provide support and assistance in the investigations and provide any data required in the hopes of steering the Syrian ship to the shores of peace and safety.