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“Violation of Human Rights in Madaya Syria from the beginning of the civil war in
2011 to 2016”

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"Peace can only last when human rights are respected, when people have what to eat and when individuals and nations are free."

14^o Dalai Lama

I dedicate the present thesis to those who have lived the war in Syria, to those who fight for peace on the battlefield, to the volunteers of humanitarian aid for their devotion, work and dedication; and especially to children who have suffered the conflict at their young age.

I also dedicate this work to my parents for being a fundamental pillar in my life, to my sister Marcela for her unconditional support, to my relatives and friends who have been present in this process.

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Abstract

Since 2011, under Bashar al-Assad's government, Syria has been facing a civil war which has been considered worldwide as the greatest humanitarian crisis that has existed since 1945. In this conflict several cities have been besieged. One of them is Madaya, which has been intervened by the government forces and its allied: The Hezbollah group. As a result of this conflict, the human rights of the population have been violated and many humanitarian agencies have had to intervene to try to mitigate the effects of this war.

Key words: conflict, human, international, Madaya, organizations, rights, siege, Syria, war.

Resumen

Desde el año 2011, en el gobierno de Bashar Al-Assad, Siria enfrenta una guerra civil la cual ha sido considerada, a nivel mundial, como la mayor crisis humanitaria que ha existido desde 1945. En este conflicto llama la atención que varias ciudades han sido sitiadas, entre estas se encuentra Madaya, la que ha sido intervenida por las fuerzas de gobierno y su aliado: el grupo Hezbollah. Como resultado de este conflicto se han visto violentados los derechos humanos de la población, los que serán analizados en este trabajo de titulación, así como la participación de organismos de ayuda humanitaria han tenido que intervenir para intentar mitigar los efectos de la guerra.

Palabras clave: asedio, conflicto, derechos, guerra, humanos, internacionales, Madaya, organizaciones, Siria.

Introduction

Since 2011, many countries in the Middle East, such as Syria, Egypt, Lebanon and Tunisia, began a series of manifestations by the civilian population in order to assert their democratic and civil rights, since they felt that their leaders did not respected freedom of expression, repressed them by exercising power over them and in many cases violating the human rights of those who criticized the government (Amnistía Internacional, 2016). These manifestations of the civilian population are known as the Arab Spring.

The reactions and responses to these mobilizations varied depending on where they happened. In countries such as Morocco, Yemen and Bahrain, people wanted to achieve an egalitarian system where they could freely express themselves without fear of retaliation by the government forces. Taking this situation into account, the government made some reforms to calm down the population. In Egypt they had free elections, although the main objective was not yet achieved: the long-awaited democracy¹; in Tunisia and Egypt the dictatorships that controlled the system for a long time finalized. On the other hand, Syria and Libya took the worst part because of the violence that these countries had in their manifestations, they committed crimes against humanity², with evidences of war crimes³ (López-Jacoiste, 2015).

After more than five years of conflict in which there have been deaths and hundreds of refugees, it does not seem possible to reach a peace agreement despite of the attempts of organisms like the United Nations (UN) to reach the desired peace in these

¹ Democracy: It is a form of government in which the sovereign people have the power.

² Crimes against humanity: according to the Rome Statute of 1998, those crimes are conducts such as murder, deportation, abduction, extermination, torture, rape, forced prostitution, political, religious, racial or ethnic persecution, forced disappearance or any act lacking humanity and causing severe damage both psychically and physically.

³ War crimes: it consists in violations of international humanitarian law, murders, ill-treatment, deportation and forced labor of civilians and prisoners, execution of hostages and destruction not due to military reasons. (Abrisketa, Dictionary of Humanitarian Aid and Development)

territories (López-Jacoiste, 2015). In this context we can mention the expression of a Syrian citizen who makes the following analogy: "Eucalyptus trees have neither flowers nor fruits, which is why people do not throw stones at them or destroy them, instead to fruit trees all we throw stones at them, we pull them and we break their branches to get their fruits. This is the case of these lands, it is a land of fruits to which people will continue to throw stones and mistreating them to obtain all their riches "(Anonymous, 2017).

Theoretical Framework

The development of this research work is based on the principles contained in the United Nations Charter for Human Rights, international treaties and agreements, the principle of sovereignty and non-state intervention. This charter was created based in the liberal theory. That promulgates international cooperation to avoid wars between member countries.

At the end of the World War II, the organization of the United Nations decided to incorporate human rights into international law with the aim of giving protection to all people worldwide. The Charter of the United Nations was created in 1945 with the aim of protect and promote the observance of human rights and fundamental freedoms; in this charter the member states commit themselves to take measures to ensure respect for those rights in the world without distinctions to race, sex, language or religion. Since the creation of this Charter, the fulfillment of human rights could no longer be considered as a matter of each State, now it concerns to the international community. By then, such standards have been established, in 1948, the Universal Declaration of Human Rights was promulgated and was adopted in 1993; in that statement a list of rights was approved and a series of treaties, pacts and documents in which human rights were universally recognized (Joseph & Kyriakakis, 2010).

Under the Charter of the United Nations and human rights treaties, a number of institutions have been set up to monitor their fulfillment, organisms have also been created to monitor their implementation and to interpret particular treaties, such as: The Human Rights Council, the General Assembly, the Economic and Social Council and the quasi-judicial body for monitoring the compliance of the human rights of the United Nations, made up of human rights experts acting individually. All these bodies are supported by the Office of the United Nations High Commissioner for Human Rights (Joseph & Kyriakakis, 2010).

Human rights institution has not the power to make legal decisions in the case that any State commits any human rights abuses, it is the Regional Human Rights Courts that has the power to take decisions and take action. This court reveals to the international

community which was the State that had committed any abuse, this action has several negative implications for it, so non-state actors will try to revoke the capital invested and there will be no new investors, some alliances between countries can break, the opposition of that government would take it as an advantage in their favor; finally, another State or group of States may take stronger measures against an infringing State such as unilateral or multilateral sanctions, cessation of diplomatic or economic relations. The State that committed an abuse may be suspended or permanently expelled from an organization of States, considering that the most serious sanction is to use military force to replace the government, it is called "humanitarian interventions", its aim is to stop abuses against the human rights of the population, eliminate intimidations to peace and maintain international security; if any State wants to interfere in territories of another State, it has to be authorized by the United Nations Security Council (Joseph & Kyriakakis, 2010).

Each State has a responsibility to guarantee the wellbeing of its people and to ensure that human rights are respected, but above all to avoid cases of genocide⁴, war crimes, ethnic cleansing and crimes against humanity. When a State does not fulfill what is established, another state can intervene only in cases of human rights violations and only after making sure that an attempt has been made to solve the problem in a peaceful and multilateral manner. States can not claim that human rights are internal affairs corresponding to state jurisdiction based on the principle of sovereignty that they possess, this principle dictates that no person can interfere in the internal affairs of that State, that is why states agreed to limit the intervention of the international community in these cases of human rights (Joseph & Kyriakakis, 2010).

Two regimes coexist in international society: sovereignty and human rights. Sovereignty is a principle that adjudges the State the supreme authority inside its territorial borders and does not conceive the existence of a superior authority capable of intervening in the internal order of that state; human rights have been considered as an ordinance whose purpose is to limit inhuman consequences within a sovereign order (Reus-Smit, 2001).

⁴ Genocide: It is a systematic and deliberate annihilation or extermination of a social group on racial, political or religious reasons.

According to John Vincent all people have human rights by simply by being human and it gives people the right to claim and enforce them. All this based on reason, necessity, custom and contract, in all cases they have been considered as universal and inalienable. The Charter of the United Nations, in its articles 55 and 56, states that Member States are guarantors of human rights and fundamental freedoms by committing them to: "take joint and separate action" to provide "higher levels of life, employment and conditions of economic and social development and to promote universal respect and fulfillment of them, without any distinction of race, sex, language or religion. Human rights are linked to the satisfaction of the economic, civil and political rights of people, that is the right to work, access to social security, the right to vote, freedom of expression, bringing security to people and nations (Reus-Smit, 2001).

Human rights norms are not limited to a geographical area, but to how States should treat their peoples, thus establishing state sovereignty, which confirms that there are universal standards of conduct that the States must fulfill. Sovereignty and universal human rights are considered as two contradictory regimes, as the stronger the principle of sovereignty, the weaker human rights norms are, and vice versa (Reus-Smit, 2001).

The sovereignty is backed by "military power, resources and the consent of the people". It means that sovereign states have the supreme authority to take decisions within their borders and gives the State the ability to self-determine. All peoples "have the right to freely establish their political status, and their economic, social and cultural development", and to apply the principle of non-intervention, which dictates that non State can intervene in the decisions that another State takes in its internal politics, since this corresponds to the centralized and territorially delimited political units of each State (Reus-Smit, 2001).

The State is the only one that has sovereign authority and gives its president the right to control a geographically delimited territory and the population that resides in it. State sovereignty is recognized by the entire international community; this recognition is very important in a system in which power is distributed in an inequitable way. In order to maintain peace, it is important that all States recognize the principle of sovereignty and respect the principle of non-intervention. State sovereignty is obliged to protect basic human rights; in the case of non-fulfillment, the State would be marginalized from the

community of States; this is expected to collaborate with international peace and security (Reus-Smit, 2001). In this manner, international society has been able to respect what is established in international law, diplomacy, international conventions and treaties (Ayoob, 2002).

Nowadays, to respect the state sovereignty is a challenge, as major powers and regional or international organizations seek to intervene in internal affairs of States, justifying that the intervention is for humanitarian purposes. The strongest states have intervened in the internal affairs of weaker states, sometimes even using force. In recent years, attempts have been made to minimize these interventions, which are currently done on behalf of the international community with the corresponding authorization and not by a State for its own purposes (Ayoob, 2002).

The previous General Secretary of the United Nations, Kofi Annan and his predecessor, Boutros Boutros-Ghali, have revealed that "state sovereignty is not absolute and exclusive and can be restricted, even annulled, under special circumstances." No one never knows if decisions to intervene are taken in good faith or by national interests, nor is there a clear mechanism to indicate that a State has not fulfilled its obligations to justify the intervention of other States (Ayoob, 2002).

It is believed that decisions to intervene or not, even within the framework of the United Nations Security Council, are made according to the political and economic strategies of the great powers, often leaving aside the issue of humanitarian aid. In order to avoid this, transparent and fair mechanisms must be established with the participation of all States. To apply the same procedure in similar cases and with the approval of the Security Council to be considered as legitimate and impartial interventions (Ayoob, 2002).

In this paper, a descriptive analysis of the conflict in Syria in the Middle East will be carried out with an emphasis on the violation of human rights in the city of Madaya from 2011 to 2016.

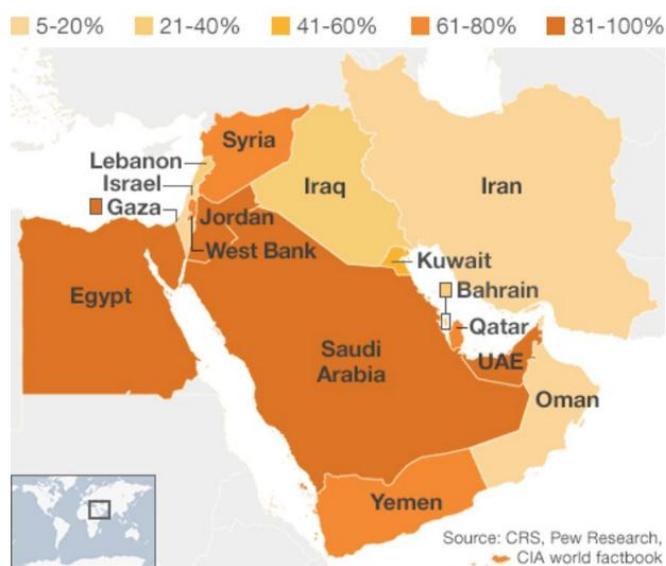
Chapter 1

The origin of the Sunni and Shia groups

Islam is a religion with a history of approximately 1,400 years. It ranks second with 1.6 billion believers approximately after Christianity which has about 2.2 billion followers around the world. After the death of the Prophet Muhammad, this religion is divided into two major groups: The Sunnis and the Shiites (Europapress, 2016). Of this total, between 10 and 15% are Shiites and are mainly located in Iran, Iraq, India and Pakistan. This group is associated with the terrorist group Hezbollah; while the Sunni group is the largest with 85% of followers spread all over the world and is associated with some organizations such as Al Qaeda, Hamas, Taliban, Islamic State and Muslim Brotherhood (Actualidad RT, 2015)

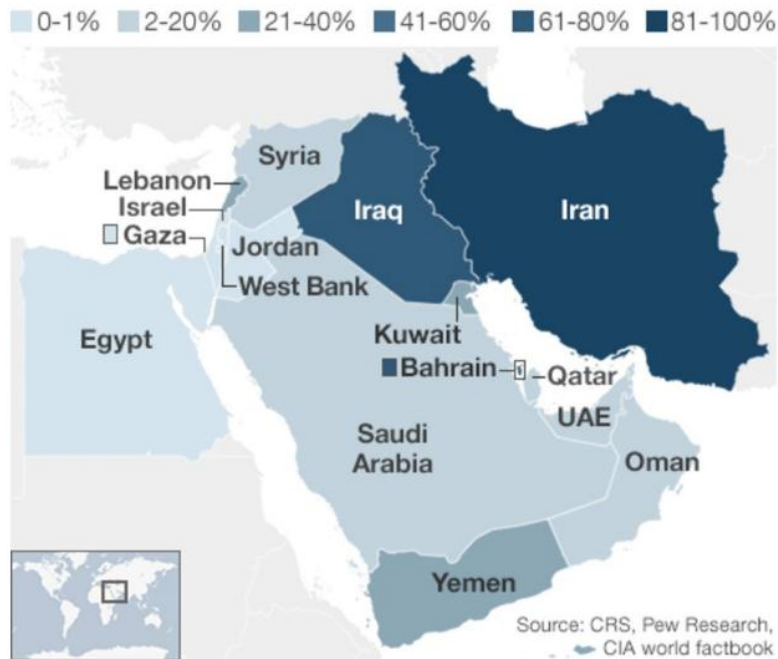
With the death of the Prophet Muhammad, disputes between these two groups begin to determine who would succeed him. The Shiites believe that the prophet's successor should be a direct descendant of Muhammad since kinship was a signal to choose the next leader, therefore they believed that the best candidate was Ali, cousin and son-in-law of Muhammad, while Sunnis believed that the successor should be chosen by the community (Europapress, 2016).

Figure 1 Estimated distribution of Sunni Muslims in the Middle East



Source: (BBC, 2016)

Figure 2 Estimated distribution of Shia Muslims in the Middle East



Source: (BBC, 2016)

The groups of Sunnis and Shiites have the same origin, consequently, they share the same religious practices, respect the same God, and obey the five Pillars of Islam:

1. The Profession of Faith or Sahada: "there is only one God Allah and Muhammad is his prophet."
2. The Azala: perform the prayers five times a day.
3. La Havy: at least once in the life of the pilgrimage to Mecca.
4. Perform fasting in Ramadan: the ninth month of the lunar Islamic calendar.
5. The Zakat: give voluntary alms to purify the assets of the wealthy (Hernán, 2007).

There are also irreconcilable differences between these two groups that have been demonstrated in a geopolitical dispute that is lived in these territories, characterized by terrorism, this conflict has lasted for centuries and has caused hatred and division among these masses (Fernández, 2014).

Historical context

Syria, with its capital Damascus, is part of the countries that were established as a state after the Ottoman empire disappeared in 1918. After the First World War the system of mandates of the League of Nations was established and the agreement of Sykes-Picot between United Kingdom and France was signed. This agreement establishes that Ottoman Mesopotamia (modern Iraq) and Southeast Ottoman Syria (Palestine and Jordan) are under the United Kingdom's mandate, while France controls the rest of Ottoman Syria (modern Syria, Lebanon, Alexandria- Hatay) and other parts of the southeast of Turkey (Giner, 2014). The period after the Syrian independence was characterized by political instability with numerous coup d'état. In the country, there were two political blocs: The Popular Party and the National Alliance, the latter representing the bourgeoisie mainly from Aleppo and Damascus, two of the most important cities of the country (Daher, 2013).

By 1920 the French troops invaded Damascus, establishing a parliamentary government in the country until 1946, when Syria and Lebanon reached their independence. In 1944 a new movement was started, which aimed was to form an Arab State with Lebanon, Syria, Jordan and Israel; many people opposed this movement for fear of losing their national identity but finally they decided to join it (EcuRed, 2016).

Since 1946 the country continued with the legacy of the Ottoman Empire with France in its mandate, at that time the cities were those which controlled and influenced the politics and economy of the rural regions and were in charge of establishing trade networks between Syria and countries of Europe and Asia (EcuRed, 2016).

In 1958, the United Arab Republic was formed and governed by Nasser who belonged to a military committee and held the presidency of the Republic between 1954 and 1970. By 1961 Nasser established measures about the nationalization of companies and a strong agrarian reform. This action did not satisfy the people and a period of disagreement between the government and its opponents began, which led to the dissolution of the United Arab Republic in September 1961 with a coup d'état in Damascus (Giner, 2014), leaving Syria in a period of political instability with several coup d'état until 1971 (EcuRed, 2016).

In 1963, the Baath Party took the reins through a coup d'état and brought an end to the urban bourgeoisie that had arisen within the Arab and Muslim - Sunni population that had remained to that day in the country. In fact, a new era began in which state power was controlled by forces from rural and peripheral sectors, especially by a minority religious group, the Alawites, belonging to the branch of Shiite Islam (Daher, 2013).

The Baath government was focused on recruiting people, which, for historical reasons, were part of a religious minority. The fact that most of the people who formed this party shared the same ideology and the same religious beliefs incited the same sentiment in everyone to achieve the desired democracy and thus be able to overcome their minority and subordinate status that they had maintained up to the present time. The government also had the support of a large part of the urban population, who were mostly teachers and civil servants. The aim of this party was to prevent the return of the urban industrial and commercial bourgeoisie by the nationalization of the private property and the application of the agrarian reform (Daher, 2013).

In 1970 the power passed into the hands of Hafez Al-Assad, this government put an end to the radical policy that had been applied in the country by the previous leaders and a change is implemented to reconcile with the bourgeois class of the time who proclaimed: *"We have prayed to God to help us. And He sent us Hafez Al-Assad."* What Al-Assad aspired was to secure his regime and ensure the sectors that most contributed to the country's economy, the bourgeoisie (Daher, 2013). This government would mark the future of Syria.

Al-Assad carried out an authoritarian regime in which the existence of any type of organization that did not approve its autocratic power or was opposed to it, was prohibited. An army under the dictator's power was created, senior army officers were recruited from the Alawite tribes (to which Al-Assad and his family belonged), thus assuring their unconditional loyalty to the regime. The nepotism of the time, facilitated the accumulation of resources and economic growth especially for the circles closest to the leader, his family and maximum representatives, which led to political, social and economic oppression, additionally, there was created and implemented a policy to carry out a division between ethnic groups, communities and tribes. The Al-Assad regime

repressed the most important segments of society, including the university and the army but above all, any independent political activity was prohibited. The unique party that could interfere was the Baath party which controlled most of the country's organizations, including farmer, youth and women organizations; the elections were suppressed and replaced by a system of nomination, in which the ruler decided and placed the people to perform roles as he wanted. In this way the majority of sectors were under the control of the State (Daher, 2013).

The ideals with which President Al-Assad had appeared gradually disappeared, meaning that the aspirations for unity, freedom, and socialism that society wanted just stayed in words since it never came to fruition (Daher, 2013). Hafez Al-Assad remained in office for a period of thirty years, which culminated with his death. Subsequent to this event, several sectors of society took it as a new hope and saw the possibility for a reform and a political opening, especially for the opposition (Daher, 2013).

Forms of government in Syria

In 2000 Bashar Al-Assad, son of Hafez Al-Assad, assumed the presidency of Syria after the death of his father. This new government created several international organizations for the protection of human rights. He also closed the Mezze prison for political prisoners in Damascus, which was considered as a symbol of political repression by the state. Civil society demanded a series of reforms and democratization of the state. That was the reason for what the Social Movement for Peace was formed, but the regime repressed it by arresting activists and attacked them through press releases (Daher, 2013).

Later, in 2004, the Kurds⁵ appear in this scene and took to the streets to protest, extending to all the regions that were inhabited by this group. Nevertheless, this action caused that they were repressed by the security forces of Al-Assad. During these protests more than 20,000 people were arrested and others were forced to leave the country (Daher, 2013).

⁵ Kurds: The most important non-state ethnic minority in the Middle East, with more than 30 million people in Turkey, Syria, Iraq and Iran. They have their own language and an ancient culture, they dream with the creation of the Kurdish state and have been recognized as allies who are fighting against the Islamic State (IS) (BBC, 2014).

The form of government in Syria has followed a regime oriented to a neoliberal economic policy. That opened the global market that favors to the oligarchic class of the country, to the population loyal to the regime of Al-Assad and to the foreign investors, especially of the region of the Gulf. The government proposed a plan based on the deregulation of the markets in order to open the doors to the global market and attract new investors, all this in order to improve their economy through oil exports⁶ and the offer of services promoting the country through tourism. There is also a system of privatizations where the only ones favored are the family and followers of the regime. These benefits for the bourgeoisie and the favored classes have taken advantage of the economic opening of the country at the expense of the majority of the Syrian population, which suffered the consequences of the inflation to which the country is subjected. This new economic order means impoverishment for the population in several economic sectors, especially in the area of education and health, where the population has almost no access because most of these sectors are in government hands. The lower class has scarcely improved this situation due to the lack of jobs. The gap between classes is becoming more and more noticeable especially in the provinces of Idlib, Aleppo, Raqqa, Deir ez-Zor and Hassakeh (Daher, 2013).

All these factors caused that in 2011 the civilian population, tired of waiting for a democratic country in which the rights of its citizens are respected and the proposals of government are fulfilled, took to the streets to protest against the Al-Assad government.

History of the Civil War in Syria

Due to the need to achieve a democratic and egalitarian country, the civil population started the Arab Spring. This happened in 2011, when a traveling fruit vendor, Mohamed Bgouazizi, decided to self immolate in order to protest and demand a government a reform; from this incident people of the Arab world decided to take to the streets to make known their opinions and to oppose to years of oppression. The aim of

⁶ According to Forbes magazine, Syria is one of the main oil countries that supply nations to move industries, with one of the largest oil reserves in the world. In terms of production Syria is ranked 39 out of the 50 most productive countries with the production of 182,500 barrels of oil per day and 33rd in the countries with the largest reserves (Muciño, 2014).

these protests was to pressure the leaders to prevent an attack on the civilian population during armed conflicts to be heard and not to lose their freedom of expression. Since each person is free to have their own opinion and it is up to them to decide whether they are for or against the government and especially, they are asking punishment for people who have committed crimes against humanity, to be judge and punished by law enforcement (Amnistía Internacional, 2016)

The repression of the State during the manifestations has caused that a part of the civil society and some sectors of the Syrian Army resulting in the formation of the Free Syrian Army to which were later joined by groups opposed to the government, among them were the Syrian Islamic Front and Jihadists groups linked to the terrorist group al-Qaeda. All who had formed this group had a common goal: to overthrow the regime of Bashar Al-Assad (López-Jacoiste, 2015).

Evolution of the Conflict

Since March 2011, manifestations against the government grew at a rapid pace, resulting in a civil war in Syria with repercussions around the world (Connolly, 2013). In this civil war, several groups are confronted, including the Bashar Al-Assad government regime, the army and politicians, who are part of the same dogma and supported by countries like Iran, Russia and the Lebanese group: Hezbollah, due to its attacks against civilians, this group is considered as a terrorist organization. On the other hand, is the group of rebels conform by: The Free Syrian Army, Islamic State and Al Qaeda, all of them considered as terrorist groups (Fernández, 2014).

In 2012, the conflict was intensified with the arrival of weapons and support from countries such as the United States, Russia, Turkey, among others. At this time the rebels confronted the civilians occupying mainly the Sunni populations, at the same time, the radical jihadist groups arrived and joined the rebel group to overthrow the Bahar al-Assad government. Due to the differences, different ways of acting, and above all to defend their ideals, the jihadist group and the rebels, took the decision to separate from the other at a certain time. At the end of 2012, the confrontation had intensified between the Islamist rebel group and the Kurdish Syrian groups (López-Jacoiste, 2015).

On August 21, 2013, an important incident took place in the war in Syria: an attack was carried out with rockets that contained sarin gas⁷ in a suburb of Damascus, killing 1,429 people. Due to these facts, the international community, the United States and many other States did not approve the attack and blamed the regime for the use of prohibited weapons in violation of international standards. Consequently, in an attempt to stop the growth of violence, they have performed diplomatic meetings with the objective of establishing a road map for peace. These meetings are known as the Geneva Conferences I and II, which did not produce the expected results (López-Jacoiste, 2015).

By 2014, the situation did not improve, there was no chance of setting an immediate stop to the armed attack, additionally, there was not an effective mechanism to protect the Syrian civilian population that was affected by the war being fought in these territories. Later this year, President Bashar Al-Assad was re-elected as president of Syria (López-Jacoiste, 2015).

Figure 3 Map of Syria



Source: (World Atlas, 2013)

⁷ Sarin gas: "Is an artificial chemical that can be propagated in the environment and, having no color or odor, goes unnoticed until people begin to feel its effects, ranging from dizziness to death in the most extreme cases."

The intervention of the North Atlantic Treaty Organization (NATO) was decisive for the development of the conflict. With France and the United Kingdom leading the process, an air intervention was organized to supply weapons and military advisers to the rebel group, which led to an imminent triumph, however, countries such as Russia, China, Brazil, Argentina and others abstained from this decision, indicating that the use of force is not the best way to protect the civilian population, much less to end the war (López-Jacoiste, 2015).

Likewise, non-state armed groups controlled some areas and carried out attacks on the population, especially in areas controlled by the government. For this period, the forces led and backed by the United States carried out air strikes against the self-proclaimed Islamic State where hundreds of civilians were killed. Meanwhile Russia, in support of the Syrian government, carried out air strikes and missile attacks from the sea into areas controlled by armed opposition groups and targets of the Islamic State (Amnistía Internacional, 2015).

Consequences of the conflict

According to the Report 2015/16 of Amnesty International, during this period of war that has been going on for more than 5 years, both government and non-state armed groups have violated countless human rights and committed war crimes with impunity and without receiving any sanction. Government forces have carried out direct and indiscriminate attacks against civilians, illegal killings, surrounded cities, deprived the population of: food, medicines, medical care, limitations on access to basic services and above all, they have taken away the hope to live in a place of peace, replacing it with the constant fear that they or their families may be victims of attacks (Amnistía Internacional, 2015). The protests continued and provoked vandalism and violence in which hundreds of civilians and soldiers were killed, as well as thousands of dollars in infrastructure and years of history that are gone now. Unfortunately, this conflict has not been finished thus, the number of people killed and the number of displaced persons will continue increasing over time (EcuRed, 2016).

The result of the civil war in Syria is devastating. Thousands of people have been forced to flee their place of origin in order not to run the risk of being killed or be victims

of this armed conflict (Meneses, 2016). According to the United Nations Refugee Agency (UNHCR) in March of this year, the conflict has caused that millions of people leave their homes to seek help and protection in neighboring countries.

In order for a person to be accepted as a refugee, they must prove in the country where he decides to apply this status that is fleeing from persecution and could even die if he returns to his country of origin. These people are protected by international law as long as they comply all conditions and the receiving country accepts their request (Peter, 2015).

Considering the United Nations' interest to secure refugees and the fulfillment of their fundamental rights and freedoms, they adopt the Convention on the Status of Refugees, in Geneva-Switzerland, in 1951. According to that Convention, a refugee is:

A person who, because of well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (Organización de las Naciones Unidas, 1951).

This convention also indicates that every refugee is obliged to stand by the laws and regulations of the host country and must respect all the rules that have been adopted to maintain public order (Organización de las Naciones Unidas, 1951). In this crisis, just the most fortunate have been able to access neighboring countries and other people have unfortunately lost their lives trying to find a better future for themselves and their families. Thousands of lives have been lost in the seas due to insecurity and clandestinely to reach the coasts of neighboring countries and others worldwide.

Due to the number of people who leave their place of origin, many countries regulate migration, and others have closed their borders with the aim of reducing the number of people entering; however, good results have not been obtained since these people are looking for a way to enter even risking their lives (Peter, 2015).

Italy and Malta are the destinations where more migrants arrive because of the proximity of these countries to North Africa. Due to this avalanche of migrants they have been obliged to ask for help and support to the European Union to be able to face this situation. Refugee reception centers are full and do not have the necessary resources. Italy has implemented an operation called "Mare Nostrum" in order to carry out searches and rescues of immigrants in its seas, although it has been replaced by a less expensive and more limited operation of the European Union called "Triton", focused on patrolling a band of 30 nautical miles from the Italian coasts (Peter, 2015).

According to Vice News, an European Portal, the risks that migrants face trying to reach their destinations are very huge. New security systems have been implemented, including sensors, cameras, barbed wire. A short time ago blades were placed on the fences, but by an agreement with the European Union they have been removed due to the danger they represented for migrants attempting to cross borders. This portal clearly shows the non-compliance of the human rights and the principle of "non-refoulement" established by the European Union, which prohibits the expulsion of persons who arrive in countries irregularly and gave them the right to receive medical care, legal assistance and an interpreter, but most of the time this is not respected; people are beaten and mistreated, hospitals are not given proper attention and they receive little food for their subsistence. Refugee centers are full and in some cases they receive more people of the allowed capacity so people have to sleep on the floors or camp outside. Every day, between 100 and 120 people try to cross the Mediterranean Sea and due to the poor conditions in which they are subject to travel, many times they fail to reach their goal. In recent years, the flow of migrants has increased and so has the number of deaths, leaving a devastating panorama in these countries.

Women who decided to take to the streets to express their opinions and claim for their rights, have suffered attacks on their integrity, sexual assaults in public, gender violence, violation of reproductive rights, bad treatment within families and lack of inclusion in politics and in the economy of their countries, those are some problems that women face due to the revolts (Connolly, 2013).

In 2015, Amnesty International has published a report in which can be felt that the war that is taking place in Syria is bringing serious problems to the population, among them is a growing black market. The people who are wanted by the government and are subjected to these disappearances are mainly peaceful opponents of the regime, demonstrators, human rights activists, journalists, doctors, people disloyal to the government and in a very small number, people who are approaching the authorities to ask about their missing relatives. According to this report, relatives with the desire to obtain information about their missing are forced to go to people who benefit from the suffering of others and who charge large amounts of money to, in many cases, provide untrue information about the whereabouts of their family members. Bribes from disappearances have become an important part of Syria's economy. It is said that the money from these could be considered as "cash cow," meaning an important source of income for the financing of the Al-Assad regime (Amnistía Internacional, 2015). The European Union has carried out several operations in order to catch human traffickers; they also intend to evaluate migrants before they arrive on land and seek asylum (Peter, 2015).

Usually, people who are subjected to forced disappearances are taken to crowded cells, exposed to terrible conditions and isolated from the outside world. Many of these people suffer from serious illness, others are brutally tortured and others are subjected to extrajudicial executions (Amnistía Internacional, 2015). It is notorious that what is happening here are crimes against humanity and that the rights that protect people are being violated.

Apparently, the suffering of people does not simply stay in the fact that they live in a country that is facing a war, but also are separated from their loved ones, disappearances have forced many families to take of their belongings to pay and receive information of their relatives. People get into debt for very high values, which force them to work to pay them, but not work to achieve a better future or to have access to a good economy and for what is necessary to live with dignity (Amnistía Internacional, 2015).

According to an Amnesty International report, this disappearances are nothing more than a strategy of the Syrian government to frighten its people and cause psychological traumas, distress and anxiety to relatives and friends of the victims, who

for fear make what the government indicates in order of maintain their integrity (Amnistía Internacional, 2015).

According to Philip Luther, Director of Amnesty International for the Middle East: Forced disappearances are part of a deliberate and brutal campaign by the Syrian government. It is in their hands to put an end to the indescribable suffering of tens of thousands of people; it is enough that it orders the security forces to end this practice, to inform the families of the whereabouts or the fate of their missing loved ones, and to immediately and unconditionally release all persons imprisoned for their peaceful exercise of their rights (Amnistía Internacional, 2015).

The Human Rights and Fundamental Freedoms of civilians have not only been violated by the Syrian government, but also by other countries that are intervening in the war and have provided the groups in conflict with economic resources or weapons so that they can carry out their attacks.

Among the countries allied with Bashar Al-Assad's government is Russia, which has politically supported Syria before the United Nations Security Council and provided modern weapons to the regime's forces and its allies. The interest of Russia is due to the fact that in Syria there is the Tartus military base, which is a Russian technical and material support facility, unique in the Mediterranean. China is another country that supports the Al-Assad regime, as Syria is its entry point to the region and a change of government driven by the Western powers does not suit China's desire to become the world's leading economic and commercial power, the Chinese government has taken the firm decision to stop any attempt at intervention by the United Nations. On the other hand, Iran has supported the Syrian government since the beginning of the revolts and has sent logistic support, weapons, supplies of ammunition and specialized personnel for combat. Iran, together with Syria and the Hezbollah group have formed a resistance group against "imperialist" interventions of the United States and "neocolonialists" of the European Union; In addition, the Lebanese group Hezbollah monitors borders with Lebanon, trains Syrian paramilitary forces and sends personnel on advisory and combat missions. The fall of the regime does not suit him as it would mean the isolation of the group and the end of the war and non-war supply from Syria and Iran (Aguilar, 2016).

On the other side and supporting the rebels are several countries such as the United States that has set up training camps in communication and first aid for opposition groups specifically for the Syrian Free Army. The United States has expressed that it is concerned about the humanitarian crisis that Syria is going through, so it is providing aid to refugees and displaced persons, but the true interests of this great power over these lands are not known. Another participating country is Turkey, which organizes opposition groups to achieve the overthrowing of the regime of Bashar Al-Assad, and who is oppose to a military intervention in the country. Among its actions is to give asylum and protection to refugees and has allowed the camps financed by the United States and Qatar to be established mostly in Turkish territory. For its part, Saudi Arabia is one of the main suppliers of weapons and financing for the rebels. "They accuse Saudi Arabia of being behind the majority of extremist groups presents in Syria," as this country is being one of the largest exporters of oil, it uses its benefits to influence neighboring countries. The Arab League is an organization of Arab states in the Middle East and the Maghreb, whose objective is "to serve the common good, ensure better conditions, guarantee the future and fulfill the wishes and expectations of all Arab countries", supports all opposing proposals. The regime attributes the attacks with chemical weapons to the government and supports and requests intervention actions in Syria by the United States and other countries belonging to the United Nations Organization. Qatar is another country that supports and defends the group of rebels against the government of Bashar Al-Assad by providing them with weapons and political support. Qatar's goal, "beyond protecting and uniting Syria under Sunni Islam, seems to be to entrench its influence in a hypothetical post-Assad era." There are some European countries that are participating in the conflict, including the United Kingdom, France, Germany, Italy and Spain which ones support the opponents by sending weapons, search and rescue equipment and non-lethal material to these groups (Aguilar, 2016).

For its part, the Al - Qaeda group supports the extremist groups economically and armamentistically. What this group intends to do is end a government that is considers heretic; obtain another safe refuge for its militants and to attract a new generation of terrorists. The Islamic State (IS) is a Sunni terrorist organization, coming from Iraq, with the aim of purify the Islamic world. This organization acts independently of all other organizations opposing the Syrian government, confronting all the protagonists of the conflict and taking over a large amount of territory that has allowed them to expand more

and more throughout the country. This organization talks about an internationalization of the conflict, since it has crossed borders, causing several countries to be under warning. This group is financed by the money received from the extortion to the population of the territories that they control and by private donations from countries such as Saudi Arabia, Qatar and Kuwait (Aguilar, 2016).

In 2014, the UN Security Council adopted the resolution 2139, which called for an end to forced disappearances in Syria, but this resolution remained in a simple written paper since no action was taken to ensure its application. Philip Luther advises that specific sanctions be imposed on such crimes, such as freezing assets and thus putting pressure on the authorities to end this wave of meaningless disappearances (Amnistía Internacional, 2015).

States that support the Syrian government, including Iran and Russia, have recently begun military operations in Syria, and can not wash their hands of the massive crimes against humanity and the war crimes committed with their support. Russia, whose patronage is fundamental to the government of the President Bashar Al-Assad, is in a privileged position to persuade Al-Assad to end this cruel and cowardly campaign of disappearances (Amnistía Internacional, 2015).

Amnesty International conducted an investigation in which they concluded that the majority of those detained were judged for acts that were not considered as crimes and were not even informed about the charges against them. The government security forces are the responsible for applying the punishments and ill-treatment that are given to these people that in most cases are innocent. Thousands of deaths occurred in places of imprisonment because of the treatment that people received (Amnistía Internacional, 2015). It is quite evident that people deprived of their liberty have been subjected to unfair trials without having the right to defend themselves. It is necessary to implement actions within this structure of government that allow to enforce the rights of its population.

The numbers provided by the UN Refugee Agency (UNHCR) are only an estimate, as just the number of people arriving at their destination is counted, but not the thousands of people who lose their lives when trying to reach another city or country. The

ongoing war in Syria is seen as the largest humanitarian crisis in the world that UNHCR has faced in recent times. The UN agency is offering accommodation, support and assistance to Syrian people in need of protection. However, the large number of people seeking housing makes it difficult for UNHCR to do so (ACNUR , 2016).

Syria in numbers

Table 1 Consequences of the conflict period 2011 – 2016

People deceased in the conflict	366,000
Internally displaced persons	6.6 million
People who have fled to neighboring countries, especially Lebanon and Jordan (of which 80% are women and children)	4.8 million
War Expenditures (5 times their GDP for 2011-2014)	200 billion
People who need help to survive (within Syria)	13.5 million
People in poverty	80% of the population
Child population affected by conflict (inside and outside Syria)	More than 80% of the population
Minors who do not attend school (according to Save the Children)	More than 2 million
Reported missing at sea	3 thousand

Source: Author, on the information of (Meneses, 2016).

As is shown in Table 1, the results of the conflict are devastating. Millions of people are suffering in their country due to unexpected attacks, insecurity, violence, hunger and minimum or null access to health and education; as well as those who have fled from Syria and face problems of: acceptance by local people, the difficulty of getting a job that allows them to live in dignity, communication in different languages, generally most people believe that migrants are dangerous and discriminate against them by making them feel guilty of a war of which they are not responsible.

The war in Syria is really one of the worst crises the world has faced in the last five years, human and material losses are unquantifiable. According to the Human Rights Observatory, in the five years of the conflict in Syria, approximately 15% of its population has been lost and the life expectancy of its inhabitants has declined 20 years. According

to the United Nations, it has gone from having a life expectancy of 75.9 years to 55.7 (Meneses, 2016). The situation of the country has not changed since the beginning of the conflict until today, human rights are still not recognized.

In the next chapter, I will be focused on the case of Madaya-Syria, a city which has been besieged by the government since approximately July 2015, and whose population has been subjected to human and civil rights violations.

Chapter 2

Introduction to the Madaya Case

What once began as a revolution to achieve democracy, today has become a huge civil war with repercussions nationally and internationally that should be the subject of analysis and concern of all people in the world, especially when people do not respect the primordial right that all human beings have: the right to life.

As a result of the conflict, many adversities arise for the people within the countries involved, such as the case of Madaya, a Syrian city located 25 kilometers at the northwest of Damascus and 11 kilometers from the Lebanese border (Sancha, 2016).

According to the report entitled "Madaya: Portrait of a City Under Siege,"⁸ before the conflict, this city was a holiday resort because of the proximity to the capital and its beautiful landscapes that made it a great attraction; because of its location, this city has a cool summer climate, giving it a wide variety of agricultural products (Physicians for Human Rights and Syrian American Medical Society, 2016).

Madaya case

Prior to the war, the inhabitants of Madaya did not have a quality medical infrastructure nor did they have the necessary personnel to provide a complete health service, there was only one clinic that covered basic health care needs with two general practitioners, a gynecologist obstetrician and four dentists. The cause of this deficiency in the system was the proximity to the capital city Damascus, which was the place where citizens used to visit bigger and specialized clinics in different areas (Physicians for Human Rights and Syrian American Medical Society, 2016).

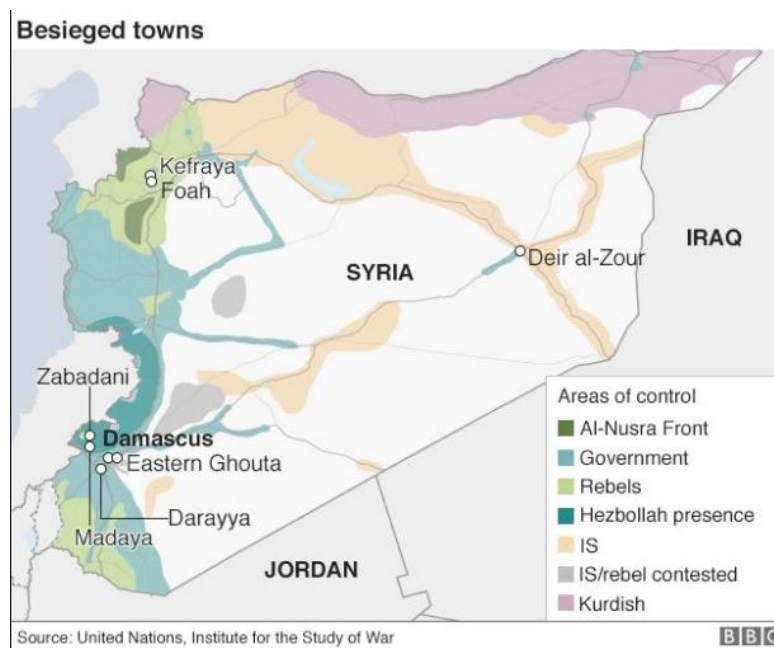
Nowadays, this city has a characteristic that makes it different from the rest: no one enters or leaves it. Madaya has been under siege since mid-2015 by government forces, implementing military controls of the regime and Hezbollah⁹ troops that make it

⁸ Siege: enclose or surround a place (RAE, 2017).

⁹ Hezbollah: military group of Lebanese origin allied to the regime of Bashar al Assad

impossible for citizens to mobilize freely and prevent access to food, medicines and specialized aid that inhabitants need. The actions that the Assad government and its Hezbollah Shiite allies have taken against this population of opposition to the government are really alarming (Sancha, 2016).

Figure 4 Map of the besieged cities in Syria



Source: (BBC, 2016)

Government forces formed by the Hezbollah group launched a series of attacks in the towns and villages of southwestern Syria, forcing thousands of people to travel to the city of Madaya (Amnistía Internacional, 2016).

Currently, about 40,000 people live there, of whom approximately 25,000 were displaced from other cities that arrived asking for refugee, most of them children (Sancha, 2016). The medical facilities under the command of the opposition are one of the main targets against which government forces attacked, war crimes and human rights violations stipulated in international law were committed, these attacks were performed by bombing the population, and the provision of medical supplies, medical personnel and volunteers were banned, in consequence this population do not have access to health service (Amnistía Internacional, 2016).

The armed forces of the Assad government and its allies have continued to violate international law, committing crimes against the civilian population through mass attacks with the use of bombs of all kinds, both land and air, directed especially at places that are inhabited by government opposition, resulting in the deaths of hundreds of civilians, mostly women and children (Amnistía Internacional, 2016).

The case of Madaya, far from being an exception, is the sad reality that is lived in several besieged cities in Syria. It is estimated that about 400,000 people from 15 different localities are dying because they do not have access to basic supplies to survive. Of this population the most vulnerable are the sick, elderly and children. According to a parent of Madaya, the children no longer have the energy to go out on the streets and develop a normal life, but they fall prostrate in their beds (Sancha, 2016).

By September 2015, the siege in Madaya was intensified with the contingent of the Syrian government and the Hezbollah group, which placed approximately 6,000 landmines in the south and east to reinforce isolation of the population (Physicians for Human Rights and Syrian American Medical Society, 2016).

After several years of endless and indiscriminate fighting that followed the Arab Spring, on September 22, 2015, government authorities, and members of the opposition, reached a cease-fire agreement which included four cities: Madaya, Zabadani, Foah and Kafraya. This agreement required an end to the attacks for a period of six months during this time humanitarian aid would be allowed, and urgent medical evacuations for those in need, which would be approximately 10,000 civilians from the cities of Foah and Kafraya, the departure of combatants belonging to the opposition of the city of Zabadani and the release of approximately 500 prisoners from government prisons. A requirement was established that all deliveries of humanitarian aid be given simultaneously, otherwise they would not be carried out in any of the four cities, "no city could receive aid if the others did not receive" (Physicians for Human Rights and Syrian American Medical Society, 2016).

When food was scarce in the city, the inhabitants were in danger of dying when they went out to look for food for their family due to the large number of landmines and

frank shooters that surrounded the city. Statistics obtained from a report by Physicians for Human Rights indicates that between November 2015 and January 2016, ten people were killed by landmines and another five by snipers while trying to escape, a man was attacked by a sniper while picking up grass to bring his family as food (Physicians for Human Rights and Syrian American Medical Society, 2016).

In this war, which has so far claimed thousands of lives, hunger has become one of the main weapons of war. In the 21st century, people related to the government regime and opponents, use this strategy as a tactic to surround their opponents, causing their fighters and soldiers to give up; In this way, the victims of all this injustice are the civilians living in the besieged cities, whom can hardly find food or help because of the restrictions imposed on them (Sancha, 2016).

According to a report sent by the United Nations, the 40,000 inhabitants of Madaya as well as the inhabitants of the other cities run the risk of dying from starvation¹⁰ if the authorities do nothing to protect the civilian population. "I feed mostly with water mixed with leaves, but the winter is here and the trees no longer have leaves, so I am not sure how we will survive" (Torrens, 2016). Others have been forced to kill dogs and cats to have something to eat and in more extreme cases, doctors had to feed children with acute malnutrition with remedies in order to have a source of sugar and energy, but this just complicate the situation since the few existing medicines in health centers are spent, according to Brice de le Vingne, Director of Operations of Doctors Without Borders (Torrens, 2016).

In the city you can still find food; however it is very difficult to access them because they have very high prices. According to the inhabitants of Madaya, a kilo of rice or sugar can cost around 450 US dollars. To this problem is added the lack of water and electricity and above all, the constant fear of being victims of bombing. For Philip Luther, director of Amnesty International for the Middle East, these cases of starvation can be observed in the country and with the little help they receive from international entities, this serious problem cannot be solved (Torrens, 2016), this tactic is the most economical that the government has used in the armed conflict.

¹⁰ Starvation: Extreme physical weakness due to lack of food.

People are worried about the health of their families, since most of them do not have the opportunity to eat every day to ensure that the food they have purchased do not finish. Other people have had to eat foods that they had been saving for emergent situations or consume products that can be prepared without the need to use water. In the worst cases people only have the possibility of ingesting water with salt and a little vegetable oil, those are the testimonies of inhabitants of Madaya that have been compiled in diverse media (Torrens, 2016).

Once the conflict broke out in Madaya, several health workers fled in an effort to save their lives. By the end of 2015 the attacks reached higher levels and the unique clinic that existed in the city closed due to the magnitude of the conflict. Every time the residents needed more and special medical care to cure their injuries. Despite Madaya's proximity to hospitals in other cities, access is impossible because checkpoints had been set up on the road. The only medical institution that exist in Madaya is a field hospital with a nurse, an anesthetist, a veterinarian and two dentists, all of whom have restricted access to even the most basic medicines such as aspirin, antihistamines and antibiotics, without the necessary supplies, medicines, equipment and vocational training is impossible to provide adequate care in the city (Physicians for Human Rights and Syrian American Medical Society, 2016).

Dr. Mohammad Yousef, a veterinarian from Madaya and one of the few doctors left in the city to care for all people, comments in a report: "We constantly have to do things beyond our capacities. We explained people that we do not have the experience, but then the families of patients force us to treat their loved ones the best we can, with our limited abilities." (Physicians for Human Rights and Syrian American Medical Society, 2016). He states that one of the most difficult task he had to undergo, is to help a woman to give birth by cesarean without the necessary implements or a specialist doctor. Doctors made an attempt to evacuate the woman to the capital city Damascus, but government forces and Hezbollah refused, so they intervened the best they could with their knowledge. In order to avoid future problems if the operation was complicated, the family had to sign a document in which they released the servants from any responsibility, fortunately everything went well and the mother and the baby were kept alive (Physicians for Human Rights and Syrian American Medical Society, 2016).

According to Gasser, author of the article "Conflict in Syria: War for Siege and Suffering in Madaya", this city is dropped into countless suffering and says that what is destined to be the health center is in fact a room in the basement of a house without the necessary facilities, full of people in very bad condition due to illnesses and lack of medicines, food and drinks. This center has only one bed for the most serious cases and the rest of people are accommodated in blue blankets on the floor of the place (Gasser, 2016).

Elderly people are very weakened by hunger and the diseases that exist in the place, and the children in a cadaver state and look malnourished because they do not receive the necessary nourishment. Many of the children have marks on their body because of the intravenous routes that doctors had to place in them to administer medicines to keep them alive. Gasser says that one of the most painful moments that he had to live in Madaya was to see the doctor fall down before her eyes because, no matter how much effort he made, it is impossible to keep all citizens alive (Gasser, 2016).

Another testimony relates that on March 29, 2016, three children between the ages of six and seven were near one of Hezbollah's checkpoints. When one of them observed something that caught their attention they did not realize that it was a mine and without knowledge they handled it. The child died instantly while the other two were taken to the center of medical care one kid suffered serious injuries in their legs that required an operation to amputate them, while the other child suffered from injuries in his head and abdomen, he also required surgical intervention. Due to the lack of the necessary material and an specialists, it was requested that an evacuation of the children would be carried out. However, the response of the Syrian Arab Red Crescent organization was that it could not be carried out since in the cities of Foah and Kafraya there were not medical evacuations. Sadly, the children died a day later and were buried in the same grave. The doctor who was about to amputate the foot of the child, victim of the explosion, asked "why was he so close to a checkpoint?" To which the child replied "I wanted to get food for my family" (Physicians for Human Rights and Syrian American Medical Society, 2016).

In this case, the agreement of "the four cities" is not efficient in its totality, since the needs of each city are different and vary depending on the number of inhabitants, their geographical space and other peculiarities of each one. This siege has caused severe and traumatic injuries and has been aggravated by the difficulty in accessing medical services and medicines which increases the risk that these people can contract diseases. The siege in the city has caused a huge deterioration in the health of its inhabitants. Added to this is the lack of access to vaccination to prevent certain infectious diseases, being very probable to develop new health complications with long-term effects as a result of malnutrition and stress induced by the siege (Physicians for Human Rights and Syrian American Medical Society, 2016).

In February 2016 there are many children with outsized stomachs due to the poor nutrition caused by the lack of protein intake that causes an inflammation in the body due to excess liquids in them. Malnutrition reports indicated that there were 200 cases of malnourished children and an increase in malnutrition was expected. Medical authorities and health workers in Madaya are pressing international agencies to send protein, eggs, dairy products, fruits and vegetables to help the population with a more balanced diet. Malnutrition suffered by residents of Madaya in the future could cause insulin resistance and hypertension, bone pain, bone deformation and loss of height caused by insufficient intake of calories, calcium and vitamin D (Physicians for Human Rights and Syrian American Medical Society, 2016).

In March 2016, Dr. Darwish resident of Madaya sent to the United Nations authorities a list of 211 medicines needed for this population. The list included drugs to treat specific diseases, including: anticoagulants, blood sugar regulators and insulin and a variety of drugs for chronic kidney and liver diseases. However, when the field hospital received medicines from international agencies in humanitarian aid convoys, none of the drugs or foods received were those that they requested in advance, claiming that such deliveries cannot be made due to safety and storage issues and especially for the time it takes them to help in besieged areas (Physicians for Human Rights and Syrian American Medical Society, 2016).

By this time, the conflict had increased and the citizens were victims of deadly attacks. A 26-year-old boy who was heading to the mosque to perform his prayers was attacked by a sniper who shot him in the abdomen. The young man was involved in a

very dangerous operation that he managed to survive but, due to lack of knowledge of the medical staff and equipment needed, he had a hole in the lower part of his abdomen, exposing his large intestine that was supported by an inappropriate colostomy bag. He suffered from intolerable pain for 13 months because he did not have the surgery he needed and although at this time three evacuations were performed from Madaya, people never gave him an explanation why he was not included in them being a patient who required assistance to be intervened urgently (Physicians for Human Rights and Syrian American Medical Society, 2016).

An activist whose family live in Madaya has called the United Nations to open humanitarian corridors in designated areas to help the most affected civilian population. According to the dictionary of Humanitarian Action and Development Cooperation, humanitarian corridors as their name indicates are corridors created with the purpose of allowing the mobilization of people avoiding armed attacks.

There are different types of corridors, depending on their function these can be:

- a) Supply of humanitarian aid
- b) evacuation of people in danger
- c) return, to promote the repatriation of refugees and displaced persons

If we take into account, the methods used these can be:

- a) by land
- b) maritime or fluvial and
- c) aerial (Abrisketa).

Health care providers have reported an increase in cases of hepatitis A and skin-related diseases. In winter the inhabitants of Madaya and other besieged cities have to fight against subzero temperatures without the possibility of using heaters due to the lack of fuel and electricity, it also indicates that under these circumstances the most suffering are undernourished children (Save the Children, 2016).

Madaya in figures

Table 2 Madaya July 2015 to May 2016

Habitants	40,000
Surrounded Area	12 km2
Land mines	12,000
Control posts with free shooters	65
Hospitals	1

Source: (Physicians for Human Rights and Syrian American Medical Society, 2016)

According to a report by Doctors without Borders, during this siege period, 86 civilians were reported killed, including 65 people who died of malnutrition and starvation, 14 others who died from landmines, 6 at the hands of snipers and finally one person because of a chronic illness (Physicians for Human Rights and Syrian American Medical Society, 2016).

During this period, only 5 aid convoys from the United Nations have been able to enter this territory in collaboration with Doctors without Borders and the Committee of the International Red Cross; however, the support has not been sufficient since the besieged cities need permanent help and, above all, people require access to basic services such as medical care and access to drinking water, in this way the quality of life of the inhabitants of the city of Madaya could improve somehow.

Human rights

Human Rights are inherent to all persons, that is to say that we acquire them from the moment we are born, without any distinction of nationality, place of residence, sex, origin, ethnicity, color, religion, language, or any other condition. Human Rights are interrelated, interdependent and indivisible, "the advancement of one facilitates the advancement of others. In the same way, deprivation of one right affects unfavorably the others " (Oficina del Alto Comisionado de las Naciones Unidas).

Universal human rights are often contemplated in law and guaranteed by it, through treaties, customary international law, general principles and other sources of

international law. International human rights law establishes the obligations of governments to take action in certain situations, or to abstain from acting in certain ways in others, in order to promote and protect the human rights and fundamental freedoms of individuals or groups. (Oficina del Alto Comisionado de las Naciones Unidas).

While there are rights, there are also obligations that must be fulfilled. In this case, States assume the obligations and responsibilities under international law to: respect, protect and realize human rights. The obligation to respect them means that States must desist from interfering or limiting the enjoyment of human rights; the obligation to protect them requires that States prevent human rights abuses against individuals and groups and the obligation to do so means that States should take positive actions to facilitate the enjoyment of basic human rights (Oficina del Alto Comisionado de las Naciones Unidas).

States have obligations and rights to respect and protect human rights, this means that States must endorse their enjoyment for all its population and not limit them, and are also required to prevent abuses that do not allow the fulfillment of human rights against individuals or groups (Alto Comisionado para los Derechos Humanos).

On December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights, which was considered at the time as a common ideal that all peoples and nations should seek. This declaration establishes the civil, political, economic, social and cultural rights that every human being must possess. Over the years, these human rights norms, along with the agreements and protocols, have shaped the International Charter of Human Rights, which has been widely accepted and is an obligation of all people to respect and protect it (Alto Comisionado para los Derechos Humanos).

The Universal Declaration of the United Nations promises all people the access to fundamental rights that advocate a life without misery and without fear, regardless of country, social group, ethnicity, race, sex, age, sexual orientation or religion, these rights are inalienable¹¹ (Naciones Unidas, 2015).

¹¹ Inalienable: that can not be ceded or transmitted.

The Universal Declaration of Human Rights contains thirty articles, of which I will mention those of interest and relevance to this case of study:

Article. 1: All human beings are born free and equal in dignity and rights and, endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

1. Everyone has all the rights and freedoms set forth in this Declaration, without distinction as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. In addition, no distinction shall be made based on the political, legal or international status of the country or territory to which a person belongs, whether in an independent country or in a territory under trusteeship, non-self-governing or under any other limitation of sovereignty.

Article 3: Everyone has the right to life, liberty and security of person.

Article. 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article. 9: No one shall be subjected to arbitrary arrest, detention or exile.

Article 13:

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 22: Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 25:

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care and social services; he is also entitled to insurance in case of unemployment, sickness, invalidity, widowhood, old age and other cases of lack of livelihood in circumstances beyond his control.
- 2.

Article 28: Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Under International Humanitarian Law, to cause the death and suffering of a population through the imposition of sieges is illegal and may constitute a war crime, it also prohibits sieges that compromise the lives of civilians by depriving a population of essential supplies for their survival and establishes that all human beings should have a decent life. Similarly, customary¹² humanitarian law prohibits resort to the starvation of a population as a method of war and imposes on the parties to a conflict the disposition not to attack the population by depriving them of essential supplies for their survival; freedom of movement for humanitarian personnel to allow them to carry out their work efficiently, is also established that the parties in conflict have a restricted use of landmines as they are equivalent to attacks of indiscriminate effect and a violation of the human rights of their inhabitants (Physicians for Human Rights and Syrian American Medical Society, 2016).

The UN Security Council has approved resolutions demanding respect for human rights for the Syrian population. These resolutions also request that the sieges of populated places be lifted, the provision of humanitarian assistance is allowed and the facilities are provided so this help can be carried out quickly and safely (Physicians for Human Rights and Syrian American Medical Society, 2016).

Collective punishment of civilians is prohibited and constitutes a war crime, so The Hague Convention of 1899 states in article 50 that: "No general, pecuniary or other

¹² Customary: that is governed by custom.

penalties may be inflicted on the population, by the acts of individuals who can not be considered collectively responsible. " Likewise, Article 33 of the Fourth Geneva Convention, which refers to the Protection of Civilian Persons in Time of War, states that: "No protected person may be punished for a crime that he has not committed personally. and all measures of intimidation or terrorism." (Physicians for Human Rights and Syrian American Medical Society, 2016).

The resolutions or agreements of the organizations seek to establish a social order at the international level whose purpose is to respect the fundamental rights of people such as health, the right to work to be able to support their family with dignity, the right to freedom. It is important to reflect and raise awareness that no human being anywhere in the world has the power to violate the human rights that have been promulgated and everybody must watch and enforce their fulfillment.

In Madaya, the rights of the population are being violated, and despite the efforts of several international humanitarian agencies and certain countries of the international community, the sieges in these cities have not been stopped and those who suffer the consequences of these clashes between the government and the opposition are the innocent civilians.

Violation of Human Rights: Madaya case

The impact of the siege on the city of Madaya is unquantifiable: access to health is practically zero, accommodations have been severely affected and the limited number of health personnel does not allow to provide a complete service to the population that nowadays is four times superior than it was before the war began. Between October 2015 and January 2016, 145 families from the neighboring Zabadani city were transferred to Madaya, which resulted in a disadvantage in terms of food and medical supplies (Physicians for Human Rights and Syrian American Medical Society, 2016).

The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that, despite the defectiveness of the health system, the Syrian government authorities also decided to withdraw the surgical supplies that were included in the aid convoys, in

consequence the deaths caused by this siege continued to increase (Physicians for Human Rights and Syrian American Medical Society, 2016).

Due to poor water quality, some residents of Madaya suffered from diseases such as brucellosis, a disease caused by a bacteria found in contaminated food or having direct contact with infected animals; there are also cases of hepatitis A, a disease that also spreads through contaminated water and food and can be prevented by vaccination. Workers in the health area fear a massive contagion, the longer the siege lasts, the greater the likelihood of this happening. Taking into account that people do not have access to basic public health services, such an outbreak would be disastrous for the population (Physicians for Human Rights and Syrian American Medical Society, 2016).

The siege of Madaya has had a negative impact on health. There is not an adequate supply of drinking water to satisfy the needs of its inhabitants, access to standard vaccination and medication has been restricted and almost impossible, thereby increasing the possibility of contracting infectious diseases and the risk of death from diseases which have a treatment and cure. Massive outbreaks of diseases such as tuberculosis, measles and typhoid fever are feared because under Madaya's conditions doctors would not be able to treat and control patients. It took several months and many requests from health workers, so that by the end of April 2016, United Nations officials in conjunction with Red Crescent could carry out a three-day vaccination campaign in Madaya, and routine immunizations were provided to approximately 2,500 children under the age of five (Physicians for Human Rights and Syrian American Medical Society, 2016).

What Madaya urgently needs is the real and sustained support of humanitarian organizations and the support of countries of the international community to achieve the desired peace and to end this war that has caused irreparable and unquantifiable damage.

Chapter 3

The role of international entities in the Madaya case

In the world there are a large number of international organizations created with different purposes, including those that enforce the Human Rights of the International Community, these non-governmental and non-profit organizations have the support of governments and citizens from all over the world collaborating with economic donations to provide the required aid, so it is important to refer to the role of humanitarian agencies and to what extent they have been able to collaborate in the specific case of the city of Madaya located in Syria, which has been besieged by government forces since 2015 and where international organizations have made their greatest effort to enter and provide support to the population.

Nowadays, there are several besieged areas in Syria, which are isolated by the intervention of Syrian government forces, their allies and, rebel forces¹³. Neither side of the conflict has shown interest in enforcing the rights of the population, nor have they pronounced on the subject of human losses for this cause. Madaya is a case of siege in the country and has been considered by Amnesty International as an "outdoor jail" (Torrens, 2016).

The United Nations Security Council, taking as a background the continuing suffering of the Syrian people, the seriousness and the continued deterioration of the humanitarian situation, has promulgated on December 18, 2015 the 2254 Resolution (Annex 1), which is about the " Middle East Situation in Syria "and refers to the consent of the government and the rebel group to allow access to humanitarian assistance for

¹³ Both sides in this conflict, the regime of government and the rebels, have economic, logistical and military support. On the one hand is the Bashar Al-Assad regime supported by Russia, Iran, the Lebanese Hezbollah group and Iraqi militias; on the other side are the opposition groups to the government: the Free Syrian Army that receives aid from the United States and has set up camps to provide communication and first aid instruction; ISIS, funded by the money received from the extortion of the population of the territories it controls and by private donations from countries like Saudi Arabia, Qatar and Kuwait, and finally there is the Al-Qaeda group that supports economically and militarily the extremist groups. Anti-government groups are supported by countries such as the United States, Turkey, Saudi Arabia and Qatar and compete on the battlefield for imposing their ideals and territorial control. (Fernández, 2014)

people in need, especially in besieged and hard-to-reach areas such as Madaya (Torrens, 2016). International bodies such as the United Nations, Unicef, Syrian Arab Red Crescent and Doctors Without Borders have made a great effort to gain access to these besieged areas and help the population.

In paragraph 12 of the resolution, the parties involved in the conflict are encouraged to facilitate rapid and secure access by international humanitarian agencies in besieged and hard-to-reach areas in the country. Human aid organizations call for the release of persons arbitrarily deprived of their liberty, especially women, children and sick persons (Consejo de Seguridad de las Naciones Unidas, 2015).

The Security Council also calls on the parties to put an end to attacks against civilians, including attacks on health facilities and medical personnel, and calls for a reduction in the indiscriminate use of weapons and air strikes, according to the agreement signed by the Syrian International Support Group consisting of the following countries and agencies: Australia, Canada, China, Egypt, United Arab Emirates, France, Iran, Iraq, Italy, Japan, Saudi Arabia, Jordan, Lebanon, the Arab League, the United Nations, Oman, the Organization for Islamic Cooperation, the Netherlands, Qatar, the United Kingdom, Russia, Turkey and the European Union (Ministerio de Asuntos Exteriores y Cooperación, 2016). In addition, the Council demands all parties to fulfill their obligations under international law, humanitarian law and international human rights law (Consejo de Seguridad de las Naciones Unidas, 2015).

In the article entitled "Conflict in Syria: War for Siege and Suffering in Madaya" by Marianne Gasser, head of the Delegation of the International Committee of the Red Cross, explains that intervention by international humanitarian aid organizations in the city of Madaya and other besieged cities was very difficult to achieve. The inhabitants of these cities are suffering and need emergency assistance, but due to the obstacles in the system, international aid have not been able to successfully access to this population (Gasser, 2016).

This situation is out of the hands of the international entities that make their greatest effort to fulfill their objectives and to help those in need; the refusal by the Syrian government and the opposition to carry out the necessary evacuations and to deliver

humanitarian aid has caused the death of several residents, deaths that could be avoided if there were no obstacles in the system to prevent the entrance of humanitarian aid, the most important difficulties are: tension between the parties in conflict, administrative obstacles that prolong the processes with requirements, prohibitions and payment; and, finally, attacks on volunteers and humanitarian aid convoys.

No humanitarian aid organization involved in the armed conflict has managed to enter the fenced perimeters, food arriving on these lands is scarce as are medicines and trained personnel to help. Food that comes in many times comes from trafficking where the only beneficiaries are the soldiers of the regime and the rebel groups that control the perimeters (Sancha, 2016).

On the other hand, in an attempt to improve the quality of health care available in Madaya, the Syrian-American Medical Society established a WhatsApp group in January 2016 to connect health workers within Madaya with specialists in the States United. Through this group it was possible to guide and give treatment to some patients, which were very satisfactory. This method has been considered as the most advanced and successful telemedicine¹⁴ program that has been carried out in the city of Madaya despite the fact that at the checkpoints, no cameras or medical equipment have been allowed, such as laboratory supplies and x-rays (Physicians for Human Rights and Syrian American Medical Society, 2016).

In the globalized world in which we live, technology and social networks have become indispensable for the human being, so their use in the Syrian conflict is a reality. According to Margarita Simonián, Director of the RT newsgroup, the media and social networks have been responsible for sharing what is happening in the country but also have distorted some events. This war is very transmitted within the social networks, however not everything that is said there is true "you have to learn to distinguish the truth from the lie". Likewise, for Lina Kandakzhi, from Syria, international journalist and

¹⁴ Telemedicine: According to the World Health Organization, it is the distribution of health services through the use of information and communication technologies for diagnosis, treatment and prevention of diseases or damages, taking into account distance as a critical factor, all this in the interest of the development of the health of the individual and his community.

professor of the Media Department of the Russian University of Friendship of the Peoples, the Syrian country is divided into two groups: on the one hand, those who believe in the provocations of the Western media and on the other hand are those who understand that everything is a political game. The expert says that social networks play an important role because it propagates the greatest amount of information. In consequence the spread of false news is very fast (Prokofieva, 2017).

A clear example of diffusion in social networks is that from the attacks by IS, the US company Facebook decided to create the option to customize profile photos with a filter that contains the colors of the flag of the attacked country, with this comes the question why Facebook has not been in solidarity with Syria; with the hundreds of people who are living this war even without being part of it, with children, elderly or sick who are suffering the consequences? Facebook, the social network with the largest number of followers in the world, caused the division of the international community into two supporters: one that victimizes people and those who blame the Syrians for the attacks. "People are victims of this system that not only handles our information and sells it, but also abuses the supporters who really wanted to give support; abuses the naive ones who do it by fashion and abuses the ignorant who believe that it is a silly thing that is done without intention (...) is not only what the media say but what they do not say, and many times it is not only about what happens, but what happened before it happens" (Vazquez, 2015).

On the other hand, we must take into account that in cases like Syria, social networks facilitate access to information that many times the media hide from us. Social networks and the internet give people who are living this situation the opportunity to express themselves and tell in detail what is really happening. In war situations it is a common practice to try to control the media as a strategy and, as a result of this manipulation, the case of Syria became the "YouTube war" due to the large amount of material shared by citizens. According to Christoph Koettl, Amnesty International Director of Emergency Response, shared videos have transformed the Syrian war into an international conflict (Amnistia Internacional, 2013).

In the particular case of Madaya, social networks have served as a method to assist besieged citizens. Inspired by a true story of a local mother, she gives voice to the victims

of the war in Syria and born the new "hero of Marvel: Madaya Mom", the story of a real woman who lives the war in the besieged city of Madaya, "fighting the hunger, sickness and cold that await her, her husband and her five children." ABC News, in collaboration with the comic book publisher Marvel, has shaped the story of this woman who for her safety and of her family prefers to be anonymous. The stories have been transmitted through a cell phone through text messages and phone calls, "this anonymous woman makes clear that there is a reason for recording the details of her life: she wants the world to know the critical conditions in which the innocent victims in that city have to live, beaten by the war since 2011" (El Tiempo, 2016). Her story has served to highlight the repercussion of the war for several families that live imprisoned in this city and that the media can not transmit because there is no access to them (Torresi, 2016).

Four Cities Agreement

The limited medicine in the city, the limited medical staff, a poorly equipped hospital, almost nonexistent food, the impossibility of humanitarian evacuations, and the inflexible agreement on "The Four Cities" are factors that have deteriorated the crisis in this city and have caused suffering and in some cases the death of the citizens of Madaya (Physicians for Human Rights and Syrian American Medical Society, 2016).

After tortuous negotiations carried out in the agreement of the four cities, Madaya and other localities had been reached, all under siege. Now, the International Committee of the Red Cross (ICRC), in collaboration with the Syrian Arab Red Crescent (SARC) and the United Nations, was authorized to provide the cities with much-needed aid, but Madaya is just one of the places in Syria that needs help. Negotiations for access to these cities lasted several months despite the urgency to enter and the speed with which they had to act to save as many people as possible, but the demands of the Syrian government did not allow the entry of the aid convoys. The level of suffering is overwhelming (Gasser, 2016).

In the negotiations it was agreed that the enter to Madaya would be allowed as long as Zabadani, Foua and Kefraya were aided in parallel. The precondition was that these four cities had to receive aid simultaneously and with the same supplies, technological instruments were used to verify that the deliveries were made as

established. This humanitarian aid operation was carried out with such caution and timing that when one of the trucks transporting aid to the north failed, the trucks heading to the south had to stop their march until the other recovered its mobility. Gasser explains that it is difficult to carry out this type of relief operation in a synchronized way since it is not known which are the inconveniences that may occur along the way. Also due to the difficulty of synchronizing groups that are in different places, definitely it is not recommended to make such deliveries since the needs and conditions of one city are very different from those of the other (Gasser, 2016).

The agreement of the four cities also stipulates that UN specialized agents could support civilians by providing them with the necessary assistance and in cases where urgent medical attention was required, the corresponding evacuations could be carried out; However, this agreement required that in Madaya, Zabadani, Foah and Kafraya the same number of humanitarian evacuations should be carried out, regardless of the specific needs of each city, they should be given equal support (Physicians for Human Rights and Syrian American Medical Society, 2016). This requirement has made it impossible for the United Nations to carry out its work as required by international humanitarian law and has prevented a timely and efficient work, resulting in a high number of people killed.

Starting in January 2016, thanks to the intervention of the United Nations, what was known as the "one-way ticket" was applied, which allowed residents in critical situations to leave the city knowing that they would never see their family and friends again. With this method a few dozen people have been evacuated from the four besieged cities of Syria, but not everything is happiness. The people who have been evacuated have to accept that they will not be able to return and therefore many of them will lose contact with their relatives and friends. By 2016, three evacuations were performed, but it was not enough to satisfy the needs of Madaya (Physicians for Human Rights and Syrian American Medical Society, 2016)

The first evacuation took place on February 10, where staff from the Syrian Arab Red Crescent Society (SARC) succeeded in identifying the most critical patients and those who needed to be evacuated more urgently, rescuing four people, three women who had to undergo caesarean sections and an elderly man. The next evacuation took place in March, the United Nations authorities evacuated three people from Madaya and

Zabadani, who were accompanied by seven relatives. Two medical cases were simultaneously evacuated from Foah and Kafraya and were accompanied by ten relatives. The United Nations and other organizations involved in this conflict carried out the last evacuation on April 20, this time a massive evacuation was carried out in the four cities where 80 people in need of urgent medical attention were allowed and were accompanied by four hundred thirty-five family members. On this occasion Madaya had forty people in need of medical attention and two hundred family members who could accompany them, however, this massive evacuation was insufficient to meet the needs of the residents of Madaya. It is also said that these operations were not carried out with total transparency as the Syrian Red Crescent gave no explanation as to why some people who needed urgent medical attention were never evacuated (Physicians for Human Rights and Syrian American Medical Society, 2016).

Humanitarian aid by organizations

According to reports made by the Madaya field hospital, without assistance it is very difficult to survive, it was possible that humanitarian workers of the United Nations entered this population to carry out a previous evaluation that confirms that the city needed emergency aid, especially of nutritional supplements and medicines in order that people do not continue dying from hunger (Physicians for Human Rights and Syrian American Medical Society, 2016).

Despite the serious situation of the population in the besieged cities and due to existing malnutrition and starvation, United Nations aid agencies in conjunction with other international organizations managed to make only five deliveries of humanitarian aid since the beginning of the cessation to the fire in September 2015 until the end of May 2016. The deliveries were inappropriate and did not satisfy the immense needs of the residents of Madaya, which made inevitable the deterioration of the health of the residents of this city (Physicians for Human Rights and Syrian American Medical Society, 2016).

United Nations (UN)



The name of the United Nations was used for the first time on January 1, 1942, when twenty-six nations adopted the "United Nations Declaration" to combat the powers in the second world war; in this document "the signatories got engaged to put their best efforts against the war and not to sign a separate peace" (Naciones Unidas). Subsequently, in 1945, 50 countries met at a conference on International Organization and drafted the "Charter of the United Nations", which was signed by 51 founding countries on June 26, 1945, but it is not until October 24 of the same year, that the United Nations officially came into existence after the Charter was ratified by China, France, the Soviet Union, United Kingdom, United States, among the main ones; and most of the other signatory countries. The objectives of this organization are to maintain peace and security, to protect human rights, to distribute humanitarian aid, to promote sustainable development and to protect international law, the organization currently has four branch offices in: New York, Geneva, Vienna and Nairobi (Naciones Unidas).

In order to fulfill what is established in the letter of the united nations, institutions have been created and have the following functions:

1. The General Assembly has the authority to study cases of human rights violations and to make recommendations to States. All United Nations agencies have to issue reports to the General Assembly so that it can make resolutions or declarations to help ensure compliance with human rights and fundamental freedoms (Joseph & Kyriakakis, 2010).
2. The Economic and Social Council, under Article 62 of the Charter of the United Nations, is authorized to "conduct or initiate studies and reports on

international, economic, cultural, educational, health and related matters" and may make recommendations in order to promote respect for and observance of human rights and fundamental freedoms. This institution receives and submits reports on treaties to the General Assembly and coordinates United Nations programs (Joseph & Kyriakakis, 2010).

1. The Human Rights Council began operations on March 15, 2006 and, within its functions, it created mechanisms to denounce human rights violations, provide information and set up working groups to train people on human rights issues and fundamental liberties; it also has the responsibility to ensure compliance and to encourage international cooperation to fulfill their human rights obligations without infringing the law (Joseph & Kyriakakis, 2010).
2. The Office of the United Nations High Commissioner for Human Rights is responsible for providing advice and support to human rights programs. To this end, it focuses on engaging in dialogue with State officials to prevent violations of human rights (Joseph & Kyriakakis, 2010).

In line with its creation objective, on October 18, 2015, the United Nations was able to carry out the first delivery of humanitarian aid in Madaya, which provided medicines for non communicable diseases, reproductive health kits, food, nutritional supplements and supplies; Unfortunately, these assets only met the needs of half the residents. Unluckily, by the time the aid arrived, the food was no longer in good condition, so it was reported that about two hundred people were admitted to hospital with abdominal pain, fever, vomit and diarrhea from ingesting expired energy bars. After denouncing this fact, United Nations officials agreed to replace the expired food with milk powder, but unfortunately the time that passed for the next delivery took place two months later (Physicians for Human Rights and Syrian American Medical Society, 2016).

The UN representative for Syria, Staffan de Mistura, announced that in January 2016 at a meeting in Geneva with the ambassadors of the world powers and in turn permanent members of the United Nations Security Council: United Kingdom, China, France, Russia and the United States, established a schedule for the delivery of aid in

order to achieve "immediate action" to help the besieged areas in Syria (El Economista, 2016).

By January 2016, thanks to the perseverance of the humanitarian workers, three deliveries were made on January 11, 14 and 18. According to United Nations reports, convoys from the UN and its World Food Program (WFP), the International Committee of the Red Cross (ICRC) and the Syrian Arab Crescent delivered: food, medicines, water, sanitization, blankets and fuel for one month. However, deliveries failed to meet either quality or quantity, it is estimated that deliveries would cover the needs of only 30% of the population and that fruit, vegetables, eggs, and protein were not included although it is necessary to counteract malnutrition problems in the city (Physicians for Human Rights and Syrian American Medical Society, 2016).

Despite the efforts made by the United Nations and the various requests made to access the besieged cities with aid convoys quickly and without restrictions, Syrian government authorities put all kinds of obstacles to obstruct the process. Finally, an upcoming delivery of humanitarian aid could be made on February 17, 2016, which included food and medical and nutritional supplies for residents (Physicians for Human Rights and Syrian American Medical Society, 2016).

In April 2016, Madaya received a convoy with humanitarian aid with the amount needed to feed the entire population for a week. These supplies helped to reduce malnutrition levels in this city. Unfortunately for May, health officials reported that despite the authorities giving approval for a delivery, no aid arrived in Madaya and the citizens were running out of food to survive. For their part, the United Nations workers gave no explanation as to why this delivery was not made or gave answers as to why the deliveries previously made were insufficient for the total population of Madaya. Without answers and without frequent reports on the besieged areas, it is impossible to determine who is responsible for these failures or to make recommendations so that it should not happen again (Physicians for Human Rights and Syrian American Medical Society, 2016).

Meanwhile, the United Nations humanitarian coordinator for Syria indicated that, although there was an affirmation to distribute deliveries in besieged areas in May and

June, since April deliveries were not possible due to the tension between the parts of the agreement and by the bombing in the cities of Idleb, Foah and Kefraya.

The Syrian government authorized "once again" the delivery of humanitarian aid to the four cities under the July plan, which allowed the UN a "unique opportunity" to reach the besieged people with help during the upcoming holidays. According to Mr. El Hillo, the United Nations humanitarian coordinator for Syria, who is concerned about delays in carrying out emergency medical evacuations in the four cities. "Our teams are ready to proceed to the medical evacuation of the sick and injured. We call on the parties to help the most vulnerable, and end the eye-for-eye approach to the agreement that does not allow emergency rescue responses when is urgently needed " (El Hillo, 2016).

Although the agreement of the four cities had agreed on a cease-fire and immediate delivery of aid to the besieged areas, the United Nations was obliged to stop deliveries due to continued attacks and increased military activities in these affected areas. Finally, when the convoys managed to gain access to Madaya, the reality was that the content was insufficient and of bad quality to satisfy the residents and to fight the hunger of this people (Physicians for Human Rights and Syrian American Medical Society, 2016).

The inhabitants of these cities affirm that the assistance provided by the United Nations was deficient and did not meet the needs of this city. In fact, the UN has publicly admitted that in past months expired cookies was distributed by mistake that instead of helping, it worsened the situation causing several cases of intoxication (Sancha, 2016).

Doctors Without Borders / Médecins Sans Frontières (MSF)



Doctors without borders was founded in 1971 as a medical-humanitarian aid organization to assist people in danger of: armed conflict, violence, epidemics or diseases,

natural disasters and lack of medical care, its main objective is to preserve life and alleviate the suffering of human beings. MSF is funded by donations from its five million partners around the world, allowing the organization to decide on how to act and which populations to attend. The volunteers of this organization also have the approval to give testimonies or denounce situations in which they have been present, with the purpose of improving and raising awareness about the dangers that can be faced by the international community (Médicos sin Fronteras).

Doctors Without Borders has also supported the Syrian conflict; however, the government has not given authorization to this organization to access besieged areas under its control. MSF has established medical programs that could be applied in the Syrian case but, unfortunately, have not been able to be implemented due to the existing obstacles in the country's political system. According to the workers of this organization, "Syria is a painful reminder that medical care is not only not respected, but is a direct target of attacks for political ends by the parties involved in the conflict" (Médicos sin Fronteras, 2016).

Since the year 2015, Doctors Without Borders has been working in northern Syria, where they have observed a steady increase in the number of people who needed urgent medical attention. They also expanded their programs to health centers run by Syrian doctors in besieged areas providing them with "technical advice, medical supplies, salaries and fuel; and collaborated in the reconstruction of damaged buildings" (Médicos sin Fronteras, 2016).

Despite the efforts made by Doctors Without Borders, it has not been possible to organize support missions in Madaya and other besieged areas because the delivery of medical supplies in these areas are highly controlled and limited. Often the checkpoints do not allow the entrance of convoys, in other occasions they only allow the access of few elements like: surgical material, antibiotics and therapeutic foods. For this organization, it has been almost impossible to evacuate critical ill patients, and despite being attacked by air strikes and bombings, the organization has managed to provide medical care for about 300,000 civilians in the governorates of Damascus and Homs (Médicos sin Fronteras, 2016).

International Red Cross (ICRC) and Syrian Arab Red Crescent (SARC)



International Red Cross was created in 1863 with the objective of providing protection and assistance to the victims of conflicts and armed confrontations through the direct realization of activities around the world such as: ensuring the health of war victims, reestablishing contact between relatives, helping Syrian refugees, protecting the civilian population, providing medical assistance in situations of danger, ensuring respect for international humanitarian law, etc. (Cruz Roja Internacional).

Syrian Arab Red Crescent Society (SARC) is a member of the International Federation of Red Cross and Red Crescent Societies, which is considered the largest humanitarian organization with millions of volunteers around the world to act in case of emergency, to respond to the needs and to improve the lives of vulnerable people; without discrimination on the grounds of race, religious beliefs, class or political opinions. This federation was founded in 1919 in the first world war, within this was founded the SARC in 1942 and is present in the Syrian conflict since 27 November 2016.

On 15 January 2016, the Syrian Arab Red Crescent organization was able to gain access to Madaya with a mobile clinic and two doctors in order to conduct medical studies for residents. The team reported that there was a countless deterioration of the population in the city related to food shortages (Physicians for Human Rights and Syrian American Medical Society, 2016).

On the other hand, nutritionists from the International Committee of the Red Cross, UNICEF and the World Health Organization conducted tests to determine the magnitude of malnutrition, initially their contribution was positive since a diagnosis was

made to the patients, unfortunately it stayed in a simple diagnosis, but no treatment was given (Physicians for Human Rights and Syrian American Medical Society, 2016).

On February 17, 2016, the Syrian Arab Red Crescent organization was present in the city of Madaya with 170 volunteers and 65 trucks destined for Madaya and Zabadani. In addition, they sent two mobile health units, which include teams trained to provide assistance and medical treatment to residents, which is of vital importance in this conflict. The aim of the SARC is to reach as many places as possible to provide assistance to the most vulnerable people throughout Syria (Ryan, 2016).

Figure 5 Entry of humanitarian aid to Madaya.



SARC vehicles including a mobile medical unit on the road to Madaya. Photo: Zaher Barazi / Syrian Arab Red Crescent

Source: (International Federation of Red Cross and Red Crescent Societies, 2016)

In the above illustration, SARC volunteers are observed along with United Nations personnel entering the city of Madaya. The work done by these people is admirable because they put their life at risk to try to save the life of those who need it most, these people have had to work regardless of the weather and there are cases of injuries or killed people while working to save lives, for this reason all groups involved in the conflict has been asked to respect the volunteers, to ensure their safety and to be allowed to carry out their work.



Save the Children is another organization that has been present in the conflict, created on April 15, 1919 with the purpose of protecting the lives of children, fighting for their rights, giving them access to quality education (Fundación Save the Children), this organization has tried to help in the city of Madaya where the majority of those affected by the conflict are children.

Andrés Conde, Managing Director of Save the Children, explained that if the siege in the city of Madaya does not finish urgently, many children will die, that action needs to be taken quickly and the entry of food, medicines, fuel and viands must be allowed. According to reports from people in this place, most of the deceased are children and pregnant women due to lack of food and severe problems of malnutrition (Fundación Save the Children).

The work carried out by this organization in the besieged city of Madaya is more informative, they collect information and send it back to those who are in charge, also the volunteers do their best to provide support to the children present in the conflict.

Ilustración 6 Save the Children



Source: (Vice News, 2016)

UNICEF



The United Nations Children's Fund or UNICEF was founded on December 11, 1946 to fight for the rights of all children in 190 countries around the world. The primary objective of this organization is to protect the right of children to education, health care and adequate nutrition, UNICEF is convinced that "all children have the right to survive, thrive and fulfill their potential – to the benefit of a better world. "

In the delivery scheduled for February 17, 2016, UNICEF sent out stabilization kits to treat 200 children hospitalized for severe malnutrition, but authorities did not allow the entry of these kits. Due to the lack of proper treatment for severe malnutrition two children died, an eight-year-old boy on February 26 and a six-month-old girl on March 6 (Physicians for Human Rights and Syrian American Medical Society, 2016). It is regrettable to know that the lives of these children could have been saved if the government approved the receipt of humanitarian aid.

Humanitarian workers look for the respect of international humanitarian law and respect for people's lives, but violence has not been reduced, schools, hospitals and shelters continue to be bombed. The Red Cross Delegate in Syria Marianne Gasser, asks and calls for humanitarian workers to be given access in designated areas so that they can provide assistance to the hungry, wounded and sick people, and also asks for help so that donations from organizations can be provided and that the existing obstacles are eliminated. Since the needs of a city are different from those of other cities, a package of aid should not be the same as another that is destined to be delivered in another city and above all, they requested that the negotiations be speeded up so aid can be delivered on time and without delays so it can fulfill its mission and do not have more human losses. "Be human. Keep your humanity, even in the hardest moments of the war. And let us return, again and again to these places, so that we may continue given assistance. This saves lives" (Gasser, 2016).

Humanitarian organizations make their greatest effort to help these people. Despite the fact that access is not safe and lives have been lost in the attempt to stop the suffering of citizens, the aid has not been sufficient to the magnitude of the barrier that has been imposed on these lands. Organizations have worked together and played a vital role in supporting the wounded and those affected by the conflict by sending food, hygiene and provisions packages for children.

Conclusion

The war in Syria began in 2011 and the existing violence rate has been very high during the conflict. Human and material losses are unquantifiable, which is considered as the worst crisis that has crossed the world since World War II in 1945. The magnitude of this conflict is alarming and the possibility of solving it does not seem an option.

Syria, having a geographic location with an exit to the sea, is a strategic area for the passage of oil between East and West and owns a large number of the world's oil reserves. It has attracted the attention of some countries and has led them to intervene in these territories made massive and far-reaching attacks where several innocent people have lost their lives. It is clear that the intervention of other States in Syria are made to satisfy their interests and gain more power in the international community.

This armed conflict has transcended to a great extent that, besides being the largest geopolitical conflict, has also become a serious social problem since many people had to leave their country and therefore their homes and family. This flow of mobility has led a migratory crisis with internally displaced people from one city to another and also outside the country.

There is a generation of children that has been lost since the environment in which they live has become a battlefield where many innocents have died and those who have survived have not enjoyed their childhood, and where their primordial rights such as education, health and free mobility are not respected. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO) there are 8.1 million children outside and within Syria who need access to education.

The war has left physical and emotional damages to the population and for their recovery, they require psychological and medical treatments. There have also been increasing instances of violence in recruitment by government and extremist opponents who, through the use of force and threats, engage mainly men and boys from besieged cities who are the most vulnerable to agreeing to associate themselves with the government and opponents because they offer them food, medical services, education for

their children and especially because they hope a better future for themselves and their families.

International aid organizations have intervened in this territory to provide support to the inhabitants. However, their assistance has not been sufficient to supply the entire Syrian population. Volunteer support activities have been focused on bringing supplies such as food, medicines, supplies, clothing, blankets and providing medical care to those most affected. The organizations that have had the most presence in this conflict are: United Nations, Amnesty International, Observatory of Human Rights, Doctors Without Borders and Syrian Arab Crescent. These non-governmental organizations are subject to international law; therefore, they must abide by their laws. The purpose of these entities is to preserve peace and security in the international community through the use of peaceful ways of resolution and to make recommendations to States to enforce and respect human rights. Although these rights have been evolving, they are a rule of common compliance and it is the duty of all citizens to demand them. In many cases this remains in simple manifestoes by the lack of decision of its leaders or by the convenience of the world leaders.

The entry of international organizations into Madaya, a city under siege, has been arduous due to the bureaucratic obstacles that have been imposed and the refusal to allow the entry of essential supplies. Although the agreement of the "four cities" has been established, it has not been achieved; the few times that they have been able to enter in those cities the organizations have had to fulfill long processes to have access and to be able to offer aid to the population.

Madaya is only a case of siege of the many existing in Syria, in this city the inhabitants receive inhuman treatment that is considered as a war crime due to the suffering of the people because the States have the political obligation but not legal of enforce human rights. It is imperative and necessary to find mechanisms for all countries to comply with what is established in human rights norms. In this conflict, the parties are fighting to gain power and the control of the territories, but it is time for international leaders to take responsibility and demand an end to the siege and respect for the rights and freedoms of the population.

The deliveries of humanitarian aid that could be carried out in Madaya were insufficient and did not meet the needs of the population. Although the agreements made for the besieged cities have been a great advance, they have not been able to finish with the sieges in the country. Their inhabitants continue to suffer because the living conditions are lamentable and painful. The siege is a very cruel war strategy that affects the people detained in these cities depriving them of access to goods and essential services for a dignified life.

The community of States and the United Nations should seek adequate political ways to try to reconcile the parties and thereby end the conflict, restore peace and security for all its inhabitants. They must be more firm in its resolutions and demand the end of the sieges immediately, release all residents of these cities because under international law, isolating a population and denying them access to humanitarian aid is considered illegal and such behavior must be sanctioned. As long as this problem is not solved, people will continue to suffer and in the worst cases will die in painful situations. The Syrian government would carry out a political process to integrate the country and achieve the peace so desired by its people.

Finally, I believe that all people should be aware and commit to fulfill and respect human rights to achieve the objectives set out in their postulates in such a way that the application and enjoyment of these rights are not an utopia.

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Appendix



/2254 (2015)

Security Council

S/RES

Distr.: General

18 December 2015

Resolution 2254 (2015)

Adopted by the Security Council at its 7588th meeting, on 18 December 2015

The Security Council,

Recalling its resolutions 2042 (2012), 2043 (2012), 2118 (2013), 2139 (2014), 2165 (2014), 2170 (2014), 2175 (2014), 2178 (2014), 2191 (2014), 2199 (2015), 2235 (2015), and 2249 (2015) and Presidential Statements of 3 August 2011 (S/PRST/2011/16), 21 March 2012 (S/PRST/2012/6), 5 April 2012 (S/PRST/2012/10), 2 October 2013 (S/PRST/2013/15), 24 April 2015 (S/PRST/2015/10) and 17 August 2015 (S/PRST/2015/15),

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic, and to the purposes and principles of the Charter of the United Nations,

Expressing its gravest concern at the continued suffering of the Syrian people, the dire and deteriorating humanitarian situation, the ongoing conflict and its persistent and brutal violence, the negative impact of terrorism and violent extremist ideology in support of terrorism, the destabilizing effect of the crisis on the region and beyond, including the resulting increase in terrorists drawn to the fighting in Syria, the physical destruction in the country, and increasing sectarianism, and *underscoring* that the situation will continue to deteriorate in the absence of a political solution,

Recalling its demand that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and *stresses* that, in this regard, the primary responsibility to protect its population lies with the Syrian authorities,

Reiterating that the only sustainable solution to the current crisis in Syria is through an inclusive and Syrian-led political process that meets the legitimate aspirations of the Syrian people, with a view to full implementation of the Geneva Communiqué of 30 June 2012 as endorsed by resolution 2118 (2013), including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring continuity of governmental institutions,

Encouraging, in this regard, the diplomatic efforts of the International Syria Support Group (ISSG) to help bring an end to the conflict in Syria,



Commending the commitment of the ISSG, as set forth in the Joint Statement on the outcome of the multilateral talks on Syria in Vienna of 30 October 2015 and the Statement of the ISSG of 14 November 2015 (hereinafter the “Vienna Statements”), to ensure a Syrian-led and Syrian-owned political transition based on the Geneva Communiqué in its entirety, and *emphasizing* the urgency for all parties in Syria to work diligently and constructively towards this goal,

Urging all parties to the UN-facilitated political process to adhere to the principles identified by the ISSG, including commitments to Syria’s unity, independence, territorial integrity, and non-sectarian character, to ensuring continuity of governmental institutions, to protecting the rights of all Syrians, regardless of ethnicity or religious denomination, and to ensuring humanitarian access throughout the country,

Encouraging the meaningful participation of women in the UN - facilitated political process for Syria,

Bearing in mind the goal to bring together the broadest possible spectrum of the opposition, chosen by Syrians, who will decide their negotiation representatives and define their negotiation positions so as to enable the political process to begin, *taking note* of the meetings in Moscow and Cairo and other initiatives to this end, and *noting* in particular the usefulness of the meeting in Riyadh on 9-11 December 2015, whose outcomes contribute to the preparation of negotiations under UN auspices on a political settlement of the conflict, in accordance with the Geneva Communiqué and the “Vienna Statements”, and *looking forward* to the Secretary-General’s Special Envoy for Syria finalizing efforts to this end,

1. *Reconfirms* its endorsement of the Geneva Communiqué of 30 June 2012, *endorses* the “Vienna Statements” in pursuit of the full implementation of the Geneva Communiqué, as the basis for a Syrian-led and Syrian-owned political transition in order to end the conflict in Syria, and *stresses* that the Syrian people will decide the future of Syria;

2. *Requests* the Secretary-General, through his good offices and the efforts of his Special Envoy for Syria, to convene representatives of the Syrian government and the opposition to engage in formal negotiations on a political transition process on an urgent basis, with a target of early January 2016 for the initiation of talks, pursuant to the Geneva Communiqué, consistent with the 14 November 2015 ISSG Statement, with a view to a lasting political settlement of the crisis;

3. *Acknowledges* the role of the ISSG as the central platform to facilitate the United Nations’ efforts to achieve a lasting political settlement in Syria;

4. *Expresses its support*, in this regard, for a Syrian-led political process that is facilitated by the United Nations and, within a target of six months, establishes credible, inclusive and non-sectarian governance and sets a schedule and process for drafting a new constitution, and *further expresses its support* for free and fair

elections, pursuant to the new constitution, to be held within 18 months and administered under supervision of the United Nations, to the satisfaction of the governance and to the highest international standards of transparency and accountability, with all Syrians, including members of the diaspora, eligible to participate, as set forth in the 14 November 2015 ISSG Statement;

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5. *Acknowledges* the close linkage between a ceasefire and a parallel political process, pursuant to the 2012 Geneva Communiqué, and that both initiatives should move ahead expeditiously, and in this regard *expresses its support* for a nationwide ceasefire in Syria, which the ISSG has committed to support and assist in implementing, to come into effect as soon as the representatives of the Syrian government and the opposition have begun initial steps towards a political transition under UN auspices, on the basis of the Geneva Communiqué, as set forth in the 14 November 2015 ISSG Statement, and to do so on an urgent basis;

6. *Requests* the Secretary-General to lead the effort, through the office of his Special Envoy and in consultation with relevant parties, to determine the modalities and requirements of a ceasefire as well as continue planning for the support of ceasefire implementation, and *urges* Member States, in particular members of the ISSG, to support and accelerate all efforts to achieve a ceasefire, including through pressing all relevant parties to agree and adhere to such a ceasefire;

7. *Emphasizes* the need for a ceasefire monitoring, verification and reporting mechanism, *requests* the Secretary-General to report to the Security Council on options for such a mechanism that it can support, as soon as possible and no later than one month after the adoption of this resolution, and *encourages* Member States, including members of the Security Council, to provide assistance, including through expertise and in-kind contributions, to support such a mechanism;

8. *Reiterates* its call in resolution 2249 (2015) for Member States to prevent and suppress terrorist acts committed specifically by Islamic State in Iraq and the Levant (ISIL, also known as Da'esh), Al-Nusra Front (ANF), and all other individuals, groups, undertakings, and entities associated with Al Qaeda or ISIL, and other terrorist groups, as designated by the Security Council, and as may further be agreed by the ISSG and determined by the Security Council, pursuant to the Statement of the ISSG of 14 November 2015, and to eradicate the safe haven they have established over significant parts of Syria, and *notes* that the aforementioned ceasefire will not apply to offensive or defensive actions against these individuals, groups, undertakings and entities, as set forth in the 14 November 2015 ISSG Statement;

9. *Welcomes* the effort that was conducted by the government of Jordan to help develop a common understanding within the ISSG of individuals and groups for possible determination as terrorists and will

consider expeditiously the recommendation of the ISSG for the purpose of determining terrorist groups;

10. *Emphasizes* the need for all parties in Syria to take confidence building measures to contribute to the viability of a political process and a lasting ceasefire, and *calls on* all states to use their influence with the government of Syria and the Syrian opposition to advance the peace process, confidence building measures and steps towards a ceasefire;

11. Requests the Secretary-General to report to the Council, as soon as possible and no later than one month after the adoption of this resolution, on options for further confidence building measures;

12. Calls on the parties to immediately allow humanitarian agencies rapid, safe and unhindered access throughout Syria by most direct routes, allow immediate, humanitarian assistance to reach all people in need, in particular in all besieged and hard-to-reach areas, release any arbitrarily detained persons, particularly women and children, calls on ISSG states to use their influence immediately to these ends, and demands the full implementation of resolutions 2139 (2014), 2165 (2014), 2191 (2014) and any other applicable resolutions;

13. *Demands* that all parties immediately cease any attacks against civilians and civilian objects as such, including attacks against medical facilities and personnel, and any indiscriminate use of weapons, including through shelling and aerial bombardment, *welcomes* the commitment by the ISSG to press the parties in this regard, and *further demands* that all parties immediately comply with their obligations under international law, including international humanitarian law and international human rights law as applicable;

14. *Underscores* the critical need to build conditions for the safe and voluntary return of refugees and internally displaced persons to their home areas and the rehabilitation of affected areas, in accordance with international law, including applicable provisions of the Convention and Protocol Relating to the Status of Refugees, and taking into account the interests of those countries hosting refugees, *urges* Member States to provide assistance in this regard, *looks forward* to the London Conference on Syria in February 2016, hosted by the United Kingdom, Germany, Kuwait, Norway and the United Nations, as an important contribution to this endeavour, and *further expresses* its support to the post-conflict reconstruction and rehabilitation of Syria;

15. *Requests* that the Secretary-General report back to the Security Council on the implementation of this resolution, including on progress of the UN-facilitated political process, within 60 days;

16. *Decides* to remain actively seized of the matter.
