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British Embassy
Sarajevo

CASE STUDY: SYRIA

**Genocide and Crimes Against Humanity
Alert and Prevention Mechanism**



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The views and opinions expressed in this report do not necessarily represent those of the Government of the United Kingdom.

The document is an official report compiled for the needs and on behalf of the Srebrenica-Potočari Memorial and Cemetery for the Victims of the 1995 Genocide (hereinafter the Srebrenica Memorial).

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Genocide and Crimes Against Humanity Alert and Prevention Mechanism Case Study: Syria

The Srebrenica Memorial Center

Established by decision of the High Representative for Bosnia and Herzegovina in 2000, the Srebrenica Memorial (full name: Srebrenica-Potočari Memorial and Cemetery for the Victims of the 1995 Genocide) is a place of remembrance for the victims of the 1995 Srebrenica genocide. The Memorial Center is dedicated to the preservation of history and to confronting the forces of ignorance and hatred which make genocide possible.

About the Project

The Srebrenica Memorial Center began implementing the project “Truth, Dialogue, Future” in late 2020 with the support of the Government of the United Kingdom. The project aims to strengthen the capacities of the Memorial Center in areas such as memorialization, archiving, education, public outreach, institutional networking, and internationalization. Truth-telling, dialogue, and confronting violent extremism are central aspects of the project’s design. Through research, publications, and development in key areas of its mission, the Memorial Center strives to assume a leading role in education about, and prevention of, radical hatred in the region—especially as it relates to genocide, war crimes, and confronting the past. To this end, the project focuses on the development of crucial capacities, including the collection, archiving, and presentation of research, as well as the building of fruitful and long-lasting partnerships with other institutions around the globe.

The Genocide and Crimes Against Humanity Alert and Prevention Mechanism (GCAHAPM) is an important activity within the project, which aims to identify narratives and patterns of action with the potential to lead to violence. The GCAHAPM entails a series of reports, written by the Memorial Center’s team of expert researchers, which focus on situations of mounting violence around the world which exhibit significant potential to escalate into genocide. These reports are strictly fact-based, relying on available evidence, independent journalism, and the findings of esteemed international entities working to expose and prevent the violation of human rights. The Memorial Center views the responsibility to use the experience of the Srebrenica genocide as well as its developing research capacities to raise awareness about situations of escalating violence as an important aspect of protecting the legacy of Srebrenica. With these reports, the Memorial Center endeavors to apply the expertise gained through our collective experiences in Srebrenica to alert the international community to egregious violations of human rights and circumstances where there is an imminent risk of genocide. By ensuring that the horrors which transpired in Srebrenica are never experienced again anywhere in the world, we honor



the victims of the Srebrenica genocide and help to fulfil the most fundamental collective responsibility of the human race.

EXECUTIVE SUMMARY

This report focuses on the ongoing Syrian War, with particular emphases on the conduct of the Assad regime. Following decades of political and economic instability, a popular uprising broke out in Syria in early 2011 amidst the wave of anti-government protests known collectively as the Arab Spring. Public demonstrations quickly escalated into violence, resulting in a brutal armed conflict which has been devastating Syria for over a decade. In their efforts to regain and maintain political control, the Syrian government has carried out numerous atrocities against its civilian population.

The prevention of genocide and mass atrocities is both an internationally binding legal obligation and a universal moral responsibility. In establishing the case for intervention to prevent future atrocities, this report (1) identifies the *violations of international law* which provide legal grounds for intervention; (2) assesses the *likelihood of the future escalation* of violence in order to demonstrate the exigency of prevention; and (3) recommends possible *measures* for intervention and prevention.

The conclusions of this report which pertain to international law can only be provisional, pending further investigation by accredited legal institutions. However, the preliminary findings of this research suggest a high probability that various **crimes against humanity** and **war crimes** have been and continue to be perpetrated by the Assad regime against Syrian civilians. These include but are not limited to indiscriminate targeting of civilians; mass murder; siege warfare; wanton destruction of civilian property; forced displacement; use of chemical weapons; arbitrary detention; torture; enforced disappearance; and sexual violence. In regard to the legal qualifications of **genocide**, there is so far insufficient evidence to prove the existence of the *dolus specialis* — the special intent to destroy a protected group in whole or in part — in the case of the Syrian government's military operation.

However, given the underlying political, economic, and social conditions, as well as the variables introduced by third-party involvement in the conflict, the violence in Syria exhibits significant potential to escalate in the near future. In light of these assessments and the overall severity of the crisis, this report concludes that there is sufficient legal basis for international intervention in Syria, as well as an urgent humanitarian imperative to prevent further atrocities.

As such, the preliminary **recommendations** of the Genocide and Crimes Against Humanity Alert and Prevention Mechanism are as follows:

- The UN must mediate an **immediate cease-fire** on all sides of the conflict and provide adequate support and oversight for its implementation.
- An **international arms embargo** against the Syrian government should be imposed, and international actors should place pressure on all states to cease providing arms to the regime.
- The safe **removal or destruction of chemical weapons** in Syria should be prioritized through support for the Organization for the Prohibition of Chemical Weapons.
- All sides to the conflict must be included in negotiating of a **lasting peace agreement** which ensures protections for returning refugees, IDPs, and minorities.
- All able actors should continue or increase **humanitarian assistance** to vulnerable populations inside Syria as well as refugee communities through the coordination of the UN.
- The international community must ensure **legal accountability** in international and/or domestic courts for all crimes committed during the conflict.

LEGAL FRAMEWORK AND MASS ATROCITY PREVENTION

The prevention of genocide and mass atrocities is not only a legal obligation binding on all states, but a collective moral responsibility shared by all of humanity. The obligation of states to intervene to prevent genocide, war crimes, and crimes against humanity is firmly established under the customary rules of international law as well as in numerous international treaties. Based on relevant jurisprudence, the Genocide and Crimes Against Humanity Alert and Prevention Mechanism relies on the following definitions in substantiating the legal grounds for intervention in the case of genocide and mass atrocities:


Legal framework

The (GCAHAPM) relies on the following definitions to determine legal justification for intervention in the case of genocide and mass atrocities:

War Crimes

War Crimes are defined as Grave breaches of the Geneva Convention and include any of the following offences committed in armed conflict against persons or property protected under the Convention's provisions:

- a) Willful killing
- b) Torture or inhuman treatment, including biological experiments;
- c) Willfully causing great suffering, or serious injury to body or health;

- 
- d) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
 - e) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
 - f) Willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
 - g) Unlawful deportation or transfer or unlawful confinement;
 - h) Taking of hostages;
 - i) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law.

Crimes Against Humanity

Article 7 of the Rome Statute defines crimes against humanity as any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- a) Murder;
- b) Extermination;
- c) Enslavement;
- d) Deportation or forcible transfer of population;
- e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- f) Torture;
- g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- i) Enforced disappearance of persons;
- j) The crime of apartheid;
- k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Genocide



Article II of the Convention on the Prevention and Punishment of Genocide defines genocide as:

... any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a) Killing members of the group;
- b) Causing serious bodily or mental harm to members of the group;
- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) Imposing measures intended to prevent births within the group;
- e) Forcibly transferring children of the group to another group.

Intervention and Prevention in Cases of Genocide and Mass Atrocities


The duty to prevent genocide is unequivocally expressed in Article I of the Genocide Convention. Moreover, the obligations enshrined by the Convention are obligations *erga omnes*, meaning that each state is bound by them. Hence, each state is legally obligated to prevent and punish genocide, regardless of where the crime occurs and without reservations.¹ The duty to prevent crimes against humanity is ensured by the duty to prevent certain acts, torture for instance, which would amount to crimes against humanity when committed as part of a widespread and systematic attack. Additionally, given that all states are obligated to abide by international humanitarian law, preventing and punishing war crimes is likewise a duty.²

These duties and responsibilities are explicitly outlined in the 2005 World Summit Outcome. R2P obligates all states to prevent atrocities as well as their incitement, through proper and necessary means. The primary responsibility rests with states themselves to prevent atrocity crimes on their own territories, however, the international community also has a responsibility to uphold these obligations when individual states prove unable or unwilling. The first recourse of intervening parties should be pacific means, but should such means prove inadequate, the United Nations Security Council (UNSC) may authorise other forms of collective action, including armed intervention, to protect populations from atrocities.

While international law provides explicit criteria for the classification and prosecution of known violations, it cannot speculate as to the potential of conflicts to escalate, including into genocide. For this reason, in identifying grounds for international intervention and prevention, it is necessary to consult the collective knowledge gained from the historical study of violence.

¹ ICJ, *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia)*. Preliminary Objections. 11 July 1996. Para 31.

² See, for example, UN Human Rights Council. "Report on prevention of Genocide." A/HRC/41/24. 24 June 2019.



The exigent scholarship leaves no doubt that genocide and mass atrocities are by no means spontaneous phenomena but are rather the culmination of historical processes. By studying the patterns in which political violence unfolds, scholars and researchers have been able to identify early warning signs, including the political, social, and economic conditions which are conducive to violence.³

Genocide scholar, Gregory S. Stanton, theorizes ten distinct stages of genocide, as well as preventative measure which can be taken by domestic and international actors at each stage. Based on this framework, the following means of prevention are identified in this report, corresponding to the scope of the intervention required.

Early Stages: Preventing Division

The earliest warning signs of genocide involve the galvanization of identity grievances and the sowing of hatred and intolerance among groups. At this stage, preventative measures include **Institutional Development, Combatting Language and Symbols of Hatred, Empowering Marginalized Groups.**

Intermediate Stages: Preventing Mobilization

With divisions and hostility firmly embedded in the social fabric, perpetrators of genocide proceed to lay the structural groundwork for genocide. At this stage, preventative measures include **Supporting Moderate and Opposition Actors, Hindering Militarization of Aggressors and Prosecuting Incitement and Conspiracy.**


Late Stages: Preventing Violence

Once the violation of the victim groups' basic human rights has become systematized, violence against them can only be expected to intensify. In the late stages of genocide, war crimes and crimes against humanity are being perpetrated. The extermination of the victim group is an imminent threat or may already be underway, and preventive measures should be enacted immediately and swiftly by the international community. All of the following measures, however, must be enacted in accordance with international law: **Mobilizing International Structures, Providing Humanitarian and Military Assistance, Establishing and Defending International Safe Areas and, ultimately, Armed Intervention.**

THE CONFLICT IN SYRIA

What began as a popular anti-government uprising in Syria quickly escalated into a sectarian conflict, in which numerous regional and international actors became deeply involved. By December 2020, the Syrian War had cost

³ See for example, Maureen S. Heibert, *Constructing Genocide and Mass Violence* (New York: Routledge, 2017).



387,118 lives, 116,911 of which were civilians. More than 205,300 people have gone missing, including 88,000 who are presumed to have died in prison after suffering torture and abuse. So far, 6.6 million people have been internally displaced and 5.6 million have fled their country in the course of the conflict.⁴

By early 2011, the Arab Spring had already gained ground across much of the Middle East and Northern Africa. Syria, which had been plagued for decades by political and economic instability, was ripe for unrest.⁵ An anti-government uprising broke out and public demonstrations quickly escalated into violence, resulting in a brutal armed conflict which has been ongoing for over a decade.

The fuse was ignited in March 2011, when fifteen children were arrested in the impoverished city of Dar'ā for anti-regime, pro-democracy graffiti. Month-long protests in Dar'ā were met with a brutal response from the government, which sealed off the city and opened fire on demonstrators, killing dozens of civilians. By the end of March, the protests spread to other cities across the country, with as many 100,000 people taking to the streets to protest the regime's conduct. Over the next few months, the government crackdown intensified, leading several members of Assad's Ba'th Party to resign in protest. This was followed by the defection of seven former military officers on July 29th, who proceeded to establish the opposition militia known as the Free Syrian Army.


By autumn 2011, the international community had become increasingly vocal in its criticism of the Syrian government's violent response to peaceful demonstration. Leaders around the world called for Assad's resignation, and the UN Security Council opened an investigation into the conduct of the regime's forces. Amidst growing diplomatic isolation, the first large-scale battle between government forces and the armed opposition erupted in the territory of Al-Rastan. By September, the unrest in Syria had escalated into a full-blown armed conflict.⁶

Although pro-democracy and anti-regime sentiments mobilized the uprising, the war in Syria is certainly characterized by sectarian divisions. The vast majority of aggrieved protesters and targeted groups are Sunni Muslims, who have been politically disadvantaged by the Alawite minority who are

⁴ Syrian Observatory for Human Rights. "On International Human Rights Day: Millions of Syrians robbed of "rights" and 593 thousand killed in a decade." 9 December 2020. Available at <https://www.syriahr.com/en/195385/>.

⁵ Britannica, The Editors of Encyclopaedia. "Syrian Civil War". *Encyclopedia Britannica*, 17 July 2020, Available at <https://www.britannica.com/event/Syrian-Civil-War>.

⁶ Yacoubian, Monica. "Syria Timeline: Since the Uprising Against Assad." *United States Institute of Peace*. 1 February 2021. Available at <https://www.usip.org/syria-timeline-uprising-against-assad>.



dominant Assad's regime. As the violence has intensified, these divisions have become increasingly salient aspects of the armed conflict.⁷

The situation in Syria is also made more complex by the involvement of numerous outside parties and the conflict's fragmentation into a number of proxy battles⁸ between domestic, international, and non-state actors. Of the latter, the most notable actor is the Islamic State of Iraq and the Levant (ISIL) which has been responsible for some of the war's most shocking atrocities. ISIL has been operating in Syria since late 2012 and has implemented a regime based on the most severe interpretation of Sharia Law which authorizes brutal violence against civilians which includes taking and executing of hostages, destruction of cultural and religious heritage sites, public executions, sexual violence including forced marriages and sex slavery, torture, enforced disappearances, etc.⁹ Most notable, perhaps, is the violence perpetrated by ISIL against the Yazidis in the area of Mount Sinjar.¹⁰ While many parties to the conflict have clearly engaged in serious violations of international law for which they should be held accountable, the scope of this report is limited to atrocities committed by the Assad regime against Syrian civilians. Not only has the scale of the violence committed by the Syrian government far exceeded that of other actors in the conflict,¹¹ the state —due to its superior resources, manpower, and capacity for mobilization — continues to pose the most imminent threat to the civilian population.

Assad Regime in Syria: Crimes and Violations

Since its initial crackdown on peaceful demonstrators in 2011, the Assad government has consistently employed excessive force against Syrian civilians. Pending further investigation by accredited legal institutions, the preliminary findings of this research suggest a high probability that various crimes against humanity and war crimes have been and continue to be perpetrated against the Syrian population by the Assad regime.

Mass Murder

In its operations against armed opposition groups and presumed anti-government civilians, the regime has employed a variety of tactics including executions as well as blockades, shelling, aerial bombing in densely


⁷ Britannica, The Editors of Encyclopaedia. "Syrian Civil War". *Encyclopedia Britannica*, 17 July 2020, Available at <https://www.britannica.com/event/Syrian-Civil-War>.

⁸ Bremmer, Ian. "These 5 Proxy Battles Are Making Syria's Civil War Increasingly Complicated." *TIME*. 16 February 2018. Available at <https://time.com/5162409/syria-civil-war-proxy-battles/>.

⁹ Britannica, The Editors of Encyclopaedia. "Islamic State in Iraq and the Levant". *Encyclopedia Britannica*, 17 July 2020, Available at <https://www.britannica.com/event/Syrian-Civil-War>.

¹⁰ The Commission of Inquiry on the Syrian Arab Republic. "They came to destroy: ISIS Crimes Against the Yazidis." 15 June 2016.

¹¹ All parties to the conflict have perpetrated acts which are prohibited by international law. However, the gravity, frequency and scale of violations committed by the government forces exceeds those committed by anti-government groups. See UN Human Rights Council. *Report of the independent international commission of inquiry on the Syrian Arab Republic*. A/HRC/21/50. August 2012. Para. 51.



populated areas. According to data verified by the Violations Documentation Center (VDC) in Syria, 92% of victims in these attacks have been civilians.¹²

In April 2019, with the support of the Russian Federation, the Syrian government launched an eleven-month military offensive in and around Idlib—a city with a population of around three million people. Indiscriminate attacks targeted homes, healthcare facilities, and markets, and included the use of cluster munitions as well as incendiary weapons and barrel bombs. Over 1,600 civilians were killed in the course of this attack, while an additional 1.4 million were displaced.¹³

“There were bodies everywhere – women, bits of children.”¹⁴

“I remember one boy who had been carrying vegetables in his hands when he was killed. His severed hands were still gripping them.”¹⁵

“We are terrified. Schools, markets, homes, hospitals, everything is a target. They are targeting life in Idlib.”¹⁶

A ceasefire declared in Idlib and the surrounding area in March 2020 has failed to put an end to violence. What is more, this same level of indiscriminate violence at the hands of the Assad regime has been used across the country, resulting in the mass murder of countless Syrian civilians.

Siege Warfare

Siege warfare has proven a favoured strategy of the Syrian government. Combining military assault with the strategies of deliberate starvation and severance of humanitarian aid, the Assad regime and its allies have carried out protracted sieges in civilian populated areas lasting as long as five years. Heavily populated areas subjected to siege warfare by the Syrian government include eastern Aleppo, Ghoutah, Yarmouk, Darayya, and several other districts of Rif Damashq.¹⁷

The siege of eastern Aleppo between July and December of 2016 is emblematic of the regimes siege warfare strategy. The operation began with air strikes which forced armed opposition groups to retreat into rural territory, leaving the urban civilian population more vulnerable. The city's inhabitants

¹² Scheider, Tobias, Lütkefend, Theresa. “Nowhere to Hide: The Logic of Chemical Weapons in Syria.” *Global Public Policy Institute*. February 2019. Available at https://www.gppi.net/media/GPPI_Schneider_Luetkefend_2019_Nowhere_to_Hide_Web.pdf.


¹³ Human Rights Watch. “Targeting Life in Idlib.” 15 October 2020. Available at <https://www.hrw.org/report/2020/10/15/targeting-life-idlib/syrian-and-russian-strikes-civilian-infrastructure>.

¹⁴ Syrian Civil Defence worker. Human Rights Watch. “Targeting Life in Idlib.”

¹⁵ *Ibid.*

¹⁶ Ayman Assad, resident of Idlib. Human Rights Watch. “Targeting Life in Idlib.”

¹⁷ UN Human Rights Council. A/HRC/46/54 Para. 45. See also, for instance, UN Human Rights Council. *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*. A/HRC/34/64. February 2017. Paras. 21-50. See also BBC News. “Syria conflict: Almost one million living under siege – UN.” 21 November 2016. Available at <https://www.bbc.com/news/world-middle-east-38056872>.



were not only deprived of food, water, and basic medical supplies, they were also targeted by indiscriminate attacks including heavy aerial bombardment and even chemical gassing. Public infrastructure and cultural heritage sites were destroyed, and the streets were littered with the dead and wounded.¹⁸ An estimated 275,000 people living under the siege in eastern Aleppo faced “annihilation.”¹⁹

Destruction and Displacement

The attacks perpetrated by regime forces and their allies also rely on the wanton destruction of civilian property and infrastructure. This includes residential buildings, cultural heritage sites, places of worship, and public facilities such as schools, hospitals, and markets.²⁰ Through bombardment campaigns facilitated by the increasing urbanization of the military, Syrian forces are able to wreak enormous damage in the everyday lives of individuals.²¹

As a direct result of military action, roughly a third of Syrian homes had been destroyed or seriously damaged, and more than 50% of basic social infrastructure rendered non-operational by 2017. In addition to the environmental and health risks posed by debris,²² the devastating scale of the destruction has caused irreparable damage to Syrian society.

“The war in Syria is tearing apart the social and economic fabric of the country. The number of casualties is devastating, but the war is also destroying the institutions and systems that societies need to function, and repairing them will be a greater challenge than rebuilding infrastructure – a challenge that will only grow as the war continues.”²³

This devastation has also contributed to the growing crisis of displacement in the country. As well as being forced to flee their homes due to destruction, terror, and violence,²⁴ the vast swaths of the civilian population have been displaced by the ‘evacuation agreements’ which were the ultimate

¹⁸ UN Human Rights Council. A/HRC/34/64. Paras. 21-50.

¹⁹ BBC News. “Syria conflict: Almost one million living under siege – UN.” 21 November 2016. Available at <https://www.bbc.com/news/world-middle-east-38056872>. See also BBC News. “Syria conflict: Life under siege in rebel-held Aleppo.” 6 October 2016. Available at <https://www.bbc.com/news/world-middle-east-37561618>.


²⁰ UN Human Rights Council. A/HRC/46/54. Para. 24.

²¹ Azzouz, Ammar. “‘Every day is war’ – a decade of slow suffering and destruction in Syria.” *The Conversation*. 15 March 2021. Available at <https://theconversation.com/every-day-is-war-a-decade-of-slow-suffering-and-destruction-in-syria-154595>. See also Porteous, J. Douglas & Smith, Sandra E. *Domicide: The Global Destruction of Home*, *Housing Studies*, 18:2. 2003. Pp. 269-272. Available at <https://www.tandfonline.com/doi/abs/10.1080/0267303032000087766?journalCode=chos20>.

²² *Overton, Iain and Dathan, Jennifer*. “Syria in 2020: the deadly legacy of explosive violence and its impact on infrastructure and health.” *ReliefWeb*. 18 December 2019. Available at <https://reliefweb.int/report/syrian-arab-republic/syria-2020-deadly-legacy-explosive-violence-and-its-impact>.

²³ Hafez Ghanem, World Bank Vice President for the Middle East and North Africa, quoted in The World Bank. “The Visible Impacts of the Syrian War May Only be the Tip of the Iceberg.” 10 July 2017. Available at <https://www.worldbank.org/en/news/press-release/2017/07/18/the-visible-impacts-of-the-syrian-war-may-only-be-the-tip-of-the-iceberg>.

²⁴ Scheider, Tobias, Lütkefend, Theresa. “Nowhere to Hide: The Logic of Chemical Weapons in Syria.”



outcome of the aforementioned sieges waged by the Syrian government.²⁵ These agreements were designed “to engineer changes to the political demographics of previously besieged enclaves, by redrawing and consolidating bases of political support.”²⁶ The combination of coercive measures to uproot civilian communities as well as the inevitable repercussions of prolonged conflict has thus created an environment in which Syrian civilians are unable to freely decide on their residency or movement.

“We don’t know where to take our children. If we go west, we get hit by bomb fragments. If we go east, it’s the same. We have no windows or doors left. People have stopped going into the basements to seek shelter; they go into the streets or onto the rooftops, so that it’s easier for rescue workers to find their bodies....We knew we were going to die, and we went out into the street so we would not end up under the rubble.”²⁷

Use of chemical weapons

The use of internationally outlawed chemical weapons against civilians by the Assad regime has been another defining feature of the Syrian conflict. Out of 519 reported attacks, 349 have been confirmed, including in the areas of Ghoutah, Idlib, Homs, Aleppo, Hama, Damascus, and other provinces.²⁸ The most recent documented attack occurred in May 2019, near the village of Kbanah in north-western Syria.²⁹ The 2017 sarin attack in Khan Shaykhoun, Idlib and the 2018 chlorine attack in Douma sparked military retaliation against Syrian government posts by the US, UK and France.³⁰ The systematic and widespread use of chemical weapons attests to the routine and deliberate effort of the Assad regime to inflict extraordinary and disproportionate suffering on Syrian civilians.³¹ Not only do these chemical agents produce enormous casualties, those who survive chemical attacks suffer serious long-term side effects to both their physical and mental health. The terror sowed by these attacks also results in displacement, as many are forced to flee their homes in fear for their survival.³²

²⁵ The “evacuation agreements” were truce agreements between the parties, meaning the government and the parties in charge of the besieged are, which essentially amounted to forceful displacement of civilians the intention of which was a permanent change in political demographics. See Commission of Inquiry on the Syrian Arab Republic, “Sieges as a Weapon of War: Encircle, Starve, Surrender, Evacuate.” May 2018.

²⁶ Independent International Commission of Inquiry on the Syrian Arab Republic, “Sieges as a Weapon of War: Encircle, Starve, Surrender, Evacuate.” Para. 24.

²⁷ Resident of Ariha. Human Rights Watch. “Targeting Life in Idlib.”


²⁸ Scheider, Tobias, Lütkefend, Theresa. “Nowhere to Hide: The Logic of Chemical Weapons in Syria.”

²⁹ Scheider, Tobias, Lütkefend, Theresa. “The Syrian Regime’s Approach to Chemical Warfare.” *Global Public Policy Institute*. April 2020. Available at <https://chemicalweapons.gppi.net/analysis/introduction/>.

³⁰ Scheider, Tobias, Lütkefend, Theresa. “Nowhere to Hide: The Logic of Chemical Weapons in Syria.”

³¹ Human Rights Watch. “Death by Chemicals” 1 May 2017. Available at <https://www.hrw.org/report/2017/05/01/death-chemicals/syrian-governments-widespread-and-systematic-use-chemical-weapons>. See also Amnesty International. “Syria: Unlawful attacks using cluster munitions and unguided barrel bombs intensify as Idlib offensive looms.” 14 September 2018. Available at <https://www.amnesty.org/en/latest/news/2021/03/ten-years-on-justice-for-syrians-more-important-than-ever/>.

³² Scheider, Tobias, Lütkefend, Theresa. “Nowhere to Hide: The Logic of Chemical Weapons in Syria.”



“[Civilians] used to say that death by chemical weapons [was] a merciful death’ because it would at least leave the body whole. Another activist called it ‘death without blood’ – depicting entire families suffocating silently in their sleep.”³³

Arbitrary Detention, Torture, and Enforced Disappearance

Along with conventional and chemical attacks, the Syrian government has employed arbitrary detention, torture, and enforced disappearance in the course of its deliberate and organized attack against the civilian population. Initially intended to intimidate and punish vocal members of the opposition, these methods have since become tactics of war integral to the regime’s military strategy.³⁴ As part of the widespread and systematic violence perpetrated by the Assad government, these practices have been carried out in a consistent and uniform manner across Syria, and with the direct participation of state institutions.

In addition to being denied the right to due process and cut off completely from the outside world, numerous survivor testimonies recount the horrific abuse and deplorable conditions suffered in Syrian detention centres.³⁵ Detainees were routinely tortured in the course of interrogation as well as beaten to death or left to die from brutal injuries. Without access to sufficient food, clean drinking water, or medical care, many others died as a result of the inhuman conditions in the overcrowded detention facilities, often of easily curable and preventable illnesses.³⁶

The murders which take place in both official and makeshift detention centres run by the Syrian government are in clear violation of the principle of military necessity and are therefore committed in utmost secrecy. For this reason, these deaths “are largely lost to the international public and political discourse surrounding the violence of the conflict, in spite of their devastating impact on the lives of hundreds of thousands of Syrians.”³⁷

The impact of enforced disappearance extends far beyond the victims of covert violence. For the friends and family members of those taken into custody never to be heard from again, not knowing the fate of their loved ones is a source of enormous anguish and emotional hardship. Because the majority of those forcibly disappeared are males, the lasting psychological and social consequences of this practice are overwhelming born by Syrian

³³ Activist from Douma. Scheider, Tobias, Lütkefend, Theresa. “Nowhere to Hide: The Logic of Chemical Weapons in Syria.”

³⁴ The Commission of Inquiry on the Syrian Arab Republic. “Without a trace: enforced disappearances in Syria”. 19 December 2013. Paras. 12-27.

³⁵ UN Human Rights Council. “Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic.” A/HRC/31/CRP.1. 3 February 2016.

³⁶ UN Human Rights Council. A/HRC/31/CRP.1. Para. 21.

³⁷ UN Human Rights Council. A/HRC/31/CRP.1. February 2016. Para. 1.



women and children.³⁸ In this way, enforced disappearance is not just a euphemism for furtive murder, but constitutes an indelible strain on the very fabric of societies.

“Women, standing outside detention centres and holding photographs of their disappeared male relatives, have become an enduring image of suffering in Syria. It is an image which speaks to the essence of the violation of enforced disappearance: the taking of a loved one, the desperate search for information through official and unofficial channels, and the torment of those left behind. Those who wait are often the only visible trace of the violation.”³⁹

³⁸ The Commission of Inquiry on the Syrian Arab Republic. “Without a trace: enforced disappearances in Syria”. 19 December 2013. Para. 44-49.

³⁹ The Commission of Inquiry on the Syrian Arab Republic. “Without a trace: enforced disappearances in Syria”. 19 December 2013. Para. 1



Sexual violence

Large scale sexual violence has been an integral part of the Syrian government's campaign against civilians. Through rape, sexual torture, and sexual humiliation, regime forces deliberately inflict tremendous and long-term suffering on the Syrian population. As a tactic of terror and degradation as well as physical harm, sexual violence does irreparable damage to both individuals and societies.

While reports of the sexual brutalization of men, including of boys as young as 11 years old,⁴⁰ have surfaced from state-run prisons, the vast majority of victims of sexual violence during the Syrian conflict have been women and girls. During the frequent home raids conducted by regime forces, women and girls endure unspeakable forms of sexual trauma, including rape, gang rape, sexual torture, and public humiliation. These acts are often committed against multiple women in the same household, where their children, husbands, and other male relatives are forced to watch. Some women have reported being taken to public spaces to be raped and humiliated in front of their entire communities.⁴¹

Extreme forms of sexual violence against women and girls are also widely perpetrated in detention. Sexual torture and humiliation have been commonly used as an interrogation tactic to compel women to provide state authorities with information. The severity of this violence, which includes the brutalization of victims' breasts and genitalia through beatings and electrocution, results in serious injuries and occasionally death. Several former female prisoners testified to having been so brutally tortured that they lost consciousness, only to find upon waking that they had been raped or sexually assaulted.⁴²

"One security officer told me to go to my room and he followed me in. He began insulting me and telling me he would 'do me' and that I would 'never be clean again.' I screamed, but no one came."⁴³

"The officer took two girls, held their faces down on the desk, and raped them in turn. The girls tried to resist but there was nothing they could do. The officer then told me 'you see what I am doing to them, I will do this to your wife and daughter.'"⁴⁴

⁴⁰ UN Human Rights Council. "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic." A/HRC/37/72/CRP.3. 8 March 2018. Paras. 43-50.

⁴¹ UN Human Rights Council. A/HRC/37/72/CRP.3. Para. 14.

⁴² UN Human Rights Council. A/HRC/37/72/CRP.3. Para. 33.

⁴³ Female rape survivor, Dara'a, 2012. UN Human Rights Council. A/HRC/37/72/CRP.3.

⁴⁴ Male detainee, Damascus Political Security Branch, 2014. UN Human Rights Council. A/HRC/37/72/CRP.3.



Syria Today

As the Syrian War continues well into its tenth year, the lives of the Syrian people are still characterized by enormous suffering and perpetual insecurity. Indiscriminate attacks and heavy bombardments⁴⁵ remain routine factors of everyday life and residential areas and hospitals continue to be targeted by attacks. The humanitarian crisis in Syria also continues to worsen, as much of the population suffers from severe shortages of food as well as the lack of access to medical care.⁴⁶ This situation has only been worsened by the Covid-19 pandemic, which has overwhelmed Syria's already fragile health care system. Because the state has been forced to redirect significant resources away from military action in an effort to support its medical infrastructure, it does appear as though the pandemic may have had some mitigating impact on the violence. However, the long-term effect promises only to exacerbate the underlying economic and political crisis in the country,⁴⁷ contributing to ongoing instability. Even if state violence continues to decrease in Syria on account of the pandemic, "the humanitarian crisis facing its people may yet grow even worse."⁴⁸

Likelihood of Escalation

With no solution to the Syrian conflict in sight, there is imminent potential for ongoing violence to escalate in the immediate future. Indeed, "without concerted, immediate action to further a permanent ceasefire and a good faith Syrian-led peace process, the conflict may yet descend to new levels of inhumanity."⁴⁹ Given the complexity of the political environment in Syria, including the multiplicity of actors and interests involved in the conflict, there are numerous scenarios which could foreseeably lead to the intensification of violence.

As a dictatorship firmly opposed to democratic reform, the nature of the Assad regime itself is also conducive to the continuation and escalation of violence.⁵⁰ Authoritarian governance, minority rule, and high military expenditure are all aspects of the current Syrian government which are indicate a high probability of escalation.

⁴⁵ Reuters, "Air raids in rebel-held Syria said to kill at least 10." 11 June 2021. Available at <https://www.reuters.com/world/middle-east/air-raids-rebel-held-syria-said-kill-least-10-2021-06-10/>.

⁴⁶ Gumrukcu, Tuvan. "Millions in Syria face disaster if aid crossing is shut – UN." *Reuters*. 3 June 2021. Available at <https://www.reuters.com/world/middle-east/millions-syria-face-disaster-if-aid-crossing-is-shut-un-2021-06-03/>. See also Reuters.


⁴⁷ "Starvation on the way": Border crossing decision weighs on northwest Syria." 17 June 2021. Available at <https://www.reuters.com/world/middle-east/starvation-way-border-crossing-decision-weighs-northwest-syria-2021-06-17/>.

⁴⁸ Ozalp, Mehmet. "In war-torn Syria, the coronavirus pandemic has brought its people to the brink of starvation." *The Conversation*. 17 September 2020. Available at <https://theconversation.com/in-war-torn-syria-the-coronavirus-pandemic-has-brought-its-people-to-the-brink-of-starvation-144794>.

⁴⁹ *Ibid.*

⁵⁰ UN Human Rights Council. A/HRC/46/54. Para. 9.

⁵⁰ World Politics Review. "The Syrian Civil War's Never-Ending Endgame." 14 May 2021. Available at <https://www.worldpoliticsreview.com/insights/28041/the-syria-civil-war-might-be-ending-but-the-crisis-will-live-on>.



Whatever the future trajectory of the military conflict, the humanitarian situation in Syria seems certain to continue to deteriorate. Already, an estimated 13.1 million people are in dire need of humanitarian assistance, and so-long as conditions imposed by the war and Covid-19 persist, this number can only be expected to increase. The impacts of the humanitarian crisis in Syria are long-term and significant, extending beyond the border of the country itself and into the wider region. Failure to address the humanitarian crisis promises to perpetuate the underlying instability in Syrian society, making it all the more vulnerable to violence.⁵¹

INTERVENTION AND PREVENTION

In the case of Syria, the government has not only failed to protect its citizens from atrocities but has been the chief perpetrator of atrocities itself. The international community has thus far failed at any meaningful attempt to put an end to the violence, and it is clear that “parties to this conflict, have benefitted from the selective intervention and woeful negligence of the international community, that has left no Syrian family unscathed.”⁵² In light of the enormous scale of the crimes being committed in Syria and the likelihood of escalating violence, intervention to alleviate the suffering of civilians and prevent future atrocities is of utmost necessity.


Legal Grounds for Intervention

The findings of this report which pertain to international criminal and humanitarian law can only offer provisional guidance, as the ultimate authority on these matters is solely the jurisdiction of the qualified international judiciary bodies. However, based on preliminary assessments and pending further investigation by the appropriate legal authorities, the findings of this report suggest a high probability that gross violations of international law may have been committed by the Assad regime against the Syrian people in the course of the ongoing Syrian War. Based on current international law and exigent jurisprudence, this report identifies the following potential legal violations in the case of Syria, which furnish grounds for intervention as well as further investigation and prosecution:

- **War crimes:** The conduct of hostilities by the Syrian government demonstrates a clear disregard for the principles of international humanitarian law and customary laws of war, including distinction, necessity, proportionality, and precaution. The findings of this report suggest that the following war crimes have been committed in Syria by the Assad regime: murder, mutilation, cruel treatment, torture, outrages upon personal dignity, sentencing or execution without due process, attacking the civilian population, attacking protected objects, rape

⁵¹ *Ibid.*

⁵² UN Human Rights, OHCHR, “‘Military solutions’ in Syria have led to a decade of death, denial, and destruction - UN Syria Commission of Inquiry report.”



and sexual violence, displacing civilians, employing poison or poisoned weapons, and employing prohibited gases, liquids, materials or devices.

- **Crimes against humanity:** The findings of this report indicate that the atrocities committed by the Assad regime were part of a widespread and systematic attack against Syrian civilians. Furthermore, there is considerable evidence to suggest that the following crimes against humanity have been perpetrated by the Syrian government in the course of this conflict: murder, extermination, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty, torture, rape and sexual violence, persecution, enforced disappearance, and other inhumane acts causing great suffering, or serious injury to body or to mental or physical health.

With regard to **genocide**, there is insufficient evidence to prove *dolus specialis* in the case of the Syrian government's military operation. The main issue arises in substantiating that the targeted civilians constitute a *protected group* – meaning a national, ethnical, racial or religious group – and that the intent was the destruction of an identifiable and substantial part of this group.


CONCLUSION AND RECOMMENDATIONS

As this report has demonstrated, there is irrefutable evidence that gross violations of international law have been committed by the Syrian government. What is more, without timely and effective intervention, the atrocities perpetrated against Syrian civilians are likely to continue and may even grow worse in scale and intensity. Thus far, the political will to negotiate a resolution to the Syrian conflict has been decidedly lacking, and hopes for a peaceful diplomatic solution which is acceptable to all parties have plummeted.⁵³ While sanctions and embargoes levied by the international community have certainly imposed constraints on the Assad regime, they have failed to yield the desired results, and have arguably even impeded the country's prospects for reconstruction and recovery.⁵⁴ By all accounts, it appears as though the international community has lost interest in Syria and has perhaps even abandoned hope. In the absence of political commitment, policymakers are left in the lurch, without any clear or viable options.⁵⁵

⁵³ The UN-led talks between the Syrian government and the opposition have continuously resulted in failure. Both sides seem unable and unwilling to work towards a solution. See Bibbo, Barbara. "Analysis: Syria's peace process and the Russian and US roles." *Al Jazeera*. 28 February 2021. Available at <https://www.aljazeera.com/news/2021/2/28/analysis-syrias-peace-process-and-the-russian-and-us-role>.

⁵⁴ Bibbo, Barbara. "Analysis: Syria's peace process and the Russian and US roles." *Al Jazeera*. 28 February 2021. Available at <https://www.aljazeera.com/news/2021/2/28/analysis-syrias-peace-process-and-the-russian-and-us-role>.

⁵⁵ Cook, Steven A. "Nobody knows why Syria matters." *Foreign Policy*. 23 March 2021. Available at <https://foreignpolicy.com/2021/03/23/nobody-knows-why-syria-matters/>. See also UN Human Rights, OHCHR, "Military solutions' in Syria have led to a decade of death, denial, and destruction - UN Syria Commission of Inquiry report."



The responsibility to protect Syrian civilians from atrocities applies both to individual states and the international community as a collective. However, given the enduring stalemate of the UN Security Council in regard to Syria, it seems unlikely that the UN will take any decisive action in the immediate future, much less authorize an armed intervention. The future of the conflict and its prospects for resolution are likely to be determined by the involvement of world powers and in particular by their support for the anti-Assad coalition. The approach employed by these actors over the course of the last decade has proved wholly ineffective, their attempts to restrain the Assad regime, futile. For this reason, it is high time to find a new solution to the Syrian conflict—to ease the tremendous suffering of the civilian population, as well as to prevent the current violence from escalating.⁵⁶

With this in mind, the following recommendations are made on behalf of the Srebrenica Memorial Center Genocide and Crimes Against Humanity Alert and Prevention Mechanism:

- The UN must mediate an **immediate cease-fire** on all sides of the conflict and provide adequate support and oversight for its implementation. In the meantime, local cease-fires and truces should be pursued in areas with the most violence.
- An enforceable **international arms embargo** against the Syrian government should be imposed. Regional and world powers should stop providing weapons to the regime or enabling their procurement, and place pressure on Russia and Iran to follow suit.
- The international community must continue to support the efforts of the Organization for the Prohibition of Chemical Weapons to ensure the safe **removal or destruction of chemical weapons** in Syria.
- All sides to the conflict must be included in the negotiation of a **lasting peace agreement**. Regional and international actors must ensure that the peace agreement is respected and implemented. This agreement must ensure protections for returning refugees, IDPs, and minorities and should not deny rights to entire groups including members of the army or opposition militias.
- All able actors should continue or increase **humanitarian assistance** to vulnerable populations inside Syria as well as refugee communities. The “Cross-Border Resolution” of the UN should be renewed and fully funded, all parties to the conflict must be pressured to ensure humanitarian access across the country.
- The international community must ensure **legal accountability** in international and/or domestic courts for all crimes committed during the conflict.

⁵⁶ UN Human Rights, OHCHR, “‘Military solutions’ in Syria have led to a decade of death, denial, and destruction - UN Syria Commission of Inquiry report.”

