

HUMAN RIGHTS WATCH

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Appendix I: Letter to the United Nations Development Programme from Human Rights Watch



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April 15, 2019

David Akopyan
United Nations Development Programme
Syria Country Director

Dear Mr. Akopyan,

We write to request information in connection with research that Human Rights Watch has carried out with regards to the United Nations Development Programme’s (UNDP) engagement in humanitarian and development activities in areas under the control of the government in the Syrian Arab Republic. This research is part of a broader report on the human rights implications of policies governing humanitarian aid, early recovery and reconstruction in government-held Syria, which we plan to publish in June 2019.

In the interests of thorough and objective reporting, we would appreciate it if you could provide us with a reply by May 15th, 2019 so that we can reflect your views and comments in our forthcoming report.

Human Rights Watch is an independent, nongovernmental organization that monitors and reports on human rights in ninety countries around the world.

Our research indicates that UNDP has issued tenders for the redevelopment of a community development center in Yabroud, where Human Rights Watch has documented the unlawful confiscation of commercial and residential buildings belonging to former residents affiliated with the opposition under Decree 63 of the Syrian Counterterrorism Law of 2012, in contravention of international human rights and humanitarian law.

Our research also indicates that UNDP has issued tenders for the development of a cadastral building in al-Qussayr. Al-Qussayr was home to around 30,000 people before the conflict, and was re-taken by the Syrian government in 2013. Since then, reportedly hundreds of displaced persons from al-Qussayr have attempted to return, but the government has blocked them from returning, effectively stripping them of their property rights. Residents whom Human Rights Watch spoke to said the government did not provide a clear reason why the area was off-limits.

In October 2017, in recognition of the difficult operating environment that Syria poses, the UN Department of Political Affairs and UNDP led in the development of parameters and principles that should apply for all UN actors operating in Syria. Among the principles, UN actors operating in Syria are required to work directly with communities and households regardless of zones of influence; carefully consider the human rights and protection implications, especially as to where and how assistance is provided; and must not assist parties who have allegedly committed war crimes or crimes against humanity. The principles state that UN assistance shall be determined consciously and explicitly without prejudice to the goals of accountability for serious human rights violations.

Based on those considerations, we would appreciate receiving your responses to the following questions:

1. Can you kindly confirm whether UNDP is issuing tenders for a community development center in Yabroud and the cadastral building in al-Qussayr?
2. Did UNDP do any due diligence to ascertain whether human rights violations were committed with regards to the areas where it intends to implement projects? If so, can you please provide that assessment or provide details about it?
3. Does UNDP conduct due diligence to determine the legal status of land it develops projects on? If so, what steps are undertaken?
4. Does UNDP undertake due diligence to ascertain whether property it might use has been expropriated? If so, can you provide details of that analysis?

5. In the case of expropriations, does UNDP establish contact with affected communities and dispossessed residents to ascertain whether they have been adequately compensated and provided with alternative housing?
6. What criteria does UNDP use to determine which projects to undertake in government-held Syria and where?
7. Does UNDP conduct in-person field assessments before implementing projects? Please provide relevant details.
8. Does UNDP have full and regular access to areas where it is or intends to implement projects? To the extent that access is restricted, how does UNDP assess local needs and monitor whether intended beneficiaries are benefitting from the project?
9. Does UNDP conduct a conflict-sensitivity assessment before implementing projects? Please provide us with relevant details.
10. What are the challenges that UNDP faces in implementing projects in government-held Syria? Specifically, what does UNDP see as the main obstacles to implementing projects in government-held Syria in a manner that respects the rights of the beneficiary population?
11. Who are UNDP's main local partners in Syria? How does UNDP ensure that it does not partner with local actors or entities that are known to be or have been sanctioned for human rights violations and repression of civilian populations?

In addition to responses to the above, we would welcome receiving any additional information you are able to provide regarding ensuring compliance with humanitarian and human rights principles in your operations in Syria. We would also welcome an opportunity to discuss these issues with you or other UNDP representatives. If you would like to arrange such a discussion, please contact my colleague Sara Kayyali at [REDACTED].

Thank you for your kind assistance in this matter.

Lama Fakhri
Deputy Director
Middle East and North Africa
Human Rights Watch

Appendix II: Letter to Human Rights Watch from the United Nations Development Programme

United Nations Development Programme

برنامج الأمم المتحدة الإنمائي



Empowered lives.
Resilient nations.

Lama Fakih
Deputy Director
Middle East and North Africa
Human Rights Watch

Subject: Letter to Mr. David Akopyan from Human Rights Watch - April 16, 2019

17 May 2019

Dear Ms. Fakih,

It is a pleasure hearing from Human Right Watch and I wish to express our appreciation for your interest. We truly value the involvement of civil society organizations in ensuring that the humanitarian values are upheld in response to any crises in the world, and particularly in one of most severe in the 21st century – the Syrian crisis. As you surely understand we are operating under extremely challenging circumstances – enormous needs for millions of people trapped under very unfortunate circumstances after 8 years of very destructive war. Humanitarian needs are many -life saving but also beyond – 11.6 mln in need, 2.1 mln pupils out of schools, millions without basic medical services, in many cities no functioning municipal infrastructure, no electricity, running water and people surviving in half collapsed buildings surrounded by debris and waste.

We view all of the above as an important part of our rights-based and evidence-based development agenda. Expectations are, for some time, that progress on political process will allow to unlock and advance more proactively with recovery of basic services and provide millions with functioning municipal and social infrastructure, and consequently enable them to get some basic level of quality of life. Political process however is moving slowly and it is heart breaking to witness so much of human suffering by innocent men, women and children in my close to 2 years in Syria. I have travelled extensively to most of the regions in Syria and had the opportunity to witness this all myself and while travelling discussed at

length issues with local civil society and many frank conversations with ordinary people – patients at hospitals we help to become functional, parents of schoolchildren attending schools we rehabilitated, beneficiaries of infrastructure that became functional due to our interventions etc.

In every UNDP intervention, decision is based on the needs that derives from UN assessed needs severity scale. When prioritizing we make sure to have extensive consultation with community and we also do our best to encourage participation by the civil society actors in implementation of our activities. We also make sure that we have systems of control, monitoring and oversight and last year we started establishing an oversight unit that together with financial/programme management issues also ensures due diligence on human and property rights, documentation etc.

The above was to provide a context of imperfect working environment with many challenges we operate in, where we are expected to deliver to a sizeable number of people in need, depending on the services that come with our support.

Below are responses to your specific questions that will hopefully address your concerns.

Your letter starts with reference to two specific initiatives:

1. Can you kindly confirm whether UNDP is issuing tenders for a community development enter in Yabroud and the cadastral building in al-Qussayr?

For the Cadastral facility in **Al Qussayr**, UNDP has a Service Legal Agreement (SLA) in place with UN Habitat, similar to the one we have with many other UN agencies, where UNDP acts as an administrative agent providing services to another UN Agency, that does not have formal accreditation in the country. The activity itself is fully managed by UN Habitat. UNDP at the request of the agency has issued tenders for the Cadastral Building in al-Qussayr. Any question on this initiative must be addressed to UN Habitat.

UNDP has done light rehabilitation of part of the Rural Development Center in **Yabroud** like the child care facility and vocational and skills training facility to support the livelihoods of the community members. The two facilities, however, are not yet functional. The Community Development Center has been there since 1987. Center belongs to Ministry for Social affairs and Labor; it is and always was a public property.

2. Did UNDP do any due diligence to ascertain whether human rights violations were committed with regards to the areas where it intends to implement projects? If so, can you please provide that assessment or provide details about it?

Human rights violations are unfortunately happening during protracted and extremely violent conflicts like the Syrian one that span across the entire Syrian territory. We are aware of the work of the various UN and non-UN bodies with the capacity to assess human right issues (OHCHR, HRW, Amnesty, etc.), we are mindful of the possibility of Human Rights violations and trying to take every possible measure to avoid contributing to these with our interventions. UNDP's overall approach is to work under a context sensitive and do-no-harm/do-good approach as an essential part of local level programming. As a result and as explained more extensively below we conduct conflict-sensitive context analysis before proceeding to undertake initiatives and identify our priorities within the annual UN Humanitarian Needs Overview, based on the severity of needs.

Does UNDP conduct due diligence to determine the legal status of land it develops projects on? If so, what steps are undertaken?

UNDP undertakes a due diligence procedure through our field offices which involves checks and crosschecks with UN partners within the framework of the Humanitarian Response Plan, communities/returnee leaders, available records and local authorities. This procedure is widely accepted as a fair and standard “background check” given current conditions in the country, both by the UN, the donors and also National and International NGOs. It should be noted that all the UNDP projects for infrastructure and rehabilitation adhere squarely to restoration of services/property that existed prior to the crisis and thus preclude any expropriation of the land during the crisis.

UNDP also contributes actively to the UN Working Group on Housing, Land and Property (HLP), and we are one of implementors of EU funded HLP joint programme together with other UN/non-UN agencies.

- 3. Does UNDP undertake due diligence to ascertain whether property it might use has been expropriated? If so, can you provide details of that analysis?**
- 4. In the case of expropriations, does UNDP establish contact with affected communities and dispossessed residents to ascertain whether they have been adequately compensated and provided with alternative housing?**

UNDP only works on projects where it has been ascertained that individual property rights/titles have not changed since before the start of the conflict and ensures legal documents of property ownership are presented by individuals. For example, in Maaloula, UNDP delayed some rehabilitation activities which involved private property until the provision of written authorization by the owners. A similar approach was adopted for rehabilitation of shops in the Old Market in Homs. While removing debris in Aleppo, UNDP deliberately avoided private properties and concentrated on plots housing publicly owned infrastructure and prioritized the facilities most critically needed for restoration of access to crucial services, particularly in the eastern side of the city where massive returns of IDPs have happened (estimates are about 450,000 during 2018 alone). Because of the above-mentioned preventive mechanisms, UNDP has not come across a situation of expropriation in the projects it works on.

- 5. What criteria does UNDP use to determine which projects to undertake in government-held Syria and where?**

UNDP activities in Syria are guided by the Humanitarian Needs Overview (HNO), and the consequent Humanitarian Response Plan (HRP) as the basis for priority setting. All sections of the HRP include a mandatory Protection Risk Analysis (PRA) that lists down the risks similar to the ones identified in your letter along with the mitigation measures. The PRA is periodically updated to include additional risks identified during implementation. One of the criteria for selection of a project is based on the Severity Scale as well as security and access. The Severity Scale is based upon objectively assessed needs, the case load and alignment of the identified need with the HRP objectives. As per the UN Charter and as outlined in the Principles and Parameters for UN engagement in Syria, the response should not be subject to political or other considerations that can hamper the principles of Humanity, Neutrality and Impartiality, and should be applied uniformly across the country.

- 6. Does UNDP conduct in-person field assessments before implementing projects? Please provide relevant details.**

Once an area is identified based on the above criteria, UNDP undertakes an analysis/assessment using both its field teams and the Damascus office teams. I personally undertake 1 to 2 field visits each month to project locations, and portfolio and project managers regularly visit project sites at the time of initiating activities and afterwards for monitoring and final acceptance of the work. We face certain challenges since every visit to the regions for UNDP staff from Damascus needs to be approved by MOFA, however the overall rate of approvals for visits in 2018 was about 70%. We have 10 field offices with a number of qualified national staff and they are able to regularly visit project sites and report back. In 2 critical locations (Aleppo and Qamishli) we have placed senior international colleagues to ensure better quality control and oversight. On top of this we have a retainer contract with a monitoring company that provides regular oversight visits and spot checks on progress with beneficiaries and community representatives. Particularly relevant in this process, is the participation of communities targeted in the initiative, in planning, implementing and monitoring the project through local committees.

7. Does UNDP have full and regular access to areas where it is or intends to implement projects?

8. To the extent that access is restricted, how does UNDP assess local needs and monitoring whether intended beneficiaries are benefitting from the project?

UNDP conducts direct field assessments through staff members (see above for more details) and partners, and tries to capture the perspective of wide range of stakeholder before it decides to intervene. UNDP has found the issue of access to locations becoming less of a challenge in the past 12 months, especially to places like Eastern Ghouta, the Southern regions etc. The first 6 months after GoS take over access was difficult, however, it has gradually been improving as military control has given way to a civilian administration. On a number of occasions, a note verbale sent a day prior to trip to MOFA has been approved the same/next day. Again, as highlighted above, very relevant to the regular and sustained access to areas where UNDP is implementing or intends to implement projects, is the extensive network of UNDP Field Offices across the country that also provide regular access for monitoring and evaluation

9. Does UNDP conduct a conflict-sensitivity assessment before implementing projects? Please provide us with relevant details.

UNDP has been the first amongst UN Agencies operating in Syria, to start conducting conflict-sensitive local context analyses (LCAs) since 2016 and has now in-house capacity with dedicated international and national human resources. Conflict-sensitive context analyses are conducted locally at city, locality or governorate level with a specific focus on dividers and connectors amongst communities and on how to approach interventions in specific locations ensuring the highest possible standards, in the given conditions, for implementing foreseen activities within a do-no-harm/do-good policy.

LCAs are conducted by experts through desk reviews, key informant consultations and focus groups; the analyses are living documents, regularly updated in order to capture evolving dynamics on the ground.

The outcomes of the LCAs are used, among other aspects, to inform programming by UNDP inside Syria. Currently, more than 90% of UNDP activities inside Syria, happen in locations where LCAs have been conducted. UNDP is engaged in sharing capacity on LCAs as well as the outcomes of the conducted LCAs with other humanitarian partners and donors, besides other UN agencies active in Syria.

10. What are the challenges that UNDP faces in implementing projects in government-held Syria? Specifically, what does UNDP see as the main obstacles to implementing projects in government-held Syria in a manner that respects the rights of the beneficiary population?

As a general point on our presence and geographic coverage, we are not limited in our programme delivery only to government-held part of Syria. UNDP expanded significantly in areas under the Kurdish Self Administration (approximately half of Raqqqa and Deir Ez Zor and 95% of Hassakeh region). In north east it is important to note that a patchwork of authority exists and there is an agreement for country wide implementation of activities, and also informal agreement between authorities in Damascus and SDF for delivery of basic services – schools, hospitals, electricity and water supply etc. Additionally UNDP also maintains a presence in the UN Hub in Gaziantep and also in Amman under the “Whole of Syria” architecture to work with Syrian civil society in North West and other areas outside government control. UNDP leads the Early Recovery coordination and reporting through the “Whole of Syria” framework, as well as also delivers a small scale programme for areas of Greater Idlib out of GoS control. Programmatic delivery in each part has its own peculiar challenges.

11. In the government held parts, despite a relative ease in getting the approvals for field work, access remains a challenge in some cases. There is a complex bureaucratic process of decision making, and in addition to consultations with communities and local administration we need to consult respective line ministries, and the offices of governors. Also Government has tedious approval process for NGOs registration and for project implementation: this often hinders the progress on projects where local NGOs are the implementing partners Who are UNDP’s main local partners in Syria? How does UNDP ensure that it does not partner with local actors or entities that are known to be or have been sanctioned for human rights violations and repression of civilian populations?

UNDP activities are executed through either direct implementation or through partnership with NGOs and FBOs. Some of them operate in one region, while others have broader national reach.

We have a specialised department helping to develop the capacity of those NGOs in project implementation and with some we have some lasting relations for few years. None of the partners are known to have been sanctioned for Human Rights violations. It will be pertinent to mention that some of UNDP donors, particularly the EU member states, also check the implementing partners against EU and US unilateral sanctions on Syria and had never found any partner being included in the list of sanctioned entities.

Though unrelated to the UNDP programmatic activities, it would be interesting to demonstrate the tough dilemmas that we sometimes are faced with, through the following example. All the UN international staff in Damascus live at the Four Seasons Hotel due to safety, security and surveillance considerations. Despite repeated requests and improved security conditions, the government has not yet allowed the international staff to rent private apartments. It so happens that the majority shareholder of the hotel is on the EU sanctions list, though the hotel itself, as a business entity, is not on the sanctions list. UNDP rents 16 rooms at the hotel and despite our desire to do otherwise, have no choice but to deal indirectly with an EU-sanctioned individual. Several EU and European diplomats who visit Syria have also to stay at the Four Seasons.

I hope that the above responses will be found useful by HRW and we remain available for any subsequent dialogue in the spirit of transparency and constructive engagement. I want to assure you that we are mindful of the imperfect conditions and challenges that we operate under and are open to constructive engagement and continued dialogue. We will be delighted to listen more on your perspective and how we can balance the complexity of tasks, the enormity of needs and of the location-specific challenges to provide humanitarian assistance/resilience support throughout the country.

David Akopyan,



UNDP Syria Resident Representative a.i.

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Nabeel Rajab

Appendix III: Letter to the United Nations High Commissioner for Refugees from Human Rights Watch



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April 15, 2019

Sajjad Malik
The United Nations High Commissioner for Refugees Syria Representative

Dear Mr. Malik,

We write to request information in connection with research that Human Rights Watch has carried out with regards to the office of the United Nations High Commissioner for Refugees (UNHCR)'s engagement in humanitarian and development activities in areas under the control of the government in the Syrian Arab Republic. This research is part of a broader report on the human rights implications of policies governing humanitarian aid, early recovery, and reconstruction in government-held Syria, which we plan to publish in June 2019.

I am writing to seek your response to several questions, set out below. In the interests of thorough and objective reporting, we would appreciate it if you could provide us with a reply by May 15th, 2019 so that we can reflect your views and comments in our forthcoming report.

Human Rights Watch is an independent, nongovernmental organization that monitors and reports on human rights in ninety countries around the world.

Our research indicates that UNHCR is currently partnering with the Ministry of Interior, the Syrian Arab Red Crescent (SARC) and Syria Trust to raise public awareness about civil documentation and registration.

We regard UNHCR's 2018 objective to provide support to civil registration in government-held Syria to "support national counterparts in addressing issues pertaining to civil registration/documentation, as well as Housing, Land, and Property (HLP) rights" as positive in that it recognizes the serious obstacles facing Syrians who have lost their civil documentation.

However, the Ministry of Interior has been implicated in abuses against the Syrian population. It was directly involved in the repression of the civilian population in 2011-2012 and has been sanctioned by the European Union on that basis. The Ministry of Interior, through its intelligence branches, has also blocked internally displaced people from returning to their areas of origin, and refused to provide refugees seeking return with security clearance to return and confiscated their civil documentation and other identification documents.

Our research also indicates that UNHCR faced significant difficulties in early 2019, when Syrian authorities refused to allow UNHCR to distribute tents in al-Hol camp for internally displaced people because they disagreed in negotiations over the role SARC would play.

In October 2017, in recognition of the difficult operating environment that Syria poses, the UN Department of Political Affairs and the United Nations Development Programme led in the development of parameters and principles that should apply for all UN actors operating in Syria. Among the principles, UN actors operating in Syria are required to work directly with communities and households regardless of zones of influence; carefully consider the human rights and protection implications, especially as to where and how assistance is provided; and must not assist parties who have allegedly committed war crimes or crimes against humanity. The principles state that UN assistance shall be determined consciously and explicitly without prejudice to the goals of accountability for serious human rights violations.

Based on those considerations, we would appreciate receiving your responses to the following questions:

Can you kindly confirm whether the incident with regards to the delay in distribution of tents in al-Hol occurred? Please confirm the cause of the delay.

Can you kindly confirm that UNHCR is partnering with the Ministry of Interior to provide guidance and support with regards to civil documentation and housing, land and property rights? Is the partnership based on an MOU? Can you provide a copy of any MOU and further details with regards to the nature of the partnership?

How does UNHCR ensure that the technical and financial assistance it supports does not contribute to sectors or government agencies and or actors that have been sanctioned for or are known to be involved in human rights violations? Please provide relevant details.

Were human rights abuses proliferate? Please provide relevant details.

What criteria does UNHCR use to determine which projects to undertake in government-held Syria?

Does UNHCR establish contact with affected communities to ascertain whether they have been dispossessed of their civil documentation, or unlawfully prevented from accessing their property or areas of origin?

Does UNHCR conduct in-person field assessments and conflict-sensitivity assessments before implementing projects? Please provide relevant details.

Does UNHCR have full and regular access to areas where it does or intends to implement projects? Does it have full access to communities of internally displaced Syrians or returning refugees? To the extent that access is restricted, how does UNHCR assess local needs and monitoring whether intended beneficiaries are benefitting from the project?

What are the challenges that UNHCR faces in implementing projects in government-held Syria? What difficulties does it face in operating with local partners?

What type of protection programming does UNHCR undertake in government-held Syria?

In addition to responses to the above, we would welcome receiving any additional information you are able to provide regarding ensuring compliance with humanitarian and human rights principles in your operations in Syria. We would also welcome an opportunity to discuss these issues with you or other UNHCR representatives. If you would like to arrange such a discussion, please contact my colleague Sara Kayyali at [REDACTED].

Thank you for your kind assistance in this matter.

Lama Fakih
Deputy Director
Middle East and North Africa
Human Rights Watch

Appendix IV: Letter to Human Rights Watch from the Office of the United Nations High Commissioner for Refugees

UNHCR response to Human Rights Watch letter (to: Sajjad Malik; date: 15 April 2019) requesting information regarding engagement in humanitarian activities in Syria

UNHCR as part of the international humanitarian response and in coordination and partnership with all the UN and international humanitarian agencies working in Syria, continues to provide humanitarian assistance and protection services to the most vulnerable IDPs, host communities, returnees and other crisis-affected populations in all areas of Syria where humanitarian access exists. With respect to IDPs, UNHCR in Syria operates within the framework of the Syria Humanitarian Response Plan (HRP), which was developed and is implemented under the leadership of the UN Resident/Humanitarian Coordinator. The HRP sets out the framework within which the humanitarian community will respond to large-scale humanitarian and protection needs in Syria on the basis of the prioritization undertaken within and across sectors.

There are currently around 11.7 million persons in need of humanitarian assistance inside Syria, including some 6.2 million IDPs, 1.4 million IDP returnees and over 45,000 refugees (over half of whom are residing in camps). An estimated 5 million people are in acute need due to vulnerabilities resulting from displacement, exposure to hostilities and limited access to basic goods and services. The UN estimates there are around 1.16 million persons in hard-to-reach locations.

UNHCR currently has partnership agreements with 33 partners and employs some 520 staff operating from seven offices in Syria (in Damascus, Aleppo, Homs, Qamishli, Tartous and As-Sweida). A significant part of UNHCR's protection and assistance efforts are channeled through 224 Community Centres, Mobile Units and Satellite Centres in 12 Governorates and through 2,849 Syrian community outreach volunteers.

1. Can you kindly confirm whether the incident with regards to the delay in distribution of tents in al-Hol occurred? Please confirm the cause of the delay.

We did not encounter the incident described in your question. The number of people who arrived in Al Hol reached over 50,000 persons just in matter of days, and. As they arrived, without hinderance by any parties, UNHCR released the tents available and mobilized its logistics to move tents available in other location in Syria to Al Hol.

2. Can you kindly confirm that UNHCR is partnering with the Ministry of Interior to provide guidance and support with regards to civil documentation and housing, land and property rights? Is the partnership based on an MOU? Can you provide a copy of any MOU and further details with regards to the nature of the partnership?

UNHCR does not have a formal partnership with the Ministry of Interior and there is no MOU between UNHCR and MOI.

Ultimately, States have the primary responsibility to protect and assist persons within their territories affected by disasters, armed conflicts or violence. Humanitarian action is thereby meant to complement and support States in fulfilling such responsibilities. It should neither undermine nor supplement state responsibility.

The inter-related areas of civil documentation and housing, land and property rights (HLP) are two issues that are often cited by Syrian refugees, IDPs and other affected populations as key areas of concern. This has come out clearly in several assessments and surveys, including the Humanitarian Needs Overviews as well as in refugee returns and intentions surveys and focus group discussions.

Consequently, UNHCR advocates on their behalf and engages extensively with the concerned ministries, including MOI, on these (and other) issues.

3. How does UNHCR ensure that the technical and financial assistance it supports does not contribute to sectors or government agencies and or actors that have been sanctioned for or are known to be involved in human rights violations? Please provide relevant details.

UNHCR's mandate is non-political, humanitarian and social. In all its humanitarian actions, UNHCR is guided by the humanitarian principles of humanity, impartiality, neutrality and independence. These principles, derived from international humanitarian law, have been taken up by the United Nations in General Assembly Resolutions 46/182 and 58/114. It may also be worth noting that the work of UNHCR is also guided by the 2011 UN Human Rights Due Diligence Policy, as applicable.

UNHCR furthermore adheres to other principles, which are internationally recognized and complement so-called principled humanitarianism. The principle of "do no harm," for example, obliges UNHCR to prevent and mitigate any negative impact of its actions on affected populations. Equally important is UNHCR's commitment to a rights-based and community-based approach, which includes efforts to engage and empower persons of concern in decisions that affect their lives.

4. Were human rights abuses proliferate? Please provide relevant details.

While UNHCR does not have a mandate for human rights monitoring, the Office carries out protection-related operational interventions as part of the overall humanitarian response outlined in HRP.

5. What criteria does UNHCR use to determine which projects to undertake in government-held Syria?

As noted, UNHCR adheres inter alia to humanitarian principles of impartiality and neutrality. Consequently, determination of which projects are to be undertaken where are determined based on needs alone. However, other considerations may render parity between different geographical areas challenging, such as security concerns and humanitarian access.

6. Does UNHCR establish contact with affected communities to ascertain whether they have been dispossessed of their civil documentation, or unlawfully prevented from accessing their property or areas of origin?

In neighboring countries where UNHCR is responsible for registration of Syrian refugees, UNHCR records information related to available civil documentation in each household. UNHCR also conducts surveys and assessments regarding the prevalence of civil documentation and HLP documentation – and the status of refugees' property inside Syria – as well as assisting to mitigate obstacles to obtaining such documentation.

Information extrapolated from above sources inform UNHCR advocacy and programming around civil documentation and HLP, inside as well as outside Syria.

Inside Syria, UNHCR and partners are primarily outreaching to affected communities – including on civil documentation and HLP matters – through 224 Community Centres, Mobile Units and Satellite Centres in 12 Governorates and through 2,849 Outreach Volunteers.

7. Does UNHCR conduct in-person field assessments and conflict-sensitivity assessments before implementing projects? Please provide relevant details.

UNHCR and its partners undertake first-hand assessment at field level before initiating any projects. Such assessments are also undertaken within the context of inter-agency response. UNHCR and its partners including UN agencies and international organisations have established feedback mechanism which also provides good information on the needs and gaps in humanitarian including protection interventions.

8. Does UNHCR have full and regular access to areas where it does or intends to implement projects? Does it have full access to communities of internally displaced Syrians or returning refugees? To the extent that access is restricted, how does UNHCR assess local needs and monitoring whether intended beneficiaries are benefitting from the project?

As stressed by the UN Secretary-General on numerous occasions, sustained humanitarian access remains critical, with 11.7 million people in need of protection and assistance. As noted in his most recent bi-monthly report on the humanitarian situation in Syria, the Secretary-General held that:

“The provision of humanitarian assistance requires timely, safe, sustained and unimpeded access by the United Nations and all humanitarian partners. The access landscape in the Syrian Arab Republic is complex, with different areas serviced differently and different types of services requiring different operating modalities. Access is critical for principled humanitarian action, which depends notably on an ability to assess needs and to monitor and evaluate impact independently, including by regularly engaging directly with affected people.” (see: S/2019/321, 16 April 2019, para. 28)

Against this backdrop, UNHCR and partners continue to advocate for the removal of humanitarian access restrictions to affected populations as well as streamlining of administrative requirements.

Pending improvements in terms of humanitarian access, UNHCR continues to rely on its community-based protection strategy, implemented primarily through community centres, mobile units, and outreach volunteers to ensure that a maximum of individuals in need are reached. The community centres function as ‘one-stop shops’ offering a wide range of integrated protection-related services and programmes for people of diverse profiles and with diverse needs.

9. What are the challenges that UNHCR faces in implementing projects in government-held Syria? What difficulties does it face in operating with local partners?

UNHCR and the international humanitarian community work closely with local partners for needs assessments and operational activities, as access to IDPs/returnees remains a challenge especially in hard to reach areas. However, the number of available local partners and their capacity to respond in accordance with humanitarian principles to the growing needs requires enhancement. In addition, where government endorsement is needed, there is often a lengthy process, contributing to delays in implementation.

10. What type of protection programming does UNHCR undertake in government-held Syria?

UNHCR continues to provide humanitarian assistance and protection services to the most vulnerable IDPs, host communities, returnees and other crisis-affected populations in all areas of Syria where humanitarian access exists.

In cooperation with international and national NGOs, UNHCR undertakes protection programmes aimed at reducing vulnerabilities and enhancing protection. The UNHCR Protection services provided included assessments, capacity building of UNHCR partners and outreach volunteers, targeted material assistance, socio-economic activities, recreational activities, psychosocial support (PSS), legal aid, SGBV referral and response, child protection activities, vocational training, community-based initiatives as well as awareness raising sessions on various issues, ranging from residency procedures to prevention of SGBV.

UNHCR continues to contribute to the strategic objectives of the Humanitarian Response Plan (HRP) to provide life-saving assistance, mitigate protection risks and respond to protection needs, improve self-reliance, livelihoods and access to basic services, and prepare for the shift towards returns.

UNHCR continues to deliver on these objectives through five key components:

- 1) Provision of emergency life-saving assistance to IDPs, including emergency response to new displacements in North-East Syria (e.g. Al Hol camp), Idlib Governorate as well as through convoys of critical humanitarian assistance to persons in Rukban;
- 2) IDP protection and assistance to support over 6 million IDPs and equally vulnerable host communities;
- 3) Refugee protection and assistance to some 46,000 refugees and asylum seekers who continue to need support;
- 4) Winterization support, with the 2018-2019 winterization support reaching 241,870 households/1,163,494 individuals.
- 5) Preparing for returns and providing community based protection services and assistance support to returnees, mostly IDPs but also spontaneous refugee returnees, through community-based assistance.

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Appendix V: Letter to the Syrian Arab Red Crescent from Human Rights Watch

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Eng. Khaled Hboubati
President of the Syrian Arab Red Crescent
Damascus, Syria

April 22, 2019

Dear Mr. Hboubati,

We write to request information in connection with research that Human Rights Watch has carried out with regards to the Syrian Arab Red Crescent's (SARC) engagement in humanitarian and protection activities in areas under the control of the government in the Syrian Arab Republic. This research is part of a broader report on the human rights implications of policies governing humanitarian aid, early recovery, and reconstruction in government-held Syria, which we plan to publish in mid-2019.

I am writing to seek your response to several questions, set out below. In the interests of thorough and objective reporting, we would appreciate it if you could provide us with a reply by May 22, 2019 so that we can reflect your views and comments in our forthcoming report.

Human Rights Watch is an independent, nongovernmental organization that monitors and reports on violations of international human rights and humanitarian law by state and non-state actors in more than 90 countries around the world.

Our research indicates that SARC is partnering with several international organizations and United Nations agencies to provide aid to government-held Syria. Our research also shows that the Syrian security services have interfered with SARC's ability to provide humanitarian aid,

confiscating supplies and preventing access to certain areas in Syria. We have learned that certain apparent employees of SARC have cooperated with security branches to steal and resell humanitarian supplies.

Following the above, we would appreciate receiving your responses to the following questions:

- What are the challenges that SARC faces in implementing projects in government-held Syria?
- What criteria does SARC use to determine which projects to undertake in government-held Syria?
- Can you kindly describe the protocols in place for SARC staff to engage with Syrian intelligence branches when conducting humanitarian operations? To what extent have intelligence branches interfered or undermined SARC's work? Please provide examples if possible. To the extent that interference has occurred, how has SARC responded to safeguard operations?
- Can you please clarify what steps SARC has taken to investigate and hold accountable employees who have stolen or misused humanitarian aid supplies? Could you provide us with the number of staff who have been disciplined and the corresponding punishments over the last year?
- Can you confirm whether SARC has regular and unfettered access to all areas in government-held Syria? To the extent that access is restricted, how does SARC assess local needs and monitoring whether intended beneficiaries are benefitting from the project?
- How many formal partnerships does SARC have with international organizations and UN agencies? What is SARC's role in these partnerships?
- How does SARC ensure that the technical and financial assistance it provides does not contribute to sectors or government agencies and or actors that have been sanctioned for or are known to be involved in human rights or international humanitarian law violations? Please provide relevant details.

In addition to responses to the above, we would welcome receiving any additional information you are able to provide regarding ensuring compliance with humanitarian and human rights principles in your operations in Syria. We would also welcome an opportunity to discuss these issues with you or other SARC representatives. If you would like to arrange such a discussion, please contact my colleague Sara Kayyali at [REDACTED].

Thank you for your kind assistance in this matter.

Lama Fakhri

Director, Beirut Office
Deputy Director, Middle East and North Africa Division
Human Rights Watch

Appendix VI: Letter to Human Rights Watch from the Syrian Arab Red Crescent

May 13, 2019

Dear Mrs. Fakhri,

With reference to the letter sent by HRW to SARC headquarters on 22nd of April informing about the research that HRW has carried out about SARC's humanitarian activities in government-controlled areas, please see below our comments. At the same time, we ask for further clarification from HRW in regard to some issues we noticed based on your letter.

The first remark is about HRW not engaging with us in the research process related to SARC from the beginning, which draws a question mark on the method and sources of information used and whether it's first-hand data/information to draw conclusions concerning SARC.

The second issue is in regard to the scope of the research related to SARC, which was limited to the government-controlled areas of your choice. This draws yet another question mark on the reasoning behind this limited representation, and why not to cover all Syria with the humanitarian response activities in both government-controlled areas and out of control areas since we have activities in both and ignoring those activities will present a partial unclear view on the humanitarian response in Syria.

In answering to your various points, please see below.

Since 2011, SARC scaled-up its operating capacity and humanitarian response at unprecedented speed and level to meet the growing humanitarian needs with the support from international humanitarian partners. SARC is the largest local first responder with

more than 9,000 volunteers and 2300 staff actively responding to the humanitarian suffering, doing their best to fulfil the needs of the most vulnerable all over Syria.

With the Fundamental Principles at its core, SARC worked in crosslines and being the last-mile in the delivery of emergency aid and other services in government and out of government control areas. Unfortunately, this did not come without a price. Throughout the conflict, SARC faced severe institutional challenges and risks, most important 65 SARC volunteers and staff died in the line of duty during the past 8 years of the Syrian conflict. SARC's facilities, clinics and hospitals were destroyed, ambulances hijacked and rendered useless and volunteers and staff were detained, kidnapped or disappeared in different parts in Syria.

Our humanitarian response faces many challenges: guaranteeing safe and unhindered access to the affected people, obtaining required approvals from the parties to the conflict, coordinating the efforts between multiple humanitarian agencies to reach the desired efficient response to the needs, reporting on the activities to the partners and the donors, mobilizing resources to fulfil the vast needs all over Syria, and external misconceptions about SARC and politicisation of humanitarian action.

Our response and projects in Syria are driven by humanitarian needs only, based on needs-assessment carried on by SARC volunteers in sub-branches and branches all over Syria involving the communities using the humanitarian needs-assessments agreed upon with our partners, International Red Cross and Red Crescent Movement, UN agencies and INGOs. Based on first hand data and information collected directly from the field. SARC designs the interventions coordinating and in agreement with the funding partners. Mechanisms of implementation are agreed upon; reporting, monitoring and evaluation are set to have a complete project cycle that satisfies the back donors and partners.

SARC staff and volunteers should not have any engagement with any party to the conflict in a way that jeopardizes or breaches our Fundamental Principles - especially neutrality, impartiality and independency, the Code of Conduct which is signed by all volunteers and staff of our organization because that has a direct impact on the safety and security of our volunteers and staff, and it hinders our ability to access and reach the affected people, which is our priority.

Any suspicion of breach of the Fundamental Principles or the Code of Conduct is dealt with very seriously and an internal investigation is launched. Lack of compliance results in an immediate dismissal of the staff/volunteer. During the years of the crisis, SARC has dealt with few cases of breaches, where after undergoing investigations, staff members were fired, and volunteers were dismissed.

When the Fundamental Principles are in danger of being compromised by interference, SARC might suspend the activities until the necessary guarantees are granted, which was applied in the past. Should there be a suspicion of possible intrusion, the case is elevated to SARC headquarters and to the pertinent authorities at central and local levels as required. The possibility of suspending the activities is communicated, depending on the case, until the necessary guarantees are given.

We cannot stress enough that SARC continues to do its utmost to ensure that the services and relief reach only the targeted vulnerable population, and we continue our efforts to ensure strict adherence to the principles that govern our humanitarian aid and action.

With the hostile activities scaling down in some areas, SARC has increased sustained access to these areas, whether it is in government controlled or out of control areas. Through its network of branches and sub-branches, SARC has been conducting detailed needs assessment in cooperation with UN agencies such as WFP, UNHCR and others to retarget beneficiaries and update current projects and activities based on the evolving situation in these areas.

SARC has MOUs with 13 INGOs working from Damascus, and works in partnership with almost all UN agencies and the International Red Cross and Red Crescent Movement partners (ICRC, IFRC and Red Cross National Societies who have delegates working integrated with SARC headquarters such as Canadian, Finish, German, Danish, Norwegian, Swiss and British National Societies. The cooperation modality is different with each partner based on the MOU or project agreement. For example, the MOU with INGOs is only for coordination and cooperation, the agreement with the UN agencies covers implementation, distribution and reporting which leaves the monitoring to be done by the partners or by third party monitors contracted by the partners and facilitated by SARC.

SARC enjoys direct access to beneficiaries, our volunteers are the last mile for service provisioning. SARC does not contract any third party for service delivery nor delivers aid through a third party, ensuring as such that the intended aid or service does in fact reach the people in need directly guaranteeing to the degree possible no aid diversion occurs and no party to the conflict has influence or gain from SARC humanitarian action in line with the Fundamental Principles. The beneficiary selection is conducted by SARC staff and volunteers based on agreed upon vulnerability criteria between SARC and the partners then beneficiaries are registered to receive relief items.

We look forward to seeing a balanced and just coverage of SARC humanitarian activities during this crisis in your report to help shed more light on the suffering of the people in need all around Syria so more support can be mobilized and provided.

Regards

Eng. Khaled Hboubati
President, Syrian Arab Red Crescent

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Appendix VII: Letter to the United Nations Habitat from Human Rights Watch



www.hrw.org

May 21, 2019

Chamith Fernando
Syria Country Director
United Nations Habitat (UN-HABITAT)

Dear Mr. Fernando,

We write to request information in connection with research that Human Rights Watch has carried out with regards to the United Nations Habitat (UN-HABITAT) engagement in humanitarian and development activities in areas under the control of the government in the Syrian Arab Republic. This research is part of a broader report on the human rights implications of policies governing humanitarian aid, early recovery, and reconstruction in government-held Syria, which we plan to publish in June 2019.

In the interests of thorough and objective reporting, we would appreciate it if you could provide us with a reply by June 5, 2019 so that we can reflect your views and comments in our forthcoming report.

Human Rights Watch is an independent nongovernmental organization that monitors and reports on human rights in ninety countries around the world.

Our research also indicates that UN-HABITAT has issued tenders for the development of a cadastral building in al-Qussayr through the UN

Development Programme (UNDP). Al-Qussayr was home to around 30,000 people before the conflict, and was retaken by the Syrian government in 2013. Since then, reportedly hundreds of displaced persons from al-Qussayr have attempted to return, but the government has blocked them from returning, effectively stripping them of their property rights. Residents whom Human Rights Watch spoke to said the government did not provide a clear reason why the area was off-limits.

In October 2017, in recognition of the difficult operating environment that Syria poses, the UN Department of Political Affairs and UNDP led in the development of parameters and principles that should apply for all UN actors operating in Syria. Among the principles, UN actors operating in Syria are required to work directly with communities and households regardless of zones of influence; carefully consider the human rights and protection implications, especially as to where and how assistance is provided; and must not assist parties who have allegedly committed war crimes or crimes against humanity. The principles state that UN assistance shall be determined consciously and explicitly without prejudice to the goals of accountability for serious human rights violations.

Based on those considerations, we would appreciate receiving your responses to the following questions:

1. Can you kindly confirm whether UN-HABITAT is issuing tenders for the cadastral building in al-Qussayr?
2. Did UN-HABITAT do any due diligence to ascertain whether human rights violations were committed with regards to the areas where it intends to implement projects? If so, can you please provide that assessment or provide details about it?
3. Does UN-HABITAT conduct due diligence to determine the legal status of land it develops projects on? If so, what steps are undertaken?
4. Does UN-HABITAT undertake due diligence to ascertain whether property it might use has been expropriated? If so, can you provide details of that analysis?
5. In the case of expropriations, does UN-HABITAT establish contact with affected communities and dispossessed residents to ascertain whether they have been adequately compensated and provided with alternative housing?
6. What criteria does UN-HABITAT use to determine which projects to undertake in government-held Syria and where?

7. Does UN-HABITAT conduct in-person field assessments before implementing projects? Please provide relevant details.
8. Does UN-HABITAT have full and regular access to areas where it is or intends to implement projects? To the extent that access is restricted, how does UN-HABITAT assess local needs and monitor whether intended beneficiaries are benefitting from the project?
9. Does UN-HABITAT conduct a conflict-sensitivity assessment before implementing projects? Please provide us with relevant details.
10. What are the challenges that UN-HABITAT faces in implementing projects in government-held Syria? Specifically, what does UN-HABITAT see as the main obstacles to implementing projects in government-held Syria in a manner that respects the rights of the beneficiary population?
11. Who are UN-HABITAT's main local partners in Syria? How does UN-HABITAT ensure that it does not partner with local actors or entities that are known to be or have been sanctioned for human rights violations and repression of civilian populations?

In addition to responses to the above, we would welcome receiving any additional information you are able to provide regarding ensuring compliance with humanitarian and human rights principles in your operations in Syria. We would also welcome an opportunity to discuss these issues with you or other UN-HABITAT representatives. If you would like to arrange such a discussion, please contact my colleague Sara Kayyali at [REDACTED].

Thank you for your kind assistance in this matter.

Sincerely,

Lama Fakih

Acting Director
Middle East and North Africa
Human Rights Watch