



THE UPR PROJECT AT BCU

Submitted by:

BCU Centre for Human Rights
School of Law
Birmingham City University

Submitted to:

Syrian Arab Republic's Universal Periodic Review
Third Cycle
40th Session of the UPR Working Group
Jan-Feb 2022

About the UPR Project at BCU:

Birmingham City University's Centre for Human Rights was created in 2014 to promote human rights, ensure access to justice, and enhance the rule of law around the world. We seek to achieve this through research, education, and consultancy. We submit expert reports to international human rights regions, provide advisory services to governments and nongovernmental organisations, and draft legal opinions and file legal briefs in domestic courts and in international human rights courts.

The Centre for Human Rights established the UPR Project in 2018 as part of our consultancy service. We engage with the Human Rights Council's review process in offering support to the UPR Pre-sessions, providing capacity building for UPR stakeholders and National Human Rights Institutions, and file stakeholder reports in selected sessions. The UPR Project is designed to help meet the challenges facing the safeguarding of human rights around the world, and to help ensure that UPR recommendations are translated into domestic legal change in member state parliaments. We fully support the UPR ethos of encouraging the sharing of best practice globally to protect everyone's human rights.

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INTRODUCTION

1. The Syrian Arab Republic has ratified eight of the nine core international human rights treaties,ⁱ and is yet to ratify one.ⁱⁱ Of these, the country has ratified the ICCPR and in line with the Covenant's protection of the right to life and the prohibition against inhumane punishment, this Stakeholder Report focuses upon the use of the death penalty. We recommend that the government make practical commitments in the third cycle of the UPR for the abolition of the punishment. As an initial step, we call for the suspension of the capital judicial process through the initiation of an official moratorium on the death penalty. This will enable the government to make a positive commitment towards domestic *de jure* abolition. Following this potential change in national law, it will provide the opportunity to ratify the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty,ⁱⁱⁱ and nullify the obstacles to joining the abolitionist countries in the next UNGA biennial vote in support of the Resolution on the moratorium on the use of the death penalty.^{iv} The government could then contribute positively to a world free of the death penalty.

A. Syrian Arab Republic and International Law on the Death Penalty

The Capital Judicial Process in the Syrian Arab Republic

2. The Syrian Arab Republic is a death penalty retentionist country and has applied the punishment during the 3rd Cycle review period (2016-2021). The Constitution of the Syrian Arab Republic (2012), does not specifically provide for a capital judicial process, but the right to a fair trial, and the presumption of innocence and the right to counsel, are protected under Article 51.^v
3. The capital judicial process conducted within domestic criminal courts is endorsed primarily within the Syrian Penal Code.^{vi} However, in the review period there have been substantiated reports of the use of military tribunals that have administered 1000s of death sentences.^{vii}
4. Capital sanctions include murder, robbery that results in a death, and crimes other than intentional homicide. These include offences such as, arson, an expansive definition of terrorism not resulting in a death, drug trafficking not resulting in a death, drug possession, and treason, which includes political activities, such as the expression of non-violent opinions or beliefs.^{viii}
5. Due to the internal armed conflicts and the resultant unstable conditions in the country, there are no official up-to-date figures on the capital judicial process, including, *inter alia*, death sentences, people currently imprisoned under sentence of death, and the number of annual executions. In the reports during the period of the third cycle, Amnesty International have been unable to confirm the number of judicial executions which have

taken place in the Syrian Arab Republic, although the organisation have affirmed that executions were carried out in 2019 and 2020.^{ix}

6. For the 2nd UPR Cycle of the Syrian Arab Republic, a coalition of eight civil society organisations noted the human rights violations by the ‘Military Field Courts.’ These courts have handed down death sentences, and are characterised by their secrecy, the military judge’s ability to deny procedural safeguards for defendants, and the denial of the right of appeal against sentence.^x
7. In the period of the 3rd UPR Cycle, Amnesty International have affirmed that military controlled prisons have conducted capital trials in bread of due process and defendants rights, and 1000s have been hanged.^{xi} In Saydnaya Military Prison trials have been held producing a significant denial of due process of law, lack of time to prepare an adequate defense, adequate access to counsel, and the right to an appeal. Amnesty International estimate that between 5,000 to 13,000 people were executed over a five-year period.^{xii}
8. The clear legal distinction between criminal law offences and the death penalty and military judges applying extra-judicial executions, has become blurred. The government has allowed an opacity to be created which has produced significant opportunities for the state to abuse the rights of defendants. It renders opportunities for the government to deny equality of arms, the right to a fair trial, and access to competent legal representation which are protected under ICCPR articles 6, 7, and 14, and affirmed in the ECOSOC Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty.^{xiii} There is significant evidence to reveal that the state has violated defendant’s rights in all of these aspects of the capital judicial process.

International Law Promoting the Restriction and Abolition of the Death Penalty

9. The United Nations has created a sophisticated framework for scrutinising the death penalty. ICCPR Article 6, protects the right to life, Article 7 prohibits torture and inhumane punishment, and Article 14 provides for the right to a fair trial.^{xiv} The Second Optional Protocol to the ICCPR rendered an opportunity to galvanise state abolition worldwide,^{xv} and the ECOSOC Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty provide enhanced procedural, trial, and appellate protections for capital defendants.^{xvi}
10. This corpus of legal protection contributes to the abolitionist initiatives in the General Assembly,^{xvii} the OHCHR Special Procedures including Country Mandates^{xviii} and Thematic Mandates of the various Special Rapporteurs and Working Groups,^{xix} the quinquennial reporting to the Secretary General,^{xx} the Secretary General’s Question on the Death Penalty,^{xxi} Human Rights Committee decisions,^{xxii} and the Universal Periodic Review.^{xxiii}

11. This intricate UN machinery was reflected in the Human Rights Council on 4 March 2015, during the high-level panel which, ‘exchange[d] views on the questions of the death penalty, and [addressed] regional efforts aiming at...abolition.’^{xxiv} Mr. Joachim Rucker, President of the Human Rights Council, noticed the, ‘major achievement,’^{xxv} that a significant majority of countries around the world had, ‘either abolished the death penalty, introduced a moratorium or did not practice it.’^{xxvi} Ms. Ruth Dreifuss, former President of the Swiss Confederation, affirmed, ‘humanity had made considerable advances towards the universal abolition of the death penalty.’^{xxvii} The panel concluded that in considering each of the human rights regions it is, ‘possible to move gradually towards abolition through dialogue and advocacy,’ and this is because the death penalty is, ‘not about any particular culture or any religion.’^{xxviii} Abolition of the death penalty is therefore a universal ideal.

12. On 26 February 2019 a further HRC high-level panel focused on the associated human rights violations and concluded:

[i]t is fundamentally unjust for a State to decide who deserved to live and who did not...the panel encouraged societies to seek reconciliation rather than meeting violence with violence by applying the death penalty.^{xxix}

13. Reflecting this abolitionist focus, the General Comment on the Right to Life^{xxx} provides an interpretive methodology and concerning ICCPR Article 6(6), which states, ‘[n]othing in this article shall be invoked to delay or to prevent the abolition of capital punishment,’ it:

reaffirms the position that States parties that are not yet totally abolitionist should be on an irrevocable path towards complete eradication of the death penalty, de facto and de jure, in the foreseeable future. The death penalty cannot be reconciled with full respect for the right to life, and abolition of the death penalty is both desirable [...] and necessary for the enhancement of human dignity and progressive development of human rights.^{xxxi}

14. Article 6(6) provides a time-limiting mechanism that is designed to neutralise the ability of member states to perpetually claim domestic legitimacy in a continued use of the death penalty. This is reflected in the growing international consensus against capital punishment,^{xxxii} as affirmed in the Human Rights Council’s Resolution 42/24 The question of the death penalty, on 27th September 2019.^{xxxiii}

Syrian Arab Republic and the UNGA Resolution on the moratorium on the use of the death penalty

15. The Syrian Arab Republic is currently initiating a capital judicial process which is in contradistinction to the growing global community against the death penalty. In the biennial vote of the UNGA Resolution on a moratorium on the use of the death penalty,

there has been a consistent increase in state signatures solidifying a global position against this punishment. However, the Syrian Arab Republic has voted ‘against’ the resolution in each vote in 2007,^{xxxiv} 2008,^{xxxv} 2010,^{xxxvi} 2012,^{xxxvii} 2014,^{xxxviii} 2016,^{xxxix} 2018,^{xl} and 2020.^{xli}

16. Consistent with this retentionist position the Syrian Arab Republic has supported the Joint Permanent Missions’ *note verbale* of dissociation, in the objection to the Secretary General of the attempt to create a global moratorium against the death penalty. These were presented in 2008,^{xlii} 2009,^{xliii} 2011,^{xliv} 2013,^{xlvi} 2015,^{xlvii} 2017,^{xlviii} and 2019.^{xlviii}

17. In the 63rd Session (2008) discussions on the resolution, Ms. Warif Halabi presented the government’s reasoning for voting ‘against,’ and stated:

My delegation is of the view that the draft resolution on the moratorium on the use of the death penalty is a clear intervention in the internal affairs and the political independence of States, in contravention of the Charter. The draft resolution has nothing to do with the implementation or non-implementation of the death penalty but relates in the first place to the sovereignty of each State in choosing its political, juridical, social and cultural systems.

[...]

This penalty is a legal penal action that pertains to criminal justice. It has nothing to do with human rights.

18. The government’s reasoning is flawed and two points are made for illustration:
- a. The government provided an erroneous reading of the Charter of the United Nations. In so doing it fails to understand that a purpose of the United Nations is to identify and safeguard legitimate sovereign state policies, and to promote them globally. The legitimacy of sovereign state action is informed by solidifying global norms, and in this case on the rejection of the death penalty.^{xlix}
 - b. International law does not promote the continuation of the death penalty as a principle of national criminal law. The Syrian Arab Republic has ratified the ICCPR and Article 6(6) provides a time-limiting criteria on the state application of capital punishment. Ratifying states must accept that they cannot continue to apply the death penalty in perpetuity. This legal principle is mandated through the Second Optional Protocol to the ICCPR and has *ipso facto* been affirmed by the growing global rejection of the punishment in the vote of the UNGA Resolution on the moratorium on the death penalty.

B. Implementation of Recommendations from the UPR 2nd Cycle in 2016

Syrian Arab Republic's National Report and the Statements on the Death Penalty

19. The Second Cycle National Report does not present any information on the capital judicial process¹ and concerning the recommendations of **Guatemala** (109.3) and **El Salvador** (109.4), the government's response to the Working Group was:

National committees in the Syrian Arab Republic are studying the possibility of ratifying optional protocols to international treaties, except as regards the death penalty.^{li}

Recommendations concerning De Jure Abolition and the Adoption of International Law

20. In the second cycle, five recommendations were made concerning the death penalty. **Montenegro**, **Uruguay**, and **Rwanda** (109.2) recommended the government ratify the Second Optional Protocol to the ICCPR. **Guatemala** (109.3) recommended that the government '[r]atify the Optional Protocols,' and **El Salvador** (109.4) that the government '[b]ecome party to the Optional Protocols,' to the ICCPR, the ICESCR and CEDAW. Recommendation (109.2) was 'noted.' Recommendations (109.3) and (109.4) provided a collection of treaties, and the government 'noted' these, saying that it was considering the Optional Protocols except as regards the death penalty.^{lii}

Advice for Recommending Governments

21. During the UPR it would be appropriate for governments to adopt a SMART approach to recommendations as recognised by UPRinfo.^{liii} This would help the Syrian Arab Republic to begin an incremental approach to reducing the scope of the punishment and map out the process for abolition. Separate stages could be identified in the UPR recommendations:

- a) Ensure a transparent application of the capital judicial process along with the annual production of reliable data to include *inter alia*, the number of annual capital trials and death sentences, the annual population of death row, and annual execution statistics.
- b) Provide all capital defendants competent legal representation consistent with the ICCPR article 14, and the ECOSOOC Safeguards. All persons sentenced to death should have the right to an appeal and following the exhaustion of legal remedies, ensure an effective opportunity to petition for clemency.
- c) Abolish mandatory capital offences and reduce the scope of the punishment to comply with ICCPR article 6(2) 'most serious crimes.' All capital offences which do not result in a homicide must be abolished.
- d) Initiate an official moratorium on the death penalty and appoint an independent committee to discuss the process for the abolition of the punishment.
- e) Following a moratorium, initiate *de jure* abolition of the punishment for all offences.

C. Further Points for the Syrian Arab Republic to Consider

The Role of the National Human Rights Commission

22. The Syrian Arab Republic stated in the second cycle that:

The Government was about to establish a national human rights institution in compliance with principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).^{liv}

23. **Indonesia** (109.29) had recommended the government strengthen ‘all existing national human rights institutions,’ and the **Russian Federation** (109.27) and **Algeria** (109.28) recommended the consideration of establishing a ‘national human rights institution in accordance with the Paris Principles.’

24. We support the formation of a national human rights institution, and call upon the government to provide the NHRI with a mandate to consider the question of the abolition of the death penalty.

Adopting the UPR Recommendations to Enable the State to Benefit from Advances in Effective Penology

23. The right to benefit from scientific advancement should apply to the progress in social science research on the death penalty. The UDHR, Article 27, states, ‘[e]veryone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits,’^{lv} and the ICESCR Article 15 (1)(b) recognises the right of everyone, ‘[t]o enjoy the benefits of scientific progress and its applications.’

24. Roger Hood and Carolyn Hoyle have produced the leading social science and criminological investigations into the death penalty worldwide and have concluded:

[t]hose who favour capital punishment ‘in principle’ have been faced with yet more convincing evidence of the abuses, discrimination, mistakes, and inhumanity that appear inevitably to accompany it in practice. Some of them have set out on the quest to find the key to a ‘perfect’ system in which no mistakes or injustices will occur. In our view, this quest is chimerical.^{lvi}

25. Social science investigations demonstrate that appropriate government means that whilst capital punishment could be created within a legitimate parliamentary process,^{lvii} it is now clear that the application of the death penalty renders an illegitimate and inhumane outcome.^{lviii} Hence, no government should have the right to impose death as a punishment.

The Universal Periodic Review and the Sustainable Development Goals

26. Syrian Arab Republic should consider adopting the UPR recommendations in an expression of mutual reinforcement of commitments to promote the Sustainable Development Goals.^{lix} The human rights values expressed in both the UPR and the SDGs can be woven together to promote policy coherence.^{lx}
27. SDG 16 provides for ‘Strong Institutions and Access to Justice and Build Effective Institutions,’ but the application of the death penalty is inconsistent with this goal.^{lxi} SDG 16.1, aims to reduce death rates, promote equal access to justice, and protect fundamental freedoms. To further this, SDG 16.A.1 identifies the importance of independent national human rights institutions. Consistent with this goal, the Syrian Arab Republic should provide the national human rights commission, with a mandate to advise on the legislative process for the abolition of the death penalty.
28. The use of the death penalty does not signal legitimate strength in institutions, but renders counterproductive and inhumane consequences, including a brutalising effect upon society.

D. Recommendations

1. The government of the Syrian Arab Republic should implement the recommendations from the second cycle of the UPR to:
 - a. ratify the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty;
2. As an incremental concession, the government should adopt:
 - b. an official moratorium on the death penalty, and;
 - c. amend national legislation to abolish the punishment in all circumstances.
3. The government should create an independent National Human Rights Commission under the Paris Principles, and provide it with a mandate to advise on legislative amendment for abolition. This will include amending the Syrian Penal Code and provide a Constitutional amendment for the protection of the right to life, for example:

The right to life is guaranteed. No one shall be subject to the capital judicial process. The death penalty is abolished.
4. The government should support the next vote on the UNGA Resolution on the moratorium on the use of the death penalty.

5. The government should identify an acceptance of the UPR recommendations on the abolition of the death penalty, as also signalling the Syrian Arab Republic's affirmation of commitments to SDG 16 on strong institutions.

ⁱ The core international treaties that the Syrian Arab Republic has ratified are: International Covenant on Civil and Political Rights, (1976) 999 UNTS 171 (ratified on 21 April 1969); International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A (XXI) 16 December 1966 (ratified on 21 April 1969); Convention on the Rights of the Child, G.A. Res. 44/25, 20 November 1989 (ratified on 15 July 1993); Convention on the Elimination of All forms of Discrimination Against Women, New York, 18 December 1979 (ratified 28 March 2003); Convention on the Elimination of All Forms of Racial Discrimination, New York, 21 December 1965 (ratified on 21 April 1969); and, Convention on the Rights of Persons with Disabilities, New York, 13 December 2006 (ratified 10 July 2009); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46 10 December 1984 (ratified 19 August 2004); and the International Convention on the Protection of the Rights of All Migrant Workers and members of Their Families, G.A. Res 45/158, 18 December 1990 (ratified on 2 June 2005).

ⁱⁱ Convention for the Protection of All Persons from Enforced Disappearance, New York, 23 December 2010.

ⁱⁱⁱ The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, G.A. Res 44/128 15 December 1989.

^{iv} Resolution on the Moratorium on the use of the death penalty, UNGA Res. 75/183, 16 December 2020.

^v The Constitution of the Syrian Arab Republic (2012), Article 51 (2) Every defendant shall be presumed innocent until convicted by a final court ruling in a fair trial; (3). The right to conduct litigation and remedies, review, and the defense before the judiciary shall be protected by the law, and the state shall guarantee legal aid to those who are incapable to do so, in accordance with the law; https://www.constituteproject.org/constitution/Syria_2012.pdf?lang=en

^{vi} Syrian Penal Code (1949), Article 43.

^{vii} EuroMed Rights (Euro-Mediterranean Human Rights network - EMHRN), Syrian Center for Legal research and Studies (SCLRS), Syrian Center for Statistics and research (SRC), Syrian Institute for Justice (JUSTICE - SIJ), Syrian League for Citizenship (SL4C), Syrian Network for Human Rights (SNHR), The Day After (TDA), Urnammu, Violations Documentation Center in Syria (VDC), UPR Stakeholder Submission: Syrian Arab Republic Second Cycle, Submitted in March 2016, p. 13. file:///C:/Users/id111947/Downloads/JS6_UPR26_SYR_E_Main.pdf

^{viii} For a comprehensive detailing of capital offences, see The Syrian Arab Republic's Compliance with International Covenant on Civil and Political Rights Treaty, Suggested List of Issues Prior to Reporting Relating to the Death Penalty, Submitted by The Advocates for Human Rights and The World Coalition Against the Death Penalty, 130th Session of the Human Rights Committee, 12 October–6 November 2020, Submitted 17 August 2020, https://www.theadvocatesforhumanrights.org/uploads/tahr_wcadp_syria_death_penalty_loi.pdf

^{ix} Amnesty International, *Death Sentences and Executions in 2019*: ACT 50/1847/2020, Amnesty International, 2020. In FN 7, 'Due to the ongoing conflict, Amnesty International could not confirm that executions were carried out in Syria in 2013, 2014, 2015, 2016, 2017 and 2018.' See also, Amnesty International, Syria 2020, Amnesty International Report, The State of the World's Human Rights, 2020/2021, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/syria/report-syria/>

^x Amnesty International, *Syria: Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison*, 7th February 2017. <https://www.amnesty.org/en/documents/mde24/5415/2017/en/>

^{xi} Ibid, p. 6.

^{xii} Ibid., p. 6.

^{xiii} Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, Economic and Social Council Resolution, 1984/50.

^{xiv} International Covenant on Civil and Political Rights (1976) 999 UNTS 171, Article 6 (right to life); Article 7 (the prohibition against torture and inhuman or degrading treatment or punishment); and Article 14 (the right to a fair trial and the principle of equality of arms).

^{xv} The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, GA Res. 44/128, December 15, 1989.

^{xvi} See, Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, Economic and Social Council Resolution, 1984/50; Additions to the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty as Agreed by the Economic and Social Council Resolution 1989/64; and the Strengthening of the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty as Agreed by the Economic Council Resolution 1996/15.

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- ^{xvii} For example, see the UNGA Resolution on the moratorium on the use of the death penalty, UNGA Res A/RES/73/170 (17 December 2018).
- ^{xviii} For example, the Independent Expert on the human rights situation in Sudan <http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/SDIndex.aspx>.
- ^{xix} For example, the Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions, <http://www.ohchr.org/EN/Issues/Executions/Pages/SRExecutionsIndex.aspx>, and the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, <http://www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/SRTortureIndex.aspx>.
- ^{xx} ECOSOC Capital Punishment and Implementation of the Safeguards Guaranteeing Protection of the Rights of those Facing the Death Penalty Report of the Secretary-General UN Doc E/2015/49 (13 April 2015).
- ^{xxi} Report of the Secretary General, Question of the Death Penalty, A/HRC/27/23, 30 June 2014.
- ^{xxii} For example, *Judge v. Canada*, Communication No. 829/1998, U.N. Doc. CCPR/C/78/D/829/1998 (2003).
- ^{xxiii} UPR Info, Database: Death Penalty <https://www.upr-info.org/database/>.
- ^{xxiv} High-level panel discussion on the question of the death penalty, Report of the United Nations High Commissioner for Human Rights, UNGA, A/HRC/30/21 (16 July 2015) p. 2
- ^{xxv} *Ibid.*
- ^{xxvi} *Ibid.*
- ^{xxvii} *Ibid.*
- ^{xxviii} *Ibid.*, p. 12.
- ^{xxix} High-level panel discussion on the question of the death penalty, A/HRC/42/25, p. 10.
- ^{xxx} General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, CCPR/C/GC/36, 30 October 2018.
- ^{xxxi} *Ibid.*, para. 50, p. 12.
- ^{xxxii} Amnesty International, stated, that at the end of 2018, more than two-thirds of the world's nations had "abolished the death penalty in law or practice," in, *Death Penalty in 2018: Facts and Figures*, (10 April 2019) <www.amnesty.org/en/latest/news/2019/04/death-penalty-facts-and-figures-2018/>.
- ^{xxxiii} Resolution 42/24 The question of the death penalty, A/HRC/RES/42/24, 8 October 2019.
- ^{xxxiv} Resolution on the Moratorium on the use of the death penalty, UNGA Res. 62/149, 18 December 2007 *adopted by 104 votes to 54, with 29 abstentions.*
- ^{xxxv} Resolution on the Moratorium on the use of the death penalty, UNGA Res. 63/168 18 December 2008, *adopted by 106 votes to 46, with 34 abstentions*
- ^{xxxvi} Resolution on the Moratorium on the use of the death penalty, UNGA Res. 65/206 21 December 2010 *adopted by 109 votes to 41, with 35 abstentions*
- ^{xxxvii} Resolution on the Moratorium on the use of the death penalty, UNGA Res. 67/176 20 December 2012, *adopted by 111 votes to 41, with 34 abstentions*
- ^{xxxviii} Resolution on the Moratorium on the use of the death penalty, UNGA Res. 69/186 18 December 2014 *adopted by 117 votes to 37, with 34 abstentions;*
- ^{xxxix} Resolution on the Moratorium on the use of the death penalty, UNGA Res. 71/187, 19 December 2016 *adopted by 117 votes to 40, with 31 abstentions.*
- ^{xl} Resolution on the Moratorium on the use of the death penalty, UNGA Res. 73/175 17 December 2018 *adopted by 121 votes to 35, with 32 abstentions.*
- ^{xli} Resolution on the Moratorium on the use of the death penalty, UNGA Res. 75/183, 16 December 2020 *adopted by 123 votes to 38, with 24 abstentions.*
- ^{xlii} Note verbale dated 11 January 2008 from the Permanent Missions to the United Nations of Afghanistan and fifty-seven others, addressed to the Secretary general, A/62/658, 2 February 2008.
- ^{xliiii} Note verbale dated 12 February 2009 from the Permanent Missions to the United Nations of Egypt, addressed to the Secretary general, A/63/716, 12 February 2009.
- ^{xliiv} Note verbale dated 11 March 2011 from the Permanent Missions to the United Nations of Egypt, addressed to the Secretary general, A/65/779, 11 March 2011.
- ^{xli v} Note verbale date 16 April 2013 from the Permanent Missions to the United Nations of Egypt, addressed to the Secretary general, A/67/841, 16 April 2013.
- ^{xli vi} Note verbale dated 28 July 2015 from the Permanent Missions to the United Nations of Egypt, addressed to the Secretary general, A/69/993, 28 July 2015.
- ^{xli vii} Note verbale dated 17 September 2017 from the Permanent Missions to the United Nations of Egypt addressed to the Secretary general, A/71/1047, 17 September 2017.
- ^{xli viii} Note verbale dated 16 September 2019 from the Permanent Missions to the United Nations of Egypt addressed to the Secretary general, A/71/1047, 16 September 2019.
- ^{xli x} In this context the government has failed to acknowledge the relevance and importance of the Charter of the United Nations, Article 1(3), which states that the purposes of the United Nations, includes, 'To achieve

international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all...’

^l National Report, Syrian Arab Republic, presented to the Working Group on the Universal Periodic Review, A/HRC/WG.6/26/SYR/1, 28 September 2016.

^{li} Report of the Working Group on the Universal Periodic Review, Syrian Arab Republic, Addendum, A/HRC/34/5/Add.1 13 March 2017, p. 2.

^{lii} Ibid.

^{liii} See, UPRinfo, For impact on the ground the UPR needs SMART recommendations 21/10/2015 <https://www.upr-info.org/en/news/for-impact-on-the-ground-the-upr-needs-smart-recommendations>

^{liv} Report of the Working Group of the Universal Periodic Review, Syrian Arab Republic, A/HRC/34/5, 27 December 2017, para 15.

^{lv} It is further recalled that the Human Rights Council determined that the basis of the Universal Periodic Review includes consideration of the Universal Declaration of Human Rights, see, Institution-building of the United Nations Human Rights Council, A/HRC/RES/5/1 18 June 2007.

^{lvi} See, Roger Hood and Carolyn Hoyle, *The Death Penalty: A Worldwide Perspective*, 5th ed, (Oxford University Press, 2015), p. 7-8.

^{lvii} John Rawls stated, “[a]t some point, the injustice of the outcomes of a legitimate democratic procedure corrupts its legitimacy,” in, *Political Liberalism*, (Columbia University Press, 2005), p. 248.

^{lviii} Austin Sarat stated, “law cannot work its lethal will and ally itself with the killing state while remaining aloof and unstained by the deeds themselves,” in, *When the State Kills: Capital Punishment and the American Condition*, (Princeton University Press, 2001), p. 21.

^{lix} See the UN Sustainable Development Goals website, <https://sustainabledevelopment.un.org/?menu=1300>

^{lx} The first two cycles of the UPR were reviewed under a data mining procedure and of the circa. 50,000 recommendations, it was possible to link more than 50% of those to SDG targets, see, The Danish Institute for Human Rights, Linking the Universal Periodic Review to the SGGs, p. 2

^{lxi} Sustainable Development Goal 16, “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels,” <https://sustainabledevelopment.un.org/sdg16> 16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all, and 16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.