



**interview**

**SNHR Chairman and Founder: “Documenting Violations in Syria is One of the Most Complex Processes in the World”**

SNHR chairman said that the Syrian regime and its allies have been responsible for more war crimes in Syria than any other party, but he stressed that other parties have been involved in such inhumane acts. He added that SNHR possesses a documentation archive that international courts can use subsequently to hold criminals, from the different parties to the conflict, accountable. While the Syrian regime’s violations were widespread and systematic, SNHR chairman noted, the opposition’s violations haven’t formed a pattern or were repeated.

**Who Victimized Syrians?**

When asked about who perpetrated the largest war crimes and crimes against humanity in Syria, Fadel Abdul Ghany, chairman of SNHR, said, in an interview with Geroun, “When the popular uprising started in March 2011, the Syrian regime was the sole party committing human rights violations in Syria. This includes the official Syrian army, security forces, local militias, and foreign militias, which are primarily of Shiite beliefs. To this day, the Syrian regime is still the primary perpetrator of all kinds of crimes and violations to a percentage of 80%, when combined with its allies, Russian forces, who entered the Syrian conflict in September 2015.”

“Democratic Union Party, who is a branch of the Kurdistan Workers’ Party, and their allying forces come second,” Fadel Abdul Ghany noted. We didn’t distinguish between these forces and government forces early in the popular uprising. That is, until the start of 2012. In early-2014, the party founded what came to be called ‘Self-Management’. The core component of those forces is the Democratic Union Party – People’s Protection Units and Asayesh forces. Those forces’ violations make up 2% of all violations.”

The third party in terms of violations, according to Fadel Abdul Ghany, are ‘Syrian opposition forces’ which comprises all armed opposition factions, including the Free Syrian Army non-extremist Islamic groups. These groups started operating solely in August 2011, before expanding gradually. These groups are responsible for 0.7% of all violations.





“There is of course a fourth party – extremist Islamic groups who include the group formerly known as al Nussra Front, al Qaeda’s branch in Syria which was founded in January 2012, ISIS which was founded in April 2013, and Jund al Aqsa in addition to anyone who pledge allegiance to them. Those groups are responsible for 0.9% of all violations.” He added.

Fadel Abdul Ghany added a fourth party, “the US-led international coalition forces, which is coalition founded by a number of states and led by the US for the purpose of fighting ISIS. The coalition carried out its first airstrike in September 2014. They are responsible for 0.2% of all violations.”

### **Documentation standards and credibility**

We asked whether SNHR documents the Syrian regime’s violations in accordance with the rules and standards adopted and approved by international courts, and Fadel Abdul Ghany answered, “We are a human rights group that makes report based on a methodology and a set of standards that comply largely with the methodology of the international commissions of inquiry. There are large number of incidents where we were able to document the crimes semi-completely. On the other hand, there have been incidents where we were able to collect less evidences and information, and there are some incidents that we couldn’t document in reports on account of not having sufficient evidences from our standpoint and based on our methodology.”

could those documentations and reports be used subsequently on an international level? “We try to maintain accuracy in our reports and the evidences we collect to a large extent, where they are acceptable at international, and even local, courts. This is one of our work’s goals, hold the criminal accountable based on specific evidences and incidents. Consequently, it is safe to say that SNHR possesses an extensive archive that courts can use and largely benefit from, which will facilitate their work and accelerate the process of holding the criminals accountable and issuing judgments.”

### **One-third of the opposition adheres to the laws**

While Fadel Abdul Ghany acknowledged that the opposition hasn’t perpetrated systematic and repeated crimes as the Syrian regime has done, SNHR chairman stressed that justice must apply to all to achieve sustained stability in Syria. “We encourage opposition leaders to work that way and not fear that because the crimes committed by the Assad regime are systematic and widespread and includes all pillars of the Syrian regime,” he added. “Unlike the crimes by opposition factions. In





many cases, they aren't based on a pattern, as pointed out by the Commission of Inquiry, and like we noted in our reports. In addition, opposition factions doesn't have mostly a central structure with an established hierarchy in terms of decision-making. Lastly, justice and accountability should include all so stability can be established in the society."

Fadel Abdul Ghany stressed that about one-third of Syrian opposition factions adhere to laws of war to a good extent. "On 20 October 2015, I gave a lecture in Istanbul about adhering to the rules of the international humanitarian law," he noted. "It was attended by leaders from all major opposition factions in Syria. I sensed, by discussing and listening to them, a good willingness to sign and adhere to international treaties. Some of them did that there. There are some of them who adhere to the laws of war to a good degree. The percentage is not high, and awareness on that is not as spread as it should, I can't give an accurate percentage, but I think it is about one-third."

"The largest challenge that all armed opposition factions are facing in this regard remains their inability to hold violators of the international humanitarian law accountable, thereby giving a bright example to the world, where this accountability should be serious. There are surely some logistic challenges to overcome such as some affiliates withdrawing from the faction trying to hold its members accountable, but surely this will ensure any faction wide popularity by the revolution masses who went out believing in justice and dignity ideas. We encourage all opposition factions to do something of this sort. There should be a department within each faction devoted to hold violation perpetrators accountable, whether the ones related to community's rights where they are in control, or the one related to the international human rights law, or towards their foes in the conflict which falls under the laws of war."

### **Kurdish forces are responsible for some crimes as well**

On the truth about the Syrian-Kurdish group Syrian Democratic Forces committing violations and being responsible for ethnic cleansing, Fadel Abdul Ghany had this to say, "Syrian Democratic Forces don't represent the Syrian-Kurdish spectrum. They primarily consist of the Democratic Union Party – a branch for the Kurdistan Workers' Party whose name is included on the designated list of terrorist groups. The group has oppressed their enemies within the Kurdish segment before anyone else."





“Those forces have been responsible for various types of violations,” He added. “Including extrajudicial killing, through indiscriminate shelling, in addition to arbitrary arrests. These forces also largely contributed to displacing hundreds of thousands of individuals from their homes when they retreated from Afrin. They progressed to areas where they don’t have a popular base, but took it by hostility by brute force which was the case in Tal Ref’at and different towns in eastern suburbs of Aleppo. They seized control of areas that were under the control of armed opposition factions. This made people look at them as a force opposing the Syrian revolution siding with the Assad regime.”

“Lastly, these forces enforced a siege on the ISIS-held Manbej city, and has indiscriminately shelled the city in many instances.” He added.

When asked about if there is any point to documenting violations by ISIS, Fadel Abdul Ghany had this to say, “It is true that we can’t document violations by ISIS. The group has many Syrian individuals among their ranks. They have joined the group for various reasons as well all know, most notably losing hope and confidence in the international community, the magnitude of the Syrian regime’s crimes and violence, and the group’s radical religious rhetoric, among other reasons. Those individuals should be tried at regional tribunals. We are absolutely certain that international courts can’t try everyone, so regional tribunals should be established to try as many crimes as possible. On the other hand, one of the main purposes of SNHR’s work is preserving the Syrian history and leaving facts to be concealed. The community needs to know who bombed its markets, schools, and who was responsible for the death and arrest of their members, and who perpetrated all of these atrocities, and all under the pretext of spreading religion. This reminds us of what happened in Europe in the Medieval Ages.”

### **Challenges and obstacles**

Do international organizations support this kind of documentation? Fadel Abdul Ghany answered, “Thanks to our daily, continued work since 2011, we have been able to win the trust of many friends at international organizations, from the UN Commission of Inquiry, the OHCHR, and the OCHA, to Amnesty International with which we collaborated on many reports and news, Human Rights Which, and we worked with them as well on reports and news, the International Coalition for the Responsibility to Protect, Cluster Munitions Monitor, the Euro-Mediterranean Human Rights Network, and the Euro-Mediterranean Human Rights Monitor. This can also be found on those groups’ official websites, which afforded us high credi-





bility in the eyes of states, decision-makers, and media outlets. All of this is a moral support. Neither the UN nor the human rights group provide any material support.”

Regarding the most notable obstacles these groups have to encounter in their course of work, “Documenting violations of human rights in Syria is one of the most difficult and complex processes in the world. In light of the security situation and the daily and widespread bombardment, we can’t visit most of the sites, so we rely on contacting survivors and residents. We also have to deal with communications being cut off, as well as internet and means of transportation. We also have to deal with difficulties in identifying the perpetrator. The toughest challenge we are facing now, however, is the hopelessness of the Syrian people towards documentation as human rights groups and the UN hasn’t been able to stop the killing or arrest of one Syrian citizen in six years. This is the rule with very, very few exceptions.”

Asked about the reasons why monitors and human rights groups couldn’t raise the file to any international court, Fadel believes that “it is unreasonable to try criminals through the local non-independent judiciary in light of the current totalitarian Syrian regime. This current judiciary practically reports to the authority of the Security apparatus. The only choice available is the International Criminal Court, where the main obstacle lies, seeing that the Syrian regime hasn’t ratified the statute of that court. Consequently, the ICC is not authorized to issue any rulings over the Syrian regime unless requested that it does so by the Security Council, in which case the International Criminal Court should have jurisdiction over the Syrian case. However, Security Council has been blatantly obstructing justice since March 2011, thanks to four Russian-Chinese vetoes, even though the French draft resolutions, submitted in May 2014, provided for holding all involved parties accountable, and not only the Syrian regime, yet Russia and China strictly refused that. This sends a message to the Syrian regime, primarily, to stay relieved when the Security Council is concerned.”

“Surely, there are options other than the ICC,” he noted. “But it all goes through the Security Council who controls the fates of the people of the world in an unjust and irresponsible way. For instance, the Security Council could adopt a resolution to establish a special tribunal, similar to the Yugoslavia tribunal in 1993 and Rwanda in 1994, considering that crimes against humanity and war crimes pose a potential threat to the international peace and security, which is something the Syrian people experience every day. All the judges on those tribunals are from states different than





the state where the international crimes have been perpetrated, and they operate under the authority of the international humanitarian law.”

“There are choices that don’t go the Security Council, such as resorting to the Unit-ing for Peace which dates back to November 1950. The UN General Assembly can look into this in order to submit recommendations to member states to take mea-sures to preserve international peace and security or restore them. This resolution, nonetheless, has only been employed three times, and it requires the seriousness of a large number of states and an alliance to be formed to yield successful results. Lastly, there is tribunals’ universal jurisdictions, where there are many Syrians with multiple nationalities, who can go to the courts of some states that enjoy univer-sal jurisdiction, such as Switzerland, Spain, and other countries. However, most of those states’ law specify that the accused must be on their lands for the prosecution to be accepted.” He added.

“We are working to see the Syrian regime figures be held accountable and to break their impunity,” He stressed. “There are challenges and there are, surely, political compromises that are thrown here and there, and we have to reject them all. If politicians agree to them, then that’s their business, but a human rights groups that defends the rights of the Syrian people, we will never agree to this. Yes, trials may be postponed until the society find some sort of stability, but there is no statute of limitations on war crimes and crimes against humanity, even if politicians agreed to that, we will keep going after the criminals regardless, and we will consider the states that give them refuge as rogue countries, and we will hold future Syrian gov-ernments on those demands.”

