



# The State of Justice in Syria 2022

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Syria Justice and  
Accountability Centre



# The State of Justice in Syria

March 2022



The Syria Justice and Accountability Centre

## *About the Syria Justice and Accountability Centre*

*The Syria Justice and Accountability Centre (SJAC) strives to prevent impunity, promote redress, and facilitate principled reform. SJAC works to ensure that human rights violations in Syria are comprehensively documented and preserved for use in transitional justice and peace-building. SJAC collects documentation of violations from all available sources, stores it in a secure database, catalogues it according to human rights standards, and analyzes it using legal expertise and big data methodologies. SJAC also supports documenters inside Syria, providing them with resources and technical guidance, and coordinates with other actors working toward similar aims: a Syria defined by justice, respect for human rights, and rule of law.*

*Learn more at [syriaaccountability.org](http://syriaaccountability.org)*

*The State of Justice in Syria, 2022*

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*SJAC would like to thank Bassam Khabieh for contributing many of the photos featured in this report. His book, [Witnesses to War: The Children of Syria](#), is available for purchase.*

*Duoma, Eastern Ghouta: A man stands in his home and looks at smoke rising into the sky after FSA fighters destroy a tank that belonged to forces loyal to Assad in the Qaboun neighborhood.*

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# Acronyms

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<b>AANES</b>	Autonomous Authority
<b>COI</b>	United Nations Commission of Inquiry
<b>EAAF</b>	Argentine Forensic Anthropology Team
<b>EU</b>	European Union
<b>ICC</b>	International Criminal Court
<b>ICRC</b>	International Committee of the Red Cross
<b>IIIM</b>	International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011
<b>IHL</b>	International Humanitarian Law
<b>ISIS</b>	Islamic State of Iraq and Syria
<b>HLP</b>	Housing, Land, and Property
<b>HTS</b>	Hay'at Tahrir al-Sham
<b>OFAC</b>	Department of Treasury's Office of Foreign Assets Control
<b>SDF</b>	Syrian Democratic Forces
<b>SJAC</b>	Syria Justice and Accountability Centre
<b>SMFT</b>	Syria Missing Persons and Forensic Team
<b>SNA</b>	Syrian National Army
<b>STJ</b>	Syrians for Truth and Justice
<b>UNSC</b>	United Nations Security Council
<b>UJ</b>	Universal Jurisdiction
<b>YPG</b>	People's Protection Unit

# A Letter from the Executive Director

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As a human rights activist and a practitioner in the human rights documentation field, I worked with many activists to collect whatever documentation we could get our hands on at the beginning of the Syrian uprising in 2011. What was possible in the first couple of weeks

became impossible to carry on with the rapid expansion of violence, the nature of weapons used, and attempts by the Syrian government to shut the media and independent human rights organizations out of the country.

Ten years ago, when SJAC began, we were a small group focused on documenting the events happening in Syria. The number of videos posted on YouTube alone was overwhelming and could not be preserved by humans alone. From the beginning, we had a vision that we needed to build a new type of "system" that could manage and preserve unprecedented quantities of documentation.

Our vision proved to be correct. With many Syrian and international organizations still struggling with excel sheets, SJAC used its database to analyze videos, documents, and interviews. After five years of testing, we decided to take the more significant step of re-developing the database with more updated technology and launching it as open-source software, allowing others to benefit from it at no cost. *Bayanat* or "data" in Arabic, has evolved out of years of development and is now utilized by several Syrian and non-Syrian organizations around the world.

But documentation and analysis are not everything. Given the absence of an international justice process for Syria, the only way to move forward with accountability measures is to work with war crimes units and prosecutors in countries that actively prosecute international crimes in their local judicial systems. SJAC has developed strong working relationships with war crimes units across the US and EU by sharing data, evidence, and witnesses, and by providing access to its database to Europol, the UN, and various national prosecutors.

## A Holistic Approach

From the beginning, our vision was to create holistic transitional justice processes for Syria, prioritize the Syrian people, and focus on what could concretely help Syrians. To that end, our team got involved in various activities and programs to support the Syrian people. While some organizations provide vitally needed humanitarian services or aid, we try to help Syrians inside Syria and abroad to understand, defend, and demand their rights.

Historically, one of the major issues Syria has faced is the enforced disappearance of detainees. This story is as old as Syria's modern history. I was a victim of enforced disappearance with my father when we were arrested in Syria in 2006. In response to my family's many inquiries, the Syrian government denied any knowledge of our whereabouts. It was this experience that inspired SJAC to launch a full-scale missing persons program for the people who were disappeared and kidnapped by ISIS in 2019. Since then, SJAC has collected hundreds of interviews with families of the missing, conducted contextual investigations of incidents of kidnapping and detention by ISIS, and analyzed ISIS documents that detail these practices.

Through these types of projects and investigations we uncovered new issues that critically needed international attention. Our analysis of property laws in Syria led us to advocate for a property restitution mechanism for Syrians to be included in the UN-sponsored peace negotiation. Similarly, with the international sanctions against the Syrian government causing financial hardship to average Syrians, we got involved by analyzing sanctions and working with several international governments to provide recommendations that could maintain strong sanctions on the Syrian government while lessening harm to the Syrian people.

We believe that we can be the voice of voiceless Syrians, carrying their demands and genuinely representing them in international fora. We strongly believe in the right of every Syrian to know exactly what is happening related to the Syrian conflict, justice and accountability measures, and the UN peace negotiation. In the past year, SJAC's team published more than 1,500 pages of records from the Koblenz trial of Anwar Raslan, a former Syrian intelligence officer. Recently, we started a podcast in Arabic to keep Syrians informed on what is happening at the trial of Syrian doctor Alaa M. who is accused of using his medical experience to torture detainees.

During the past ten years, we spared no country from our criticism for their violations of the Syrian people's rights. From pointing out Turkey's human rights violations in Northern Syria to calling out the United States for their violations of international law during their campaign against ISIS and

demanding a US-sponsored amends program, to taking Greece to the International Criminal Court over pushing boats of Syrian refugees back to sea and committing systematic violations against asylum seekers in Greece.

In SJAC's office in Washington, DC, we joke that "the list of countries we can visit or talk to is getting shorter and shorter." Yet, the list of countries supporting our work and attesting to our credibility and impartiality is growing as well, and we are grateful for their support.

For the past ten years, we were involved in many difficult debates with governments, with the UN Office of the Special Envoy to Syria, and with Syrian constituents. We are doing our utmost to push for a plan that serves Syrians and the best interest of the Syrian people in the long term. We do not regret any of the difficult conversations we had or some of the audacious steps we have taken. If time rewound, we would be here, taking the same steps again, if not more.

I want to thank our Syrian friends and supporters who followed and supported our work in the last year. And I want to thank our current and previous donors who made this work possible for the past ten years.

Most importantly, I want to thank the SJAC team inside Syria, Europe, and the HQ in Washington, D.C. for their hard work, dedication, and support. The organization has passed many challenges in the past ten years, and SJAC has always supported doing what is best for Syrians.

Sincerely,

Mohammad Al Abdallah

Executive Director



Abu Malek, one of the survivors of a chemical attack that took place in this location in 2013, uses his crutches to walk along a deserted street in Ain Tarma, Eastern Ghouta near Damascus ©Bassam Khabieh

# Introduction

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# Introduction

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The “State of Justice in Syria, 2022” is the Syria Justice and Accountability Centre’s (SJAC’s) third annual report detailing human rights violations against Syrians in 2021, as well as avenues for justice and accountability. The report updates Syrians and the international community on violations and efforts to increase accountability and bring an end to eleven years of impunity.

As SJAC marks its tenth year and the Syrian conflict enters its twelfth, states have begun to normalize ties with the Syrian government and attempt to force the return of Syrian refugees, despite ongoing conflict and government-sanctioned violations. Under international law, countries are required to provide asylum to individuals facing persecution, not return them to a place where their lives and freedom are threatened. Steps to normalize relations and weaken asylee protections, detailed later in the report, condone impunity and must be halted and reversed to ensure the safety of Syrian refugees.

Economic sanctions to discourage future abuses in Syria have continued to evolve in 2021. While implementing governments must take due care to ensure that sanctions do not hurt Syrian civilians or hinder the provision of humanitarian assistance, SJAC argues that sanctions should remain in place and be expanded for individuals who continue to violate human rights and international law, including for territories occupied by Turkey in Northern Syria.

This report also highlights violations committed by multiple parties in Syria, including violations against children, detention and enforced disappearances, returns and deportations, housing, land and property (HLP), and drug trafficking. Nonetheless, justice processes through universal jurisdiction have also brought a measure of hope to victims and survivors. The second half of the report provides updates on justice mechanisms and efforts, while also spotlighting documentation, activism, and memorialization and truth-seeking. SJAC concludes with a series of achievable recommendations for policymakers based upon prevailing conditions.



Laundry hung in a damaged building in Duma, Eastern Ghouta near Damascus ©Bassam Khabieh

# Violations

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# Violations

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## Idlib

Bombings and airstrikes by the Syrian government and Russia continued in the northwestern governorate of Idlib in 2021, despite the Russian-Turkish ceasefire signed in March 2020. These attacks continued under the auspices of a counter-terrorism operation against armed groups controlling the governorate, including Hay'at Tahrir al-Sham (HTS). In fact, aerial and ground operations continued to target civilian infrastructure, damaging hospitals, schools, and gas facilities, and preventing delivery of vital humanitarian aid.

The government bombed multiple hospitals in 2021, resulting not only in casualties but the permanent closure of facilities and destruction of medical equipment, which is in short supply. In March 2021, Atarib hospital<sup>1</sup> was struck by artillery shelling by the government, resulting in the deaths of both hospital staff and patients as well as the closure of the facility. On June 12, 2021, 18 people were killed and several wounded in a government artillery attack striking Al-Shifaa hospital,<sup>2</sup> which has been bombed three times since 2019. The hospital, one of the largest medical facilities in northern Syria, was responsible for seeing an average of 15,000 patients per year<sup>3</sup> but was forced to close as a result of the attack. As Idlib's hospital infrastructure crumbles, thousands of Syrians are finding fewer and fewer safe places to receive treatment, a crisis only exacerbated by the rampant spread of COVID-19.

The Bab al-Hawa border crossing at the Turkey/Syria border, the last standing humanitarian aid delivery route, has been instrumental in delivering

aid to the northwestern region. It has sustained the province of Idlib with both food and medical supplies, with an estimated three million<sup>4</sup> civilians dependent on it. While UN Resolution 2585<sup>5</sup> extends the humanitarian aid route through early 2022, airstrikes place the route in a precarious position. In March 2021,<sup>6</sup> Russia allegedly launched long-range missiles near the Bab al-Hawa border crossing. One person was killed, several were injured, and a dozen trucks enroute to Idlib carrying lifesaving goods were set afire. Other attacks by Russian and Syrian government forces have targeted the area around Idlib and Bab al-Hawa, damaging roads and other vital food and water infrastructure.<sup>7</sup> Attacks on the delivery route not only endanger the safety of civilians but also further exacerbate the food shortage and the medical crisis in Idlib.

Continued attacks on civilian populations and infrastructure, including the targeting of medical facilities, are clear violations of international humanitarian law (IHL) and, in most cases, constitute war crimes and crimes against humanity. A renewed, enforced ceasefire is desperately needed in Idlib, as well as increased international aid, including medical supplies. Perpetrators, both in the Syrian and Russian governments, should be held accountable for continued attacks.

## Returns and Deportations

In 2021, Syrian refugees, residing in neighboring countries as well as Europe, continued to face insecurity due to increased threats of deportation, detention, and challenging migration routes. Xenophobia continued to play a role in many European countries' anti-refugee policies, which

are complicated by discussions about normalizing relations with the Government of Syria. In neighboring countries, Syrians faced challenges in having their refugee status recognized and honored, which is a clear violation of refugee and human rights laws.

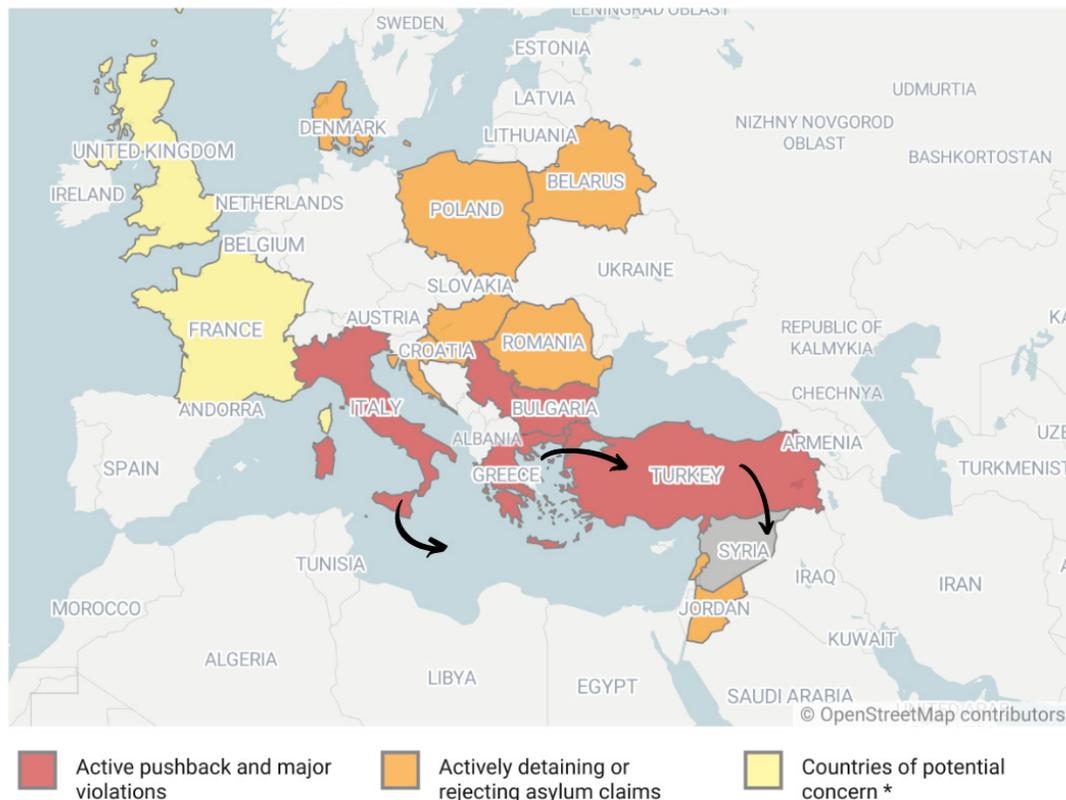
In June, SJAC published [“Refuge No More: The Danger of Forced Return to Syria,”](#) detailing the threats returnees face upon their return. This report is a tool for governments and Syrians to make safe decisions regarding return and craft policy that respects international laws.

Refugees in Syria’s neighboring countries faced growing xenophobia and threats of deportation. Turkish authorities claimed that 450,000 individuals have voluntarily returned to Syria,<sup>8</sup> while UNHCR estimated the number of returns to be half this number.<sup>9</sup> Regardless, many Syrian

refugees have described substandard living and detention conditions that ironically render Syria more attractive than Turkey, despite the risks of persecution in Syria.<sup>10</sup> According to interviews conducted by SJAC, several returnees experienced months of detention in Turkey with no outside communication until they were presented with the option to sign a document and “voluntarily” return to Syria. Detained with little hope for the future, interviewees felt that their only option was to return to Syria. However, forcing Syrians to choose between imprisonment and return to their state of persecution does not constitute voluntary return. Similarly, in Lebanon, many Syrians are not registered because of government policies and face little support in the face of widespread economic collapse impacting everyone in the country.<sup>11</sup>

## Syrian Refugee Threat Map 2021

Current as of 12/31/2021



\* Countries of potential concern have enacted policies that shift asylum responsibilities to other countries or enact policing policies that endanger refugees

Created with Datawrapper

In Europe, Denmark and Greece have attempted to outsource their refugee responsibilities and facilitate returns to Syria through back channels. In May 2021, Denmark passed the Danish Alien Act to send refugees, including Syrians, to a third country for asylum screening. Greece, which has conducted illegal pushbacks,<sup>12</sup> declared Turkey a safe country for return, despite overwhelming evidence to the contrary.<sup>13</sup> Elsewhere, European governments have ignored the plight of new asylum seekers, including Syrians. In November, Syrians spent weeks at the border between Poland and Belarus living in cold, harsh conditions while waiting to file asylum papers.<sup>14</sup> Pushing back refugees and refusing to accept asylum applications violates international refugee and customary law, while the lack of shelter violates the humanitarian and human rights principles upon which the European Union (EU) is built.

Syria is not a safe country for return. Syrians face arbitrary detention, forced disappearance, and torture. The act of leaving the country is viewed as anti-government and many who return are treated as criminals. Returnees who owned homes and businesses often find their property confiscated or destroyed. The drivers of migration have not abated and many Syrians face grave security risks if forced to return.<sup>15</sup>

SJAC filed a [secondary submission to the International Criminal Court \(ICC\)](#) urging the Prosecutor to open an investigation into the treatment of refugees on the Greek-Turkish border by Greek authorities and Frontex. This submission builds on the first communication with new evidence from the ground.

## Turkish Violations

Turkish forces and the Turkish-backed Syrian National Army (SNA) continued to commit violations in Syria and against Syrians abroad in 2021.

### **Areas under Turkish Control**

Forming joint hierarchies with the SNA, Turkey has an obligation to prevent and prosecute human rights and international humanitarian law violations committed by SNA members. Turkey, with support by the SNA, acts as an occupying power in Syrian areas under its control. As such, Turkey is obliged to adhere to the Fourth Geneva Convention.<sup>16</sup> Nonetheless, SNA members continued to commit war crimes in Turkish-controlled areas in Syria in 2021, and Turkey repeatedly violated its obligations as the occupying power.

A recent report on unlawful detention in Syria by the COI indicates that in 2021, the SNA was responsible for arbitrary detentions in Turkish-controlled areas in Syria.<sup>17</sup> Amid the collapse of the Turkish Lira, multiple SNA factions reportedly significantly increased plundering, looting, and other violations affecting civil society.<sup>18</sup> In addition, Turkey failed to provide basic supplies to people living in Northern Syria and adequately respond to the currency and Covid-19 health crises.<sup>19</sup>

### **Mercenaries**

Turkey's obligation to prevent and prosecute violations committed by the SNA also relates to the recruitment of mercenaries by some factions of the SNA, which is directly supported by Turkish forces. Turkey is not bound by the UN's Mercenary Conventions prohibiting the recruitment of mercenaries, as the Convention does not constitute international customary law and because Turkey is not a signatory.<sup>20</sup> Nonetheless, sending mercenaries to Libya constitutes a violation of the UNSC arms embargo on Libya.<sup>21</sup>

In May 2021, SJAC and Syrians for Truth and Justice (STJ) published "[Mercenarism in Syria: Predatory Recruitment and the Enrichment of Criminal Militias](#)" detailing predatory recruitment and exploitation of Syrians to serve as mercenaries in foreign conflicts.

Meanwhile, reports indicate that since 2019, Turkey has sent mercenaries to Libya and, in late 2020, to the conflict in Nagorno-Karabakh.<sup>22</sup> The UN Working Group on the Use of Mercenaries sent several communications to the Turkish government requesting it to investigate the recruitment of mercenaries through the SNA and effectively to stop these violations of international humanitarian law.<sup>23</sup> However, Turkey has left these calls unanswered and to date has failed to comply with its obligations under international law to stop the use of mercenaries from Northern Syria in conflicts abroad. Turkey even increased the number of Syrian mercenaries in Libya by 1,500 men in 2021, in addition to the 7,000 mercenaries that remained in Libya throughout 2021.<sup>24</sup>

### **Areas under Syrian Democratic Forces (SDF) Control**

Turkey also increased its production of unmanned aerial vehicles in 2021 and used them against members of the Kurdish People's Protection Unit (YPG) in Northeast Syria, an area currently under SDF control.<sup>25</sup> The strikes were part of a series of assassinations of high-ranking YPG officials carried out by Turkish forces in areas beyond its control.

## **Violations Against Children**

Syrian children continued to face human rights violations throughout 2021. While direct violations comprised a portion of the violations against children in 2021, the scope of these violations under the law must be widened to include the more nuanced impact of indirect violations on children. Acknowledging the full extent to which children have suffered from the conflict will be critical for the preservation of the historical record, as well as for the reparation and rehabilitation of minor victims, survivors, and perpetrators.

### **Law No. 21/2021**

In August 2021, the Syrian government issued Law No. 21/2021 on the rights of children.<sup>26</sup> While the law outwardly appears to expand protections for children, its limited application suggests that the situation facing young Syrians is far from improved.<sup>27</sup> Protections granted under the law address nationality, child abuse and mistreatment, child marriage, recruitment of child soldiers, and children with disabilities. Yet the provisions leave room for questionable policies and practices. For example, Article 5 provides that every child is entitled to Syrian citizenship, but it does not clarify if nationality can be passed through mothers, as opposed to the standard practice that nationality is only paternally acquired.<sup>28</sup> Article 31 prohibits the use of children in advertising or media that violates children's privacy rights, as well as the circulation of harmful photographs or videos of children.



Douma: A man holds a child that he said survived shelling by forces loyal to Assad, in the besieged town of Douma, eastern Ghouta near Damascus. ©Bassam Khabieh

However, there are concerns that civil society actors documenting violations against children will unjustly be held liable under this law. Additionally, Article 51 bans all measures that involve any form of violence or cruel or degrading treatment of children, while the Syrian government continues to commit violations against minors, including arbitrary detention and torture.<sup>29</sup>

## Children of ISIS

As countries refuse to repatriate the children of ISIS affiliates from camps in Northeast Syria, minors languish in squalid conditions ripe for mistreatment and abuse.<sup>30</sup> In Al-Hol Camp, boys as young as 12-years-old are often detained on the logic that isolation might stifle radicalization.<sup>31</sup> Officials place these children in an area separated from the main section of the camp where food and water are inadequate, and contagious diseases spread rampantly.<sup>32</sup> According to Save the Children, 62 children died of various causes in Al-Hol from January through September 2021, and 73 people, including two children, were murdered.<sup>33</sup> Children as young as two-years-old who need access to healthcare outside of the camp have been separated from their mothers or caregivers and taken to healthcare services by armed security.<sup>34</sup> Meanwhile, in Roj Camp, 55% of households were aware of child labor performed by children under the age of 11.<sup>35</sup>

## Child Perpetrators

The question of how to handle underage individuals who committed violations in Syria remains largely unanswered. In theory, states should apply standards akin to the United Nations Standard Minimum Rules for the Administration of Juvenile Justice.<sup>36</sup> In practice, however, prosecutors are challenged with weighing their commitment to juvenile justice with the gravity of crimes committed by child perpetrators. This challenge is particularly daunting concerning Syrian children and adults who committed crimes as children—many of whom were subject to external factors that directly or indirectly led to their recruitment by terrorist groups. Particularly for these individuals, delineating rehabilitative from punitive measures on a case-by-case basis is crucial for balancing potential threats posed by children with the opportunity for them to heal.

## Detainees and Enforced Disappearance

Detention, enforced disappearance, and associated crimes, including torture and sexual violence, continue to be used as a form of intimidation, control, and extortion by the Syrian government and non-state actors. In 2021, many civilians were detained and disappeared, while thousands of others remained missing as their families continued to wait on news of their fate.

The Syrian government continues to be the main perpetrator of these crimes and any perception of opposition allegiance can put civilians at risk of reprisal. Returnees are in particular danger as their very choice to have left Syria is viewed with suspicion. Syrians who sign status settlements or reconciliation agreements find that these efforts offer no guarantee of protection from abuse.<sup>37</sup> The Syrian government continues to withhold information on the fate of the missing, with many families forced to search for information about their loved ones through back channels, often paying exorbitant bribes.<sup>38</sup> In September 2021, the Ministry of Justice issued Circular 30 requiring families of missing persons to obtain a security clearance to gain power of attorney over their loved one's affairs. This new regulation only further complicates the lives of families, subjecting them to additional government scrutiny and possible abuse.<sup>39</sup>

Detention and enforced disappearance also continue at the hands of non-state actors. HTS continues to use detention and torture as a tool to intimidate journalists and political activists, particularly women.<sup>40</sup> In the Northwest, the Turkish-affiliated SNA regularly detains civilians, particularly targeting Kurds and those with supposed links to the Autonomous Administration (AANES). Multiple SNA brigades have been accused of torture and sexual violence within detention centers.<sup>41</sup>

SDF is also complicit in the arbitrary arrest of civilians. Such arrests are often based on accusations of links to ISIS<sup>42</sup> but have also targeted journalists and activists.<sup>43</sup> Moreover, the SDF continues to detain thousands of Syrians and foreigners with links to ISIS in prisons and Al-Hol and Roj camps without clear plans for trials or reintegration. Most detainees accused of ISIS affiliation have no contact with the outside world, leading families of those kidnapped by ISIS wondering whether their loved ones may have been unintentionally arrested alongside their captors. When the SDF releases detainees, it often does so for political reasons - even in exchange for bribes, as media reports suggested in November 2021- rather than based on judicial processes rooted in due process.<sup>44</sup>

The widespread release of detainees and information on the fates of those who remain missing continue to be at the center of demands for justice.

## Daraa

Since July 2021, military operations have escalated in Daraa, the last stronghold of the Syrian opposition in southern Syria. In prior years, there had been a détente in Daraa due to efforts to achieve reconciliation and ceasefire agreements.<sup>45</sup> These included the evacuation of fighters and civilians who rejected the settlement to the northwest of the country, the widespread re-deployment of the Syrian Arab Army, and weapon confiscation. The agreements were concluded under Russian auspices.

The failure of these so-called reconciliation agreements in Daraa was marked by arbitrary arrests of activists and civilians, several assassinations of armed group leaders, and repeated bombings by the Syrian government forces. Following this initial conflict, tensions mounted once again at the beginning of June 2021 when the Syrian government forces imposed a

stifling siege on the neighborhoods of the city of Daraa and several other areas in the governorate. This military escalation was the most significant violence in Daraa Governorate in the past three years, leading to the killing of many civilians, including children.

The humanitarian situation worsened with the continuation of intermittent skirmishes and exchanges of shelling, with the Syrian government forces gradually tightening the siege on Daraa al-Balad. The escalation prompted more than 18,000 people to flee from Daraa al-Balad within a month, according to the United Nations.<sup>46</sup>



Daraa: Photo by Mahmoud Sulaiman on Unsplash

Government forces seized civilian homes, expelling their residents, and stealing property. The National Hospital in Daraa, al-Mahatta, was targeted by artillery shelling by the Syrian government forces. Armed opposition groups carried out counterattacks on several areas in the countryside of Daraa governorate, capturing dozens of government soldiers.

After several failed attempts and agreements, the opposition forces and the Syrian government reached an agreement, sponsored by Russia, that led to Syrian government forces extending their control over all of Daraa Governorate on September 8, 2021. The agreement<sup>47</sup> stated that control of border crossings and light and medium weapons be ceded to the Syrian government. It

also allowed the deployment of the Syrian army and the Russian military police in the area but stipulated that the government release detainees. There has been no real implementation of this agreement, as most detainees remain in detention, and only a very small number have been released at the publication of this report. The agreement led to the displacement of those who rejected the settlement terms to the north of Syria in areas controlled by the opposition forces. It has also regularized the status of those who were wanted for compulsory military service as long as they joined the military thereafter.

At the end of the continuous bombardment by the Syrian government forces, 40 people were killed and about 80 people were displaced to Northern Syria.<sup>48</sup> Almost three months after the reconciliation agreement began, the Syrian Government took control of the neighborhoods of the city of Daraa al-Balad and other areas in the province. The security situation and human rights reports coming from the area remain concerning, including reports of continued arbitrary arrests, assassinations, and the killing of opposition leaders and human rights activists. Therefore, it is clear that reconciliation agreement has not yet been implemented, assuming there was an intent to do so from the outset.

## Housing, Land, and Property

In 2021, multiple parties to the Syrian conflict continued to violate the rights of Syrians to HLP, in ways that impede the return of Syrians to the country and exacerbate forced displacement. The Syrian government has been the most significant perpetrator as it seeks to effect demographic change by strategically demolishing or redistributing the property of those displaced in the conflict. Although sanctions and the economic crisis have halted most large redevelopment projects, real estate projects around Damascus and Aleppo bulldozed unabated, thereby entrenching wartime displacement in informal settlements.<sup>49</sup>

In early 2021, the government threatened to confiscate the properties of Syrian families whose relatives had evaded military conscription and failed to pay an oppressive commutation fee exacted in U.S. dollars. Both the confiscated assets and exemption fees offer revenue and foreign exchange for the cash-strapped government, which is targeting Syrian refugees



## Drug Trafficking

Eleven years into a protracted and expensive conflict, the government is increasingly struggling to fund military operations. However, the 3.5 billion dollar captagon trade that flows from and through Syria has proven to be a vital lifeline for the government. Syria sits at the center of a drug market that stretches across the Middle East, with the highest usage in the Gulf region, where one pill can cost as much as \$25.<sup>58</sup> Captagon from Syria is a cheaply-made, unregulated amalgamation of caffeine, amphetamines, and other stimulants that increase energy and concentration, making it a popular drug among fighters and students alike for its euphoric effects.<sup>59</sup> The drug has broad human rights implications, from the funding of the crimes of the Syrian government to the further entrenchment of corruption, to the dangerous conditions faced by refugees who manufacture it.

The trade of captagon was once largely restricted to Lebanon's Bekaa Valley where Hezbollah monopolized its production.<sup>60</sup> As the conflict eroded the Syrian government's ability to fight drug production, the porous Syria-Lebanon border afforded Hezbollah access to valuable pharmaceutical production facilities that once



Over 127 plastic bags filled with an addictive drug called Captagon lie ready for destruction after being seized by U.S. and Coalition partners in Southern Syria, May 31, 2018. © Staff Sgt. Christopher Brown

unable to defend their assets.<sup>50</sup> The government likewise issued a decree requiring that deposits be made in Syrian banks for property transfers to occur, making them subject to discriminatory security clearances and anti-terrorism laws that the government exploits to justify property confiscation.<sup>51</sup> Finally, throughout the reclaimed territory in Aleppo and elsewhere, pro-government forces auctioned off the property of displaced civilians and forcibly collected rent from residents on agricultural lands.<sup>52</sup> Similar kinds of HLP violations occurred on a smaller scale in the Turkish-held Northwest. Local Turkish-backed armed groups continued to loot and expropriate civilian property.<sup>53</sup> In the spring, media activists in Afrin documented the construction of new housing settlements on land belonging to Kurdish communities that had been displaced by Turkish-led military campaigns.<sup>54</sup> Although these settlements are meant to house Syrian IDPs, they are contributing to forced demographic change in Northwest Syria by installing new Arab residents and preventing the return of displaced Kurdish communities.

Elsewhere in Syria, HTS also sought to illegally extract revenue from the property of Syrians by forcibly collecting rent from IDPs living in informal settlements in Idlib and withholding water access as punishment for non-compliance.<sup>55</sup> In the Northeast, throughout 2021, the AANES threatened to confiscate the properties of dozens of families living in Qamishli after claiming that these families did not possess legal property deeds.<sup>56</sup> However, Syrians in the AANES, and throughout the country, don't have access to documents to prove their HLP claims due to several factors, including the informal land settlement patterns in pre-conflict Syria, the destruction of civil land registries during the conflict, and the production of counterfeit land deeds.<sup>57</sup>

These HLP violations in 2021 contravened Syrian and international law protecting against the arbitrary confiscation of property.

made Syria a leading pharmaceutical manufacturer in the region. As Assad became more desperate for money, his close relationship with Hezbollah and opportunity for fast funding, quickly made the two ideal business partners.<sup>61</sup> As the conflict drags on, the Syrian government and its associates have used their extensive industrial network to produce, package, and ship captagon, hashish, and methamphetamine throughout the region.<sup>62</sup> An investigation from the New York Times found that Syria's 4th Division, which is led by Maher al-Assad, the President's brother, provides direct protection to captagon factories in the territories it controls.<sup>63</sup> Although early reports erroneously linked the captagon trade to ISIS,<sup>64</sup> it is clear that the Assad government and its allies are utilizing their technical expertise, specialized equipment, and international networks to produce and smuggle captagon on an industrial scale.

The drug trade in Syria has broader human rights implications including Syrian refugees in Lebanon forced into the drug industry, the impunity of an enriched Assad government has to terrorize its people, and users who face draconian prison

sentences and executions for using this highly addictive drug. Although the international community may be tempted to use sanctions as an easy tool to target Syrian officials who support the drug trade, this strategy is only likely to backfire. Sanctions starved the Syrian government of legitimate sources of capital and compelled it to turn to the drug trade. New sanctions would likely only force the government to double down on its current production. Instead, efforts should aim to stop drugs in transit, reduce profitability, and address the root causes of drug usage in end markets.<sup>65</sup> The captagon trade will not end until Syria is stabilized, but international cooperation between customs, border control, and local law enforcement is necessary to disrupt the profitable flow of the drug.<sup>66</sup>



In November 2021, SJAC published a [report](#) recommending that the U.S. should establish an amends program in Northeast Syria to provide community support to those who were injured or lost a loved one in U.S. and coalition airstrikes. Although the U.S. admits responsibility for deaths, injuries, and property damage, civilian victims continue to face the unintended consequences of such bombings.



Civil Defence look for survivors in a damaged shelter in the besieged town of Douma in Eastern Ghouta near Damascus. ©Bassam Khabieh

# Justice Efforts

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# Justice Efforts

## Universal Jurisdiction

In 2021, many states continued their efforts to hold perpetrators from all sides of the Syrian conflict accountable for their involvement in atrocity crimes. European states are at the forefront of applying the principle of universal jurisdiction (UJ). Universal Jurisdiction allows states to domestically prosecute foreign perpetrators of crimes committed abroad against foreign victims. To date, this remains the only avenue to prosecute alleged perpetrators of atrocity crimes in Syria, given the lack of an international justice mechanism for Syria.<sup>67</sup>

### **Koblenz Trial**

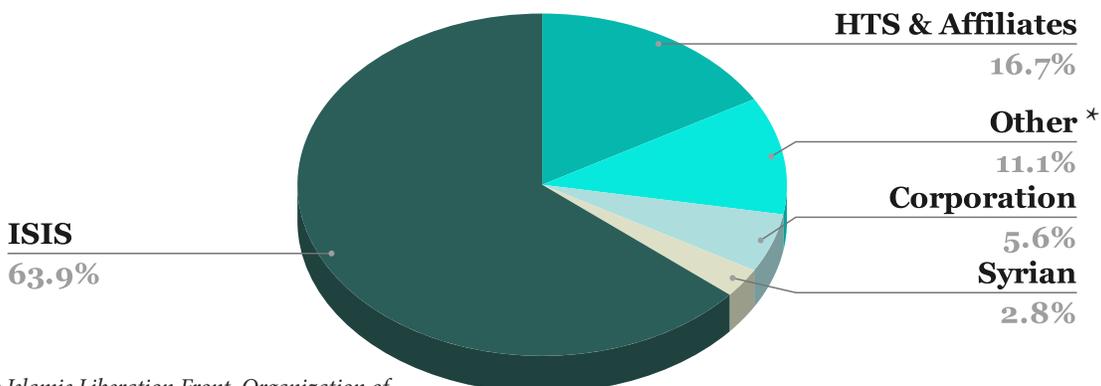
In 2021, the world saw the first verdict against a former officer of the Syrian intelligence services for aiding and abetting crimes against humanity. On February 24, 2021, the Higher Regional Court in Koblenz sentenced Eyad Al-Gharib to four and a half years imprisonment for aiding and abetting at least 30 cases of torture as crimes against humanity. The Court found that as a former employee of Division 40, led by Hafez Makhoulf, Al-Gharib was involved in the arrest

of at least 30 people in the summer of 2011 who he then transported to Branch 251 of the General Intelligence Directorate in Damascus, where they were exposed to detention conditions qualifying as torture.<sup>68</sup>

Interested in learning more about the Koblenz trial? SJAC published a [2021 report](#) assessing the first verdict of the trial proceedings at the midway point in the trial.

The trial and verdict were controversial in some respects. The verdict of Eyad Al-Gharib created a heated debate among Syrians on whether low-level government perpetrators, who subsequently defected, should be prosecuted.<sup>69</sup> A lack of freely accessible interpretation for the audience, and consequently the broader affected community, as well as generally insufficient outreach and accessibility, were repeated points of criticism of the Koblenz Trial.<sup>70</sup> However, the Court was commended for offering consecutive Arabic language interpretation for the public audience during the oral announcement of the verdict. After the announcement of the first verdict, the trial continued against the main defendant, Anwar Raslan throughout 2021. While this verdict was again highly anticipated by Syrians and the

Division of 2021 Universal Jurisdiction Cases by Affiliation



\*This includes the Islamic Liberation Front, Organization of the Mujahideen and Ansar, and Alnaser Salh Aldin

international community, the trial proceedings and in particular the participation of survivors has already been beneficial for transitional justice purposes. Some of the survivors who participated in the trial as plaintiffs stressed in their final statements how the trial helped them to regain their personal dignity and brought them one step closer to overcoming the worst period in their lives.<sup>71</sup> On January 13, 2022, Raslan was sentenced to life in prison.<sup>72</sup>

Nonetheless, in the absence of official documentation or communication, SJAC was the only organization to provide detailed [trial monitoring reports](#) and additional background on the Koblenz Trial. These reports, which are available in English and Arabic, present a unique historical record. Only if Syrians have access to such trials can they have a meaningful impact on transitional justice for Syrian society.

### Prosecution of Alaa M.



German efforts to prosecute former Syrian government affiliates will continue after the Koblenz trial. In July 2021, the German Prosecutor Federal Office filed the indictment against Alaa M., a former resident at the Military Hospital in Homs.<sup>73</sup> The main proceedings against him began on

January 19, 2022 at the Higher Regional Court in Frankfurt, Germany. Although the Court dismissed several charges based on insufficient evidence, particularity in the indictment, these were later reinstated by the Federal Court of Justice.<sup>74</sup> The trial proceedings are highly anticipated for several reasons. First, it shows that the Koblenz trial was not simply an aberration, but instead marked the beginning of efforts to hold perpetrators from all sides of the conflict

accountable, including Syrian government affiliates. Second, the trial in Frankfurt sheds light on the misuse of medical facilities by the Syrian intelligence services to torture thousands of civilians. Lastly, the trial will provide an opportunity for German authorities to show what they have learned from the Koblenz Trial in terms of communication, outreach, victim participation, and effective transitional justice through the visibility of UJ trials.

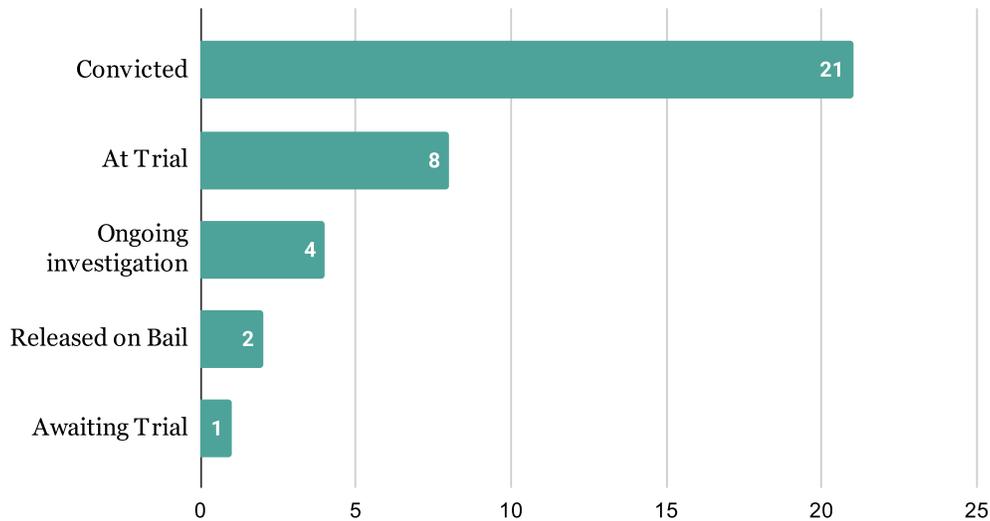
As there will again be no official documentation of the trial, SJAC will continue its trial monitoring efforts by providing detailed trial monitoring reports, background information, and context for the upcoming Alaa M. trial, including through an [Arabic-language podcast](#).

### Setback for Crimes Against Humanity Trials in France

The prosecution of crimes against humanity committed in Syria, however, suffered a major setback by the Cour de Cassation in France. In late 2021, the Court ruled that since crimes against humanity are not criminalized in Syria, French courts have no jurisdiction over cases involving crimes against humanity committed in Syria.<sup>75</sup> The Court argued that based on French criminal law,<sup>76</sup> double criminality is required for cases of crimes against humanity. It then elaborated that these crimes are not criminalized in Syria, given the lack of relevant domestic provisions and Syria not having ratified the Rome Statute. The decision significantly limits the options of Syrians seeking justice before French courts.<sup>77</sup> It also narrows the scope of UJ in France based on a legal assessment that remains questionable from an international law perspective.

While there is no international convention on crimes against humanity, it is included in the list of core crimes in the statute of the ICC,<sup>78</sup> which also served as a blueprint for most domestic

## Status of 2021 Universal Jurisdiction Cases by Phase



UJ legislation. Without an in-depth analysis of the status of crimes against humanity under international law, one could see certain clues pointing at a customary norm. This would mean that these crimes are criminalized in every domestic jurisdiction, even without specific legislation. Many civil society groups are pushing for amendments to French law to remove the double criminality requirement, but it is not clear whether these changes would apply to crimes committed before the change.<sup>79</sup>

### Corporate Accountability

In November 2021, the French *cour de cassation* held that French prosecutors could not investigate or prosecute crimes against humanity under a long-standing French law. There is concern about the decision's impact on the Lafarge case in which a cement company was charged for its complicity in crimes against humanity because of payments it made to ISIS to keep its operations running in Syria. It is possible that these charges will now be dismissed based on the new decision, leaving only lesser charges against Lafarge.

### Ongoing Efforts

Despite this setback, UJ prosecutions presented an integral part of justice efforts for Syrians in 2021. SJAC compiled a list of all Syria-related UJ cases (see ANNEX I). This list shows, that in 2021, criminal prosecutors continued their

efforts to hold perpetrators from all sides of the Syrian conflict accountable at an increasing rate. Indeed, domestic UJ prosecutions started to fill the impunity gap left by the deadlock within the United Nations Security Council (UNSC).<sup>80</sup> Nonetheless, UJ prosecutions alone cannot be comprehensive. Investigations and trials are very resource-intensive and are only successful if the alleged perpetrator is present within the territory of the prosecuting state or can be extradited by another willing state. In addition, judicial processes cannot effectively contribute to transitional justice as long as they remain invisible to the overall affected society.<sup>81</sup>

## Prosecution of Foreign Fighters

Thousands of foreigners travelled to Syria to join ISIS or other extremist groups. Many of them were nationals of Tunisia, Russia, and the Caucasus.<sup>82</sup> However, thousands more also came from Western Europe, and a smaller number from the U.S.<sup>83</sup> In 2021, several notable proceedings highlighted the inter-governmental and inter-agency collaboration required to organize judicial accountability for victims and survivors

of crimes committed by foreign fighters in Syria. SJAC continues to support these proceedings by providing information on specific cases. States should increase their efforts to repatriate citizens of their countries who remain in Syria and implement policies and procedures for dealing with fighters rooted in due process and the rule of law.



Al Hol ISIS in North East of Syria ©Trent Inness/ Shutterstock.com

## United States

Dozens of individuals have been repatriated from Syria and Iraq for prosecution in the U.S. for membership in ISIS.<sup>84</sup> Among the most serious allegations involve three former U.K. citizens. In 2019, two members of the ISIS Beatles—the notorious group of four Britons who participated in the abduction of foreign hostages—were transferred from SDF to U.S. military custody. In 2020, they arrived on U.S. soil to face criminal proceedings before the United States District Court for the Eastern District of Virginia.<sup>85</sup> Alexandra Kotey’s and El Shafee Elsheikh’s victims faced torture, including waterboarding, mock executions, painful stress positions, food deprivation, extensive beatings, chokeholds causing blackouts, and electric shocks.<sup>86</sup> In September 2021, Kotey pled guilty to all eight charges and was sentenced to life in prison without parole.<sup>87</sup> The first 15 years of his sentence will be spent in the U.S, while the remaining years will be spent in the U.K. Elsheikh’s trial is set for

March 2022 and will be monitored by SJAC. In October 2021, the SDF transferred a third ISIS fighter to U.S. custody, Mohammad Khalifa. The Saudi-born Canadian was a leading figure for ISIS’s English Media Section. He was charged in the Eastern District of Virginia with conspiring to provide material support to ISIS resulting in death.<sup>88</sup> Prosecutors allege that Khalifa was the “voice behind the violence” who “translate[d], narrat[ed], and advance[d] ISIS’s online propaganda” and recruitment efforts by “expanding the reach of videos that glorified the horrific murders and indiscriminate cruelty of ISIS.” Khalifa pled guilty and awaits his sentencing hearing in April 2022 where he faces life in prison.<sup>89</sup>

In order to assist Syrians living abroad, SJAC has produced a series of [seven guides](#) on how to pursue justice for crimes committed in Syria through national courts. In 2021, SJAC published its seventh guide on how to submit a complaint, the rights of victims and witnesses, and judicial processes in the U.S. Additionally, SJAC published an accompanying guide for lawyers supporting Syrian victims living in the U.S.

## Europe

In November 2021, a German court rendered the first-ever conviction of a person accused of genocide against a Yazidi.<sup>90</sup> The defendant, Taha Al-Jumailly, is an Iraqi national who bought the five-year-old victim and her mother as slaves. After the child wet her bed one day, Al-Jumailly tied her to a window grate of his home in Fallujah during scorching temperatures, where she eventually died. Both the child and her mother were regularly abused during their time in the defendant’s home, and once, the child was “loaned...to a male acquaintance overnight” according to court documents. Al- Jumailly was sentenced to life in prison and ordered to pay a €50,000 fine to the child’s mother who is in a witness protection program. Al-Jumailly’s wife, Jennifer Wenisch, was convicted of crimes against humanity in a separate trial for allowing the girl to die. She was sentenced to ten years in prison.<sup>91</sup>

While the crimes occurred in Iraq and the victims were Iraqi, these cases establish important precedents for crimes against Yazidis whose population extends into Syria.

Earlier in 2021, the District Court of The Hague found Ahmad Al Khedr guilty of war crimes and sentenced him to 20 years imprisonment in connection to the execution of a lieutenant colonel in the Syrian Air Force.<sup>92</sup> Prosecutors relied on a 2012 video in which Al Khedr's voice could be heard leading the victim to the bank of the Euphrates River.<sup>93</sup> The victim was then shot with multiple bullets. Al Khedr had served as the commander of a local combat group that allied with Al-Nusra Front in eastern Syria. His case marked the first time someone in the Netherlands was prosecuted for an execution committed in Syria.

Despite the progress represented by these accountability efforts, proceedings against foreign fighters in 2021 also unveiled challenges for prosecuting states. For example, many European foreign fighters are, or were, minors at the time they traveled to Syria. Thus, upon return to their home countries, they should be held to criminal standards for juvenile offenders. These standards should consider the rehabilitation of perpetrators to prevent future offenses. But this approach would mean that criminal trials for minor fighters would be publicly inaccessible, so domestic courts should be cognizant of the importance of transparency and victim participation in these proceedings for the sake of impactful transitional justice.<sup>94</sup>

## Sanctions

There has been an increasing reliance on economic sanctions to leverage pressure on various perpetrators of abuses in Syria and to fight against impunity without venues for the prosecution of crimes.<sup>95</sup> Sanctions originate from many sources, including the U.S. Department of Treasury Office of Foreign Assets

Control (OFAC), the European Union Magnitsky sanctions, as well as the United Nations (though the UN has yet to agree on sanctions against Syria).<sup>96</sup>

Throughout 2021, several additional persons were designated under existing EU and U.S. sanctions regimes. In November, the European Council added the names of four recently appointed ministers to its list of sanctioned individuals, bringing the total to 287 persons, in addition to 70 designated entities.<sup>97</sup> In another important development, in December, the EU imposed sanctions against the Wagner Group, a Russia-based private military company that has been implicated in fighting in Syria.<sup>98</sup> In July, the U.S. designated the Ahrar al-Sharqiya militia, which is backed by Turkey and the SNA.<sup>99</sup> This was an important new development as violations in Turkish-occupied northern Syria had been largely ignored from a sanctions perspective.<sup>100</sup> In November, the U.S. designated four more persons linked to Hezbollah and Syria.<sup>101</sup> Subsequently, in December, the U.S. designated an additional 14 persons, including notorious Syrian military commanders Tawfiq Khadour, Kamal al-Hassan, and Adeb Namer Salameh.<sup>102</sup>

The imposition of economic sanctions has been criticized for unfairly punishing an entire country for the wrongs of a few individuals by hobbling the Syrian economy and by restricting access to goods that help Syrians meet basic needs.<sup>103</sup> While these criticisms overlook the harm created by the Syrian government's own actions, SJAC has called for more clarity, transparency, and strategy in US sanctions policy to facilitate the work of human rights and humanitarian organizations in Syria.<sup>104</sup>

There have been some positive developments in this regard. In April 2021, OFAC reiterated that the delivery of food, medicine, and medical supplies was exempt from the U.S. sanctions framework, including those imposed by the Caesar Act and other laws.<sup>105</sup> In June 2021, OFAC granted a general license to authorize activities to prevent, diagnose or treat COVID-19.<sup>106</sup> In November 2021, OFAC published a new rule intended to authorize not-for-profit groups to make new investments, engage the Syrian government, and purchase refined petroleum products in support of humanitarian projects and

democracy-building.<sup>107</sup> This important guidance may facilitate the provision of humanitarian aid and a type of assistance called “early recovery aid” that falls short of full reconstruction assistance and arguably rewards the intransigence of the Syrian government.<sup>108</sup> In July, the latest UN Security Council resolution on Syria included a provision requiring the UN Secretary General to report on early recovery projects which may include rehabilitation of water and sanitation systems.<sup>109</sup> This marks an apparent change in the international community’s approach to sanctions by permitting investment in Syrian infrastructure so long as it is connected with humanitarian needs.

There is a continuing risk of over-compliance with banks and other companies gaining any hint of an organization’s involvement with Syria leading them to freeze financial transactions, leaving the burden on exempt organizations to establish that their actions are permitted by sanctions regimes. There are also concerns that strict economic sanctions regimes lead governments to participate in corrupt practices and evasion techniques, such as smuggling of illicit drugs like captagon.<sup>110</sup> In 2021, governments sought to balance the punitive aspects of sanctions by tempering their impact on civilian populations. The success of these efforts will only be seen in due time.

## Missing Persons Investigations

In 2021, there was significant but uneven progress in the search for the tens of thousands of missing persons in Syria. Early in the year, the Charter for Truth and Justice, a group of survivor and family-led Syrian organizations, publicly announced a set of demands that international policymakers should prioritize concerning the detainees and missing persons file.<sup>111</sup> The document prioritizes a focus on truth telling, emphasizing that while families want accountability for their loved ones, they first want to know their true fates. The group subsequently published a policy paper proposing an international mechanism to search

for those missing, leading to a UN General Assembly resolution requesting further research on the idea.<sup>112</sup> However, it remains unclear how such a mechanism could make progress on the ground if it were created via the UN or the EU. In a responding article, SJAC proposed that investigations could instead be centralized within the International Committee of the Red Cross (ICRC).<sup>113</sup>

Despite the discouraging political and legal landscape, there was nevertheless significant concrete progress on the ground elsewhere in Syria, where conditions for immediate investigatory work are more favorable. In Northeast Syria, the search continued for the thousands who remain missing from the period of ISIS rule to the entry of the Global Coalition. In November, the forensic division of the Raqqa-based First Responders Team, which has been exhuming mass graves since 2018, re-launched as the Syria Missing Persons and Forensic Team (SMFT). It is now independent of the Raqqa Civil Council and can continue its work in a politically neutral manner. While the team is not currently exhuming graves, it is focused on building team members’ technical and forensic skills while conducting investigations necessary to aid in the identification of missing persons. This followed an intensive six-day training with the Argentine Forensic Anthropology Team (EAAF) in Erbil, Kurdistan Region of Iraq, where the SMFT received both classroom and field instruction in archaeological methods of gravesite mapping and exhumation, preliminary investigation and laboratory analysis, and explosives safety training.

The work of the SMFT was accompanied by significant progress in documentation through SJAC’s own Missing Persons Project. SJAC’s documentation coordinators conducted over one



فريق شؤون المفقودين والطب الشرعي السوري  
Syrian Missing Persons and Forensic Team



The SMFT searches for surface evidence at a practice site in Erbil, Iraq

hundred antemortem interviews with families of the missing in Northeast Syria as well as dozens of interviews with survivors and witnesses of ISIS detention as well as former fighters and their families. SJAC also developed a new missing persons extension to its database, *Bayanat*, which will allow SJAC and other organizations that utilize its open-source software to easily store and search documentation collected from families and during exhumations.

Furthermore, SJAC collaborated with over 1,000 families of those missing by ISIS to publish a letter that asks the U.S. government to assist families in their search by facilitating interviews with detained fighters and sharing documents seized after the defeat of ISIS.

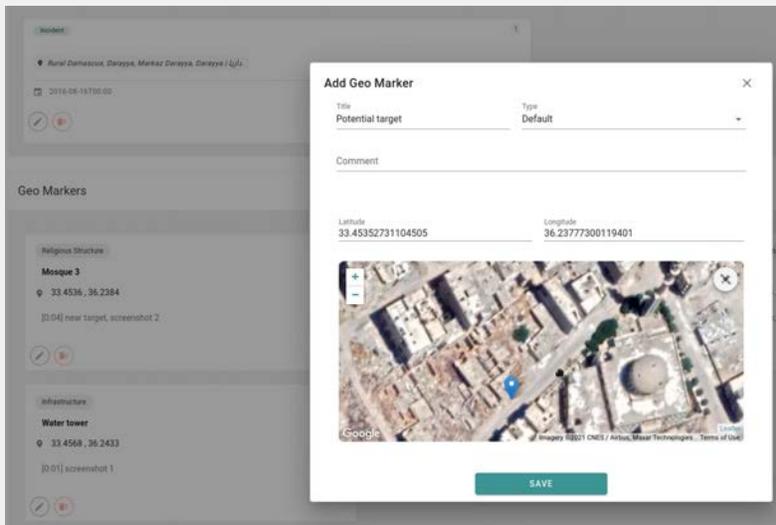
Despite limited progress, there remains a need for greater coordination between local authorities and international policymakers in supporting the work of justice actors and Syrian civil society organizations. Increased donor support for the SMFT is crucial as it seeks to expand outside Raqqa, investigate the hundreds of graves in the Northeast and beyond, and lay the groundwork for a country-wide missing persons initiative.

## Documentation

Throughout 2021, SJAC continued to document and preserve open-source and field documentation, with over 63,000 pieces of online data processed, and 348 interviews

## Bayanat

*Bayanat*, which was launched in 2020, is used to upload, preserve, label, process, and analyze large amounts of digital data and evidence related to war crimes and crimes against humanity. *Bayanat* has undergone considerable upgrades in 2021, the most notable being the addition of a deduplication tool developed in cooperation with Benetech. This powerful tool can identify and flag duplicate entries in the database reducing strains on storage and creating significant efficiencies in analysis. It can also identify photos and videos taken of the same scene from different vantage points. This function allows investigators to build a comprehensive picture of when a violation or crime was committed and who the likely perpetrators could be. Additional upgrades include a geolocation feature that allows analysts to use Google Maps to mark specific locations seen on videos, providing greater detail for follow-up investigations. *Bayanat* is also in line with current priorities of the International, Impartial and Independent Mechanism (IIIM), with updated search capabilities that make it easier to search for



crimes involving children and missing persons. SJAC has ensured the software is freely available in English and Arabic, updated promptly with the latest security features, and easily accessible for activists in Syria, the Middle East, and internationally.

conducted with Syrians, of which 37% were with women. Preserving documentation of the conflict is essential for informing missing persons investigations, providing evidence for universal jurisdiction trials, informing international policy in line with the reality on the ground, and supporting future memorialization and truth-telling processes. Documentation takes many forms, including insider witness testimonies, leaked government documents, ISIS records, and amateur videos posted by Syrian activists. Documentation, however, can be a dangerous endeavor. Independent activists across the country risk their safety due to ever-growing and changing threats, but their work remains as vital as ever for post-conflict recovery and reconciliation in Syria.

### Open-Source Documentation

Despite the Syrian conflict being one of the most well documented conflicts in history, open-source documentation and data collection inside

the country is becoming more difficult every year. As social media channels increase efforts to take down extremist and violent content that violates their terms of service, documentation organizations like SJAC have a harder time preserving such data. This means it is necessary to continually develop software that can capture valuable content before it is scrubbed by Twitter, Facebook, and Instagram. Adding to these difficulties, many Syrian documenters often delete accounts and documentation when attempting to leave the country to protect their safety. These developments mean that valuable evidence of airstrikes in civilian areas, forced detention, and sexual and gender-based violence (SGBV) often goes unpreserved.

The Syrian Government and pro-government allies have also emerged as major sources of documentation, primarily through promotional and propaganda videos. Promotional videos can provide data on military operations, attacks on civilian areas, and new actors who are entering

the conflict on the government side. While this documentation is often heavily censored to frame the government positively, it can also shed light on war crimes and crimes against humanity occurring in areas where activists might not have access.

## Field Documentation

In 2021, SJAC's documenters led investigations on how chemical weapons usage may lead to birth defects<sup>114</sup>, abuses committed by Turkish authorities against asylum seekers at the border, and the government's redistribution of property owned by IDPs and refugees. In 2021 alone, SJAC collected interviews related to 136 different instances of human rights and war crimes violations ranging from detention, chemical attacks, SGBV, and attacks on medical facilities. Of the 136 different violations reported, over 65% of violations were committed by pro-government forces. SJAC's team also conducted interviews with survivors of ISIS crimes as well as former ISIS fighters. These interviews can assist in locating mass graves and prison sites, helping in the search for people who have been disappeared by ISIS.

Trial monitoring has also become an avenue to collect evidence of past violations. In the trial against Eyad Al-Gharib and Anwar Raslan, over 50 Syrians provided testimony on incidences of torture and extrajudicial killing at the hands of the Syrian government. The trial of Alaa M. in Frankfurt, Germany promises to shed light on how the government uses medical professionals to impose its will on detainees. However, prosecutors struggle as many witnesses feel uncomfortable appearing in court, either for their safety or over fears that their testimony could lead to their own prosecution. Witness intimidation can occur in these cases and more must be done to engage potential witnesses and ensure their safety during and after a trial.<sup>115</sup>

## Survivor and Family Activism

Syrian survivors and their families continue to drive efforts to move justice forward and keep the Syrian conflict a global priority. In 2021, these organizations and family groups lobbied international institutions and national governments and made the public aware of continued human rights violations committed by actors in Syria. Below is just a small sample of the work done by diverse Syrian survivors and families over the past year.

In February, several survivor groups partnered together to launch the "Charter for Truth and Justice." This charter, composed of **Families for Freedom (FFF)**, **the Association of Detainees and the Missing of Sednaya Prison (ADMSP)**, **Caesar Families Association**, **Ta'afi**, and **Massar**, presents a unified vision for justice for crimes of arbitrary detention and enforced disappearances.<sup>116</sup> Working in collaboration, the organizations seek to increase their impact on victim-centered justice. In August, on the International Day of the Disappeared, FFF, ADMSP, and Caesar Families Association demonstrated the scale of Syrian families' suffering as they wait for news of their loved ones who have been forcibly disappeared. During the event, telephones were symbolically spread throughout the Bebelplatz square in Berlin and informational pamphlets were given to the public.<sup>117</sup>

Independently, survivor organizations have been active on social media and in hosting online events. In the face of continued COVID-19 limitations, FFF used social media to amplify survivors' voices regarding the Anwar R. trial in Koblenz, and policy decisions, such as Interpol's decision to lift restrictions on Syria.<sup>118</sup> Inside Syria, **Synergy-Hevdestî**, an organization of families and victims of the Turkish military offense in Northeast Syria, documented human rights violations and advocated for the rights of the displaced through social media campaigns. Producing a

movie to educate the public, Synergy partnered with **Syrians for Truth and Justice** to create a multilanguage short film on the human rights abuses during Operation Peace Spring.

Another avenue for activism included submitting letters and statements to international leaders. In September, a thousand families of those kidnapped by ISIS submitted a letter to the Biden administration calling on the U.S. government to assist in the search for their missing loved ones.<sup>119</sup> The families requested that the U.S. government prioritize the search for the missing and kidnapped, declassify data relevant to missing person investigations, and facilitate SDF and partner interrogations of detained ISIS fighters to obtain additional information. Synergy also participated in joint submissions and statements to international organizations on a variety of topics facing Syrians in the Northeast, including enforced

disappearances<sup>120</sup> and the inclusion of Kurdish voices in international fora.<sup>121</sup>

Survivor organizations have also used publications to inform the public and policymakers. **ADMSP**, founded by Sednaya Prison survivors, works to bring justice to Sednaya Prison detainees, discover the fate of the missing and disappeared, and document evidence of torture and abuses within the prison. ADMSP launched several reports and projects in 2021 aiming to increase the public's awareness of the Sednaya Prison structure, protect survivors from fraud, and assist families in finding their loved ones.<sup>122</sup> This work includes a forthcoming 2022 report for prosecutors and accountability mechanisms on the administrative structure of Sednaya Prison to support accountability processes.



Necklace worn by a Syrian the day he went missing. His siblings later got a matching image tattooed on their hands.

# Memorialization and Truthseeking

Syrian artists around the world work to preserve the experience of the Syrian war through art, storytelling, and writing. It is a process that can be therapeutic and a means of sharing one's story with the world. It can also be part of building a collective memory of the Syrian conflict. Through art and community engagement, there are many ways for Syrians to create a narrative that will help current and future generations understand the history of their country and their people.



## Story of a Homeland!!

Painter: Delawer Omar

Delawer Omar's "Story of a Homeland!!" was created in honor of Nahla Othman, a young girl who passed away in Faraj Allah Camp, in May of 2021. She was kept in a steel cage, tied to iron chains, and was a victim of abuse. Despite social media outrage following pictures and videos of her going viral, her father's high position as an operative in Hay'at Tahrir al-Sham (HTS) protected him from punishment.<sup>123</sup>

## It's Your Turn, Doctor

Painter: Salam al-Hassan

This piece was featured in the [#CallForAction](#) campaign that coincided with the 10th anniversary of the Syrian conflict, and tasked 10 Syrian artists to design a poster representing the most poignant events that happened over the last decade. Inspiration for this illustration came from the demonstrations and criticism towards the Syrian government that led to the beginning of the conflict. In 2011, a group of students in Daraa Al-Balad painted graffiti on the walls of their school which read "It's your turn, Doctor" in reference to President Bashar Al-Assad. The students were later arrested, tortured and some of them died while in government detention centers. This was one of the most painful incidents in Syrian history and the moment that marks the beginning of the conflict.



## Truth Beyond Prosecution: Reassessing Documentation and Truthseeking in the Syrian Conflict

In protracted conflicts like Syria, human rights violations are often denied or even memorialized in a distorted way that deprives victims of justice. This generates social divides that traditional documentation alone may not be able to counteract. In this 2021 report, SJAC engages with how documentation can support future truth-telling efforts through the analysis of surveys that assess the degree to which Syrians trust different types of documentation material. It finds that documentation is still able to lead to a significant reexamination of personal narratives about the conflict, but also suggests how alternative forms of collecting and staging documentation could address deep polarization and distrust.



### Witnesses to War: The Children of Syria

By: Bassam Khabieh

“Bassam Khabieh provides an insider’s account of the impact that the war in Syria had on children.

Children and their families held onto fragments of normalcy through schools conducted in basements, street games played in the temporary lull of battle, and events and holidays celebrated under tenuous conditions.

From the rebel held area of Eastern Ghouta, it illustrates, through photographs and stories, the incredible resilience of Syria’s young in the face of violence.”



Barzah, Damascus: Mourners gather in a cemetery to pray for those killed in protests against the Syrian government.  
©Bassam Khabieh

# Recommendations

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# Recommendations

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Over SJAC's ten years of operation, the Syrian conflict has shifted multiple times, however, accountability has been slow. While COVID-19 dominated global headlines in 2021, Syrians continued to battle the virus in the midst of a pre-existing humanitarian crisis, as well as airstrikes and displacement. Progress with universal jurisdiction cases provides some hope to survivors, however, efforts to normalize relations with the Syrian government and conflict fatigue threaten the safety of Syrians both inside Syria and across the globe.

Although the conflict no longer makes daily international headlines, Syrians cannot afford for the international community to give up on the progress that has been made to hold human rights violators accountable for their actions in Syria. Eleven years into the conflict, airstrikes, forced displacement, and arbitrary detention continue to be commonplace. Long-term peace and accountability remain on the line, should international actors turn a blind eye. On its tenth anniversary, SJAC remains committed to monitoring and documenting ongoing violations and justice processes. SJAC calls on all parties to heed the following recommendations:

## Refugees and Forced Returns

- Denmark, Greece, and other EU states as well as the border agency, Frontex, must respect their obligations under international refugee law to protect Syrian refugees from *refoulement* throughout all phases of the asylum process, including through unlawful pushbacks.
- Turkey, Denmark, and Greece must end detention practices in which refugees with no prospect of return to Syria are indefinitely held in deportation centers.

## Sanctions

- Regional governments should provide coordinated anti-trafficking support to stop drugs from Syria in transit and reduce their profitability to the Syrian government and armed actors using captagon as a means of sanctions evasion.
- Implementing states must create transparent sanction regimes that ensure continued humanitarian delivery, minimal impact on civilians, and accountability. Sanctions should be extended to all perpetrators, including SNA militia leaders responsible for human rights abuses against civilians in northern Syria.

## Missing Persons

- All actors to the conflict should immediately halt arbitrary arrests, grant access to detention facilities and prison records to the ICRC, and allow the ICRC to facilitate communication between detainees and their loved ones.
- International policymakers should work with local authorities and Syrian civil society organizations to implement data sharing agreements between international accountability mechanisms and investigators in missing person investigations in both Syria and Iraq.
- The international community and donors must support the newly launched Syria Missing Persons and Forensic Team (SMFT) to investigate graves throughout the Northeast and lay a foundation for a country-wide missing persons initiative.
- The U.S. should open an investigation to review evidence of ISIS crimes collected by the U.S. and Kurdish forces and hand over evidence of these crimes to human rights investigators.

- Investigative mechanisms, including the COI and IIIM, should improve outreach to include the broadest subsection of Syrians to support justice processes.

proceedings should be victim-centered so that victims/survivors may engage with judicial processes for the purpose of individual and collective healing.

## Justice Initiatives

- International justice actors should support Syrian civil society organizations documenting HLP violations to seek justice for the victims, including through extra-territorial avenues of criminal justice if necessary such as the European Court of Human Rights in the case of HLP violations by SNA militias in Turkish-occupied Northwest Syria.
- The U.S. and EU should continue funding civil society groups documenting human rights violations and
- Donors should support the development and sharing of technologies to make more efficient and secure data sharing between civil society and justice mechanisms.
- Universal jurisdiction processes should engage with civil society and the Syrian community by providing transparent and accessible information and interpretation.
- Governments must repatriate their citizens who remain in Syria and implement prosecution and repatriation policies and procedures rooted in due process and the rule of law. Returned foreign fighters who were minors when they traveled to Syria should be held to the criminal standards for juvenile offenders while being conscientious of both the need for rehabilitation to prevent future offenses and the need for transparency for survivors of ISIS.
- States with nationals in SDF custody should create a treaty-based terrorism court that establishes shared jurisdiction to prosecute fighters for terrorism-related crimes. Defendants must be afforded their right to a fair trial and due process. Further, the

- The U.S. should offer amends to victims of U.S. and coalition airstrikes. The U.S. should establish a standardized and accessible system to apply for financial amends. Submissions should be accepted online, in-person, or over the phone, and in English, Arabic, or Kurdish and investigated utilizing records and documentation held by the U.S. government, as well as open-source records and those collected by NGOs. It is not clear that any meaningful amends have been made to date despite continued authorization.
- Governments should create and fund special war crimes units to pursue accountability for high-level human rights violators, as well as investigate perpetrators that are present in their states.

## International Humanitarian Law

- All parties to the conflict, both state and non-state actors, must follow IHL and human rights law. Civilian infrastructure, including hospitals, must not be targeted. The international community must hold parties who violate this conduct responsible and support full investigations into illegal and preventable civilian targetting.
- Turkey and the armed groups under Turkey's effective control must stop the recruitment of Syrians for the purpose of mercenary combat. The international community must investigate and hold states and individuals accountable for the recruitment and deployment of Syrian mercenaries.

# Annexes

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# Annex I: Universal Jurisdiction Cases

The following information builds upon SJAC’s full case list from the “State of Justice in Syria, 2020” report with updates and new cases for 2022. It has been compiled based on publicly available sources and is not intended to be a comprehensive list of Syria-related universal jurisdiction cases. While the information is true to the best of SJAC’s knowledge, information may be subject to change without notice. SJAC reminds its readers that all accused have the right to the presumption of innocence until proven guilty.

Prosecuting Country	Alleged Perpetrators	Nationality	Affiliation	Status	Alleged Crimes or Conviction	Sentence
Belgium	Shirley R	Belgian	ISIS	Convicted	Member of a terrorist organization	Sentenced to forty months in prison (8 months in prison and 32 months will be served under probation)
Belgium	Yasmin D	Belgian	ISIS	Convicted	Member of a terrorist organization	Sentenced in absentia to 5 years in prison
Belgium	Hicham Shaib (39)	Belgian	ISIS	Convicted	Committing terrorist acts in Syria	Life imprisonment and revocation of Belgian citizenship
Denmark	Dan-Bunkering company	Danish	Danish Company	At Trial	Violation of EU sanctions	-
France	Henen Ben Chaieb (32) and Selma Tahar Aouidate (29)	French	ISIS	At Trial	Associating with a criminal terrorist organization	-
France	Qosmos SA	French	French company	Ongoing investigation	Complicity in human rights abuses	Charges dropped
France	Lolita G	French	ISIS	Ongoing investigation	Member of a terrorist organization	-
France	Male (59)	Syrian and French	Syrian Government	At trial	Conspiracy to commit crimes against humanity, complicity in crimes against humanity, complicity in war crimes, and money laundering	-
Germany	Jihadist (44), female	German	ISIS	At trial	Membership in a foreign terrorist organization, committing war crimes, negligent homicide, and violating the duty of care and education (for her son)	-
Germany	Marius A	German	HTS	Convicted	Membership of a terrorist organization	Sentenced to 3 years imprisonment

Germany	Nasim A.	German	ISIS	Convicted	Member of a terrorist organization and violating Germany's Weapons of War Control Act	Sentenced to 2 years imprisonment
Germany	Lisa.R	German	ISIS	convicted	Membership of a terrorist organization	Sentenced to 2 years of probation and 250 hours of community service
Germany	Sarah (23)	German	ISIS	Convicted	Membership of a terrorist organization and enslaving five female Yazidis (including children)	Sentenced to 6 and a half years in prison
Germany	Jennifer Wenisch	German	ISIS	Convicted	Membership in a terrorist organization, aiding and abetting attempted murder and attempted war crimes, and crimes against humanity	Sentence to 10 years imprisonment
Germany	Neilz D	German	ISIS	Convicted	Membership in a terrorist organization and committing war crimes (torture)	Sentenced to ten years imprisonment
Germany	Mohammed S	German	Islamic Liberation Front	Convicted	Membership of a terrorist organization and suspicion of war crimes	Sentenced to 2 year imprisonment
Germany	Marius A, Maher M, and Avid E.G.M	German	HTS	Ongoing investigation	Supporting a terrorist organization	-
Germany	Leonora Messingh	German	ISIS	Released on bail	Membership of a terrorist organization and participation in war crimes	Conditional release while the investigation continues
Germany	Jihadist (24), female	German	ISIS	Ongoing investigation	Membership in a terrorist organization	-
Germany	Daniela J	German and Ghanaian	ISIS	Convicted	Membership in a terrorist organization and spreading terrorist propaganda	Sentenced to 2 years and 9 months imprisonment
Germany	Lorin I	German and Syrian	ISIS	Convicted	Membership of a terrorist organisation and violating Germany's Weapons of War Control Act	Sentenced to 1 year and 9 months imprisonment
Germany	Omaima M.	German and Tunisian	ISIS	Convicted	Membership of a terrorist organization, human trafficking, and crimes against humanity	Sentenced to 3 and a half years imprisonment
Germany	Taha J	Iraqi	ISIS	Convicted	Membership in a terrorist organization and committing war crimes (murder)	Sentenced to life imprisonment

Germany	Jihadist (36), male	Syrian	Alnaser Salh Aldin	Convicted	Membership of a terrorist organization	Sentenced to 2 years imprisonment
Germany	Khedr A.K. (43) and Sami A (36)	Syrian	HTS	Convicted	Membership of a terrorist organization, extrajudicial killing	Khedr A.K. sentenced to life imprisonment; Sami A. sentenced to nine years imprisonment
Germany	Jihadist (28)	Syrian	Organization of the Mujahideen and Ansar	Convicted	Member of a terrorist organization	Sentenced to 1 and a half years imprisonment
Netherlands	32-year-old woman	Dutch	ISIS	Convicted	Membership in a terrorist organization and participation in war crimes	Sentenced to six years imprisonment
Netherlands	Xaviera S. and Fatima H.	Dutch and Moroccan	ISIS	Awaiting Trial	Membership in a terrorist organization	Conditional release
Netherlands	Mohammad -B	Syrian	Ahrar Alsham	At Trial	Membership in a terrorist organization	-
Netherlands	Ahmad al Khedr	Syrian	Al- Nusra Front	At Trial	Committing war crimes in Syria (summary execution)	-
Netherlands	Ahmad al Khedr	Syrian	Al-Nusra Front	Convicted	Participation in war crimes in Syria (execution)	Sentenced to 20 years imprisonment
Netherlands	Aziz-A	Syrian	HTS	Convicted	Membership in a terrorist organization	Sentenced to 15 years and 9 months imprisonment
Norway	Jihadist (30), female	Norwegian and Pakistani	ISIS	Convicted	Membership in a terrorist organisation	Sentenced to 3 and a half years in prison
Sweden	Jihadist (49), female	Swedish	ISIS	At trial	Permitting son to be recruited as a child soldier	-
Sweden	Two ladies	Swedish	ISIS	Released on bail	War crimes and crimes against humanity	Released on Bail
USA	Mohamed Khalifa (38)	Canadian	ISIS	At trial	Membership in a terrorist organization, inciting terrorist acts, and recruiting to a terrorist organization	-

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