



Preparations for the Popular Uprising to Be More Extensive and Sustainable

Fadel Abdul Ghany

We're currently seeing the start of a second wave of the peaceful revolutionary uprising in southern Syria, and its expansion to many other Syrian areas and cities. This has been spurred by the Assad regime's failure to undertake any political, economic or social reforms or achieve any positive accomplishments in the areas under its control, as well as by its failure to release more than 130,000 detainees who remain until this moment in its prisons, a crime made even more egregious by the outbreak of the novel coronavirus pandemic (COVID-19) in the country. In addition, the regime, in cooperation with Russia, Iran and its Shiite sectarian terrorist militias, has failed to reunite families displaced by its military machine, before even mentioning the numerous details and repercussions of the 'Caesar Syria Civilian Protection Act of 2019', which entered into force on July 17th. These and numerous other thorny political and human rights issues, were the topics of our dialogue with Mr. Fadel Abdul Ghany, the founder and chairman of the Syrian Network for Human Rights (SNHR), which was established in June 2011, following the increase in violations against activists opposing the regime of Hafez Assad's son, in connection with the extensive peaceful popular protests that broke out in mid-March 2011 against the corrupt, authoritarian regime.

Our guest has worked for nine years in the field of defending human rights in Syria, ever since the start of the popular uprising for democracy in March 2011. He holds a Master's Degree in International Law from De Montfort University in the UK, and a Bachelor's Degree in Civil Engineering from Damascus University. He is an author and co-author of and contributor to numerous reports and investigations, as well as of written and oral presentations concerning the human rights situation in Syria, covering a wide range of issues, including enforced disappearance, torture and sexual violence, extrajudicial killings, the targeting of medical facilities, and the use of chemical weapons and cluster munitions, as well as refugee rights and other subjects. Mr. Abdul Ghany has also spoken frequently at the UN Headquarters, and in the main headquarters of the Human Rights Council, as well as in the European Parliament regarding the vast range of violations and crimes perpetrated against the Syrian people, in addition to delivering lectures at several research centers.

Mr. Abdul Ghany also provides training in the fields of human rights and international humanitarian law for a number of Syrian media and human rights activists, as well as contributing to training a large number of groups within Syrian opposition factions on the rules of customary humanitarian law. He has also participated in several rounds of Syrian peace talks in Geneva as an independent consultant in the issue of human rights situation in Syria.

Here is the text of the interview

First, let me ask you: Has a second wave of Syrian uprising in the areas controlled by the regime started with the Suwayda movement? Do you expect to see peaceful popular sit-ins in throughout Syrian territory?

I think that it has started, and there are indications of its horizontal expansion. It is true that the movement in the city of Suwayda, which is also supported by some of the surrounding towns, is the largest and most prominent, but there are also demonstrations in Tafas in the suburbs of Daraa, the neighborhood of Dummar in Damascus, Zakya town in Damascus suburbs, and al Rashidin neighborhood in Aleppo city; there are preparations under way for this movement to be more extensive and sustainable.

Foreseeing the next stage of this movement is a complicated matter, and post-war questions have surfaced now, with the questions of the peace stage being the most difficult ones, which the Syrian regime has always evaded, because it is unable to achieve any economic accomplishment in terms of reconstruction, infrastructure restoration, or securing the most basic necessities of life such as water and electricity, or even in terms of staples like wheat and bread, blaming penalties and the 'Caesar Act' for its total failure. However, this scapegoating no longer fools the minds of even the simplest loyalists of the Syrian regime, as the regime is unable to achieve any social accomplishment in terms of reuniting the families whose military machine has displaced by destroying entire neighborhoods and towns, along with its failure to release more than 130,000 detainees who are still up until this moment in the regime's detention centers, of whom nearly 100,000 have been forcibly disappeared, without trials or any knowledge of their fate; this is a frightening number, and it comes in the context of post-war questions. For instance, although Assad has repeatedly declared that he has won militarily, why does he still hold this huge number of detainees? What I would like to say - in a nutshell - is that the postwar benefits are many and various, and, of course, the economic factor is pivotal among these, but it is not the only one; there is, as I noted, the social factor in the aspects that I mentioned, and finally there is the terrorist security deal. The security services are still dealing with Syrian citizens with the same mentality, brutality, and sectarianism that they practiced before March 2011, and all of this will push more Syrians to believe that the only and exclusive salvation of all crises lies with the departure of the Assad family, which will only be achieved through the participation of the largest proportion of loyalists and dissidents in Syrian society in working to rid Syria of this barbaric family.

What are the impact and significance of the 'Caesar Act' on the rehabilitation of Bashar al Assad's regime?

I believe that obstructing the rehabilitation of the Assad regime is the most important feature of the 'Caesar Act', which no doubt has a very negative impact on the Syrian regime and its allies, with impacting the regime's allies being extremely important, because, without Russian support in particular, the Syrians would have rid themselves of the rule of the Assad family years ago.

A number of countries were preparing to restore their relations and investments with the Syrian regime, such as: Egypt, Algeria, the UAE, Italy, Greece, and others, and there were attempts by Egypt and Algeria to return the Syrian regime to the Arab League, and this was the focus of my talk on my visit to the White House in March 2019 ¹, and my talk with the in-charge of the Syrian file at the White House, about the intention of a number of countries to restore their relations with the Syrian regime. Although the position of the US Administration was clear and firm in requesting all countries that have relations with the United States of America not to restore their relations with the Assad regime, some of these countries have tried and made repeated attempts to do so, such as Egypt, for example.

Now, the 'Caesar Act' doesn't just send warnings, but rather imposes direct executive sanctions against governments, companies, and individuals that might contribute to the reconstruction process or support the Syrian regime's military operations. The Act does not target 'friendly' states of the United States of America only, but includes all countries, even totalitarian states that support the totalitarian Assad regime, such as China, Iran and Russia. Will these countries be ready for their companies worldwide to be targeted, and they are linked in one way or another to the American currency, the dollar, the most powerful currency in the world, in exchange for investment with the Assad regime? This is what we hope that Russia will conclude, and that it will, accordingly, start immediately to abandon the Assad regime because there is no hope of its rehabilitation and of recovering the funds spent by Russia on it; if the Assad regime remains, there will be no reconstruction, no stability and no return for more than 13 million displaced Syrians, who are currently either IDPs or refugees, so the Syrian economy will not spin again.

On the other hand, pivotal conditions have been established so the sanctions can be lifted, as stipulated in paragraph 301 of this Act ², the most prominent of which are: the Syrian regime's forces, Russia and Iran may no longer target civilian populations and vital facilities, all political prisoners forcibly held within the regime's prisons must be released, the Syrian regime must permit the safe, voluntary, and dignified return of Syrians displaced by the conflict, and - the most important and primary condition, in my view - the Government of Syria must take verifiable steps to establish meaningful accountability for perpetrators of war crimes in Syria and justice for victims of war crimes

¹ SNHR, Washington: SNHR Holds Meetings at the White House and U.S. Departments of State and Defense, <http://sn4hr.org/?p=53502>

² The US Congress, "Caesar's Civilian Protection Act in Syria 2019", <https://bit.ly/3dtxi4s>

committed by the Assad regime. We can safely say that the Syrian regime will not implement any of these conditions: although it had a 180-day period since the act was passed in mid-December 2019³ to do so, in order to end the imposition of all the sanctions subsequently imposed, it failed to implement any of them, instead launching a barbaric attack on and around Idlib after the adoption of the "Caesar Act", and continuing its violent operations until the beginning of March 2020. So I don't think that after the Act went into effect on June 17, it will implement any of them, because these conditions require a governing system that respects and takes into account fundamental human rights. The Assad regime is not of this type at all, so the sanctions included in the 'Caesar Act' are ongoing, and the rehabilitation of Assad is almost impossible and very costly.

The Goals and Messages of the 'Caesar Act'

How does the 'Caesar Act' differ from Security Council resolutions, General Assembly resolutions, and the International Commission of Inquiry's reports, which neither the regime nor its allies, especially Russia and Iran, have committed to?

All the reports issued by the UN commissions and investigative bodies have confirmed that the Syrian regime has committed multiple violations, many of which reached the level of crimes against humanity and war crimes. The Security Council then had to act directly to protect civilians, because the executive decision to intervene in Syria to stop the Syrian regime is in the hands of the Security Council exclusively, but the Security Council, due to the Russian and Chinese protection of the Syrian regime, did not interfere, which encouraged the regime to continue committing crimes, as well as encouraging its allies, Russia and Iran, to commit war crimes against the Syrian people, and encouraging the other parties to the conflict to do so.

Similarly, while all the reports of the General Assembly, in which it spoke about the human rights situation in Syria, condemned the Syrian regime in a clear and direct manner, they didn't carry any mandatory formula, as several Security Council resolutions were issued, which were clearly breached by the Syrian regime. Also according to the reports by the UN Secretary-General, the Security Council had to take serious action to deter the Syrian regime, but failed to do so, firstly because of Russian protection of the regime, and secondly because of the composition of the UN Security Council, which the Syrian conflict has proved to be a failure, with the current model meaning the UNSC only cares about the application of international law when there is political consensus; this means that in its current form, the UNSC is far from protecting basic human rights, especially when crimes against humanity are committed, and that there is, therefore, no longer any benefit or effectiveness from Security Council resolutions.

³ The US Congress, "Caesar's Civilian Protection Act in Syria 2019", <https://bit.ly/3hV8mWS>

In the case of the 'Caesar Act', it is issued by the United States of America, which is concerned with its implementation, and does not need the approval of several countries or the consent of other parties. In addition, it has become a US law, meaning that the US government has an obligation to implement it, whether the administration is a Republican or a Democrat one. I also believe that the US sanctions are the toughest in the world, and will be strictly imposed on Russia and Iran in the event of their being breached, and that there will be no leniency in this regard, unlike the UN sanctions that may not be able to punish rogue states like Russia, if it decides to breach the sanctions by transferring weapons and forces to the Syrian regime. The United Nations may not be able to impose sanctions on Russia or even Russian companies, because Russia is an influential state within the United Nations, and has a lobby of rogue authoritarian states that always follows its directives and vote for it, including Venezuela, Cuba, Iran, China and similar totalitarian states.

Are you not afraid that the Assad regime will survive for five years, which is the extent of the 'Caesar Act', and will insist on not moving towards a political solution, as directed by the Geneva Statement (2012), and UN Resolution 2254?

Yes, there is a fear that the Assad regime will survive, as it is a totalitarian regime with a very fanatical sectarian coherence, which does not care about the suffering of the people, as shown by its destruction of entire neighborhoods and towns, displacement of 13 million people, and killing of hundreds of thousands, solely in order for the Assad family to remain in power. However, I think it is difficult for the Assad regime to withstand five years without receiving any support from its allies, Russia and Iran, and believe that the saying "Sanctions don't bring down regimes" is not an accurate one. Also, Syria has been the scene of a mass popular revolution, rather than a stable state on which sanctions were imposed, and this is a fundamental difference with other cases, in addition to the fact that the Syrian regime has exhausted most of the state's resources during the past nine years. Given all these factors, I hope that the regime will not hold out much longer, and will be subject to political change, so that the duration of the unimaginably massive suffering of the Syrian people in the areas under Assad's control can be reduced; these are people effectively being held hostage at the hands of the regime, with the entire Syrian state hijacked and taken hostage by the Assad family. Whenever the pressure on the regime is so serious that it leaves no room for maneuver, the regime has realized, along with its allies, that it must enter into negotiations towards a political transition; therefore, we have always demanded that economic sanctions be strengthened through political will and effectiveness, in order to alleviate the suffering of our people and state that have been kidnapped by the Syrian regime. In addition, this also applies fully to the detainees - although some friends are calling for the easing of sanctions on the regime for fear of what may befall its hostages, the Syrian people, our experience with this regime says that it will use any new resources to suppress and terrorize the Syrian people, and absorb as much aid as possible in its favor. We in the Syrian Network for Human Rights have issued a detailed technical report ⁴ on this sensitive issue, and delivered a lecture about it at the Harmoon Center for Contemporary Studies⁵.

⁴ SNHR, Sanctions Are Linked to the Syrian Regime's Continuing Violations and Don't Include Medical Supplies and Food, Which Shouldn't Be Delivered Through the Regime, <http://sn4hr.org/?p=54922>

⁵ Harmoon Center for Contemporary Studies, Symposium of the Harmoon Center: "Corona and lifting sanctions against the Assad regime ... facts and rights", <https://bit.ly/2BDK178>

Finally, if the Assad regime survives five years, then we can work to ensure that there is an extension of the law for five more years; it is true that there would need to be another vote, from both the House of Representatives and the Senate, as if they were passing a new law, but I think it will be easier than creating a law from scratch, agreeing to draft it, its language, and passing it from scratch at all stages like the current law.

In the past eight years, much has been written on reconstruction in Syria. My question: What about reconstruction, with the 'Caesar Act entering into force?

I believe that the reconstruction process has almost completely stopped; one of the most important goals and messages of the law is to prevent the financing of the Syrian regime, its companies and the families associated with it, which constitute a mafia gang benefiting from the resources of the reconstruction process, as well as to prevent Russian and Iranian companies from doing so. There had been serious attempts to launch partial reconstruction in some areas, under the pretext of helping the people of those areas to return to them. In my view, I believe that any reconstruction process that would have taken place under the Assad regime would be supporting and financing this regime, because it would redirect the vast majority of these resources to operations involving repression, bombing and terrorism.

If Russia and Iran wish to contribute to the reconstruction of Syria, they must immediately abandon the Assad regime, and impose actual pressure to achieve a political transition towards democracy, which would establish stability and the return of the displaced, and launch the path of transitional justice, including the reconstruction process.

'Caesar' includes Russian and Iranian individuals and entities

What is the main role played by Syrian human rights organizations and bodies concerned with documenting violations by the regime's forces and allies against Syrians, across the torn Syrian map, in advocating for the preparation and promulgation of the 'Caesar Act'?

The law is called the 'Caesar Syria Civilian Protection Act of 2019'⁶, abbreviated as 'Caesar Act', in honor of the actions of 'Caesar' (a pseudonym used by a former Syrian regime photographer who worked at the Documentation Center of the regime army's Military Police) and the photos he leaked have played the main role in getting this law passed. But it is also important to note that additional efforts have also contributed to it, such as the role of the Syrian community in the United States of America, and of reports which analyzed the photos and confirmed their credibility, as well as confirming the identities of hundreds of the victims included in the photos, in addition to confirming the

⁶ The US Congress, "Caesar's Civilian Protection Act in Syria 2019", <https://bit.ly/380OBsc>

continuing use of torture by the Syrian regime, its use of chemical weapons and other factors, all of which also played a role in getting the law passed. Also, many Syrian and international organizations have played a role in this area. In addition to those aspects I have mentioned, the act also penalizes violations committed by the Iranian forces, as well as the violations committed by the Russian forces after their intervention in Syria in September 2015, with work on the law having moved forward effectively after the Russian intervention in Syria. In fact, the most important thing which the Act adds is sanctions against Russian and Iranian companies and individuals supporting the Syrian regime, because most of the penalties stipulated in the law against the Syrian regime are sanctions stipulated since 2011.

In order not to prolong the answer on this point, I will limit myself to citing one brief but vital example, namely, that the "Syrian Network for Human Rights" is the first source of information (or second or third, according to each year)⁷ cited by all the reports issued by the U.S. Department of State on Human Rights Practices in Syria, since 2011 to date. One of my Syrian-American friends who worked hard to pass the 'Caesar Act' told me that these reports are a basic reference for members of Congress, because they are issued by the US Government, which they trust in its objectivity and the methodology of its work; these reports include various types of violations against civilians, by both the regime and its allies, with complete statistics are provided in them on some of the violations, such as the death toll of civilian victims, record of enforced disappearances, detainees, death toll of torture victims, and forced displacement, etcetera. These reports have played a vital role in informing a large number of members of Congress of the reality of the crimes against humanity and war crimes taking place in Syria, and in demonstrating that the US Congress must defend the spirit of international law, and issue a US law criminalizing these brutal acts, and by the way, we hope that other legislative bodies in the other countries of the civilized world, such as Western European countries, Canada and Australia will pass legislations similar to the 'Caesar Act'.

⁷ SNHR, SNHR is the Primary Source in the US Department of State's Report on the Human Rights Situation in Syria 2019, <http://sn4hr.org/?p=54751>

SNHR, SNHR is the Second Most Cited Source in the US State Department's Report on the Human Rights Situation in Syria in 2018, <http://sn4hr.org/?p=53438>

SNHR, SNHR is a Primary Source in the US Department of State's Syria 2017 Human Rights Report, <http://sn4hr.org/?p=52045>

Last January, the Syrian Network for Human Rights signed Principles of Cooperation Agreement with the OPCW's Investigation and Identification Team (IIT). Where does this lead in the context of accountability for those Syrian regime personnel who are involved in the use of chemical weapons and weapons of mass destruction in Syria, in prosecuting them and in ensuring that they do not enjoy impunity?

The SNHR has an extensive database on the use of chemical weapons in Syria, and has documented their continued use, since the SNHR first documented the use of this weapon in December 2012, up until the most recent attack in al Kbaina in Latakia suburbs on May 19, 2019. These and other documentations that we carry out aim to serve the path of accountability and transitional justice, within which context came the signing of the Principles of Cooperation⁸ with the OPCW's Investigation and Identification Team (IIT), enabling SNHR to contribute to the investigations into the incidents that the team is currently conducting and will conduct in the future. The mandate of the OPCW was expanded on June 27, 2018, enabling it since then to identify the perpetrators of chemical attacks, after its previous mandate since its founding on April 29, 1997, remained limited to confirming or denying the use of chemical weapons without identifying the perpetrators, a crucially important achievement in the fields of law and human rights. The primary cause behind the OPCW's expanded remit were the victims killed or injured by the Syrian regime's use of chemical weapons against them, especially after Russia ended the work of the international Joint Investigative Mechanism established by Security Council Resolution 2235⁹ in August 2015, in order to identify the perpetrators of the crime of using chemical weapons. Russia achieved this by using its veto power at the Security Council in November 2017 on two consecutive occasions within 24 hours¹⁰. The OPCW's Investigation and Identification Team (IIT) began its work in July 2019, initially choosing nine incidents to work on, After months of continuous work in accordance with the customary scrupulously professional methodology and the highest standards, the OPCW's IIT issued its first report¹¹, concerning the three incidents in al Latamena city, with the report decisively confirming the use of sarin gas by Syrian Regime forces in the March 24 and 30 attacks, and chlorine in the March 25 attack, which targeted al Latamena Hospital.

⁸ SNHR, SNHR Signs Principles of Cooperation Agreement with the OPCW's Investigation and Identification Team and Shares Data, <http://sn4hr.org/?p=54865>

⁹ UNSC Res 2235 (7 August 2015) UN Doc S/RES/2235

¹⁰ UNSC, A draft resolution to renew the mandate of the joint investigation mechanism vetoed by Russia on 16 November 2017, <https://undocs.org/en/S/2017/962>

UNSC, A draft resolution to renew the mandate of the joint investigation mechanism vetoed by Russia on 17 November 2017, <https://undocs.org/en/S/2017/970>

¹¹ OPCW, the first report of the OPCW's Investigation and Identification Team (IIT) <https://www.opcw.org/sites/default/files/documents/2020/04/s-1867-2020%28e%29.pdf> [April 12, 2020]

These findings are clearly deeply disturbing to the Russians who had denied the Syrian regime's use of chemical weapons at the Security Council and in repeated statements by the Russian Ministry of Foreign Affairs, with the report containing a large amount of irrefutable evidence and exhaustive details on the incidents in question, exposing the falsity of the Russians' claims. Given that the SNHR has signed a Principles of Cooperation agreement with the IIT, and shared the data and evidence in its possession about these three incidents, I can confirm, through regular discussions and work with the IIT, that it is a professional team which works to ensure the highest possible degree of accuracy and reliability, and that the report contains a large amount of evidence and details that completely undermine the Russian statement and end any credibility of the Russians in the chemical weapons issue. The IIT will share all this data with the International Commission of Inquiry (COI), that can build a case against the Syrian regime for the use of chemical weapons, and present it to European courts which have the advantage of universal jurisdiction, and it is possible that this evidence and data can be called upon in any international, special or national court, that has jurisdiction to try the perpetrators of violations in Syria.

In this context, what is the importance of the Memorandum of Understanding signed by the 'SNHR' with the Government of the United States of America in October 2019, which provides for the establishment of a coordination and cooperation mechanism to share information and data documented by SNHR on human rights violations in Syria and on those involved in such violations, as well as the Memorandum of Understanding that you signed last February with Humanitarian Outcomes on contributing to its Aid Worker Security Database (AWSD) project?

This MoU comes as a corollary of eight years of continuous cooperation with the U.S. Department of State, primarily with the Bureau of Democracy, Human Rights, and Labor. In all the reports issued by the U.S. Department of State on the human rights situation in Syria, the U.S. Department of State has relied on information and statistics from the SNHR as a primary source, often referencing these dozens of times within a single report.

The Memorandum of Understanding¹² provides for the establishment of a coordination and cooperation mechanism to share information and data documented by SNHR on human rights violations in Syria and on those involved in such violations in order to participate in the investigations carried out by the Government of the United States of America into some of these violations, and to place the greatest possible number of those involved in these violations on the lists of economic and political sanctions; this will constitute a major impediment to any effort to rehabilitate the Syrian regime in all its organs, and serve as an important form of accountability that's previously been unavailable. For example, the investigation carried out by the SNHR into the Syrian regime's use of chemical weapons in al Kbaina village in Latakia suburbs has contributed to reinforcing the findings of the U.S. Department of State's investigation, which proved the Syrian regime's responsibility for this chemical attack¹³ .

¹² SNHR, SNHR Signs Memorandum of Understanding with the Government of the United States of America to Contribute to the Investigation and Accountability Processes, <http://sn4hr.org/?p=54298>

¹³ US Department of State, Secretary Michael R. Pompeo At a Press Availability, <https://translations.state.gov/2019/09/26/secretary-michael-r-pompeo-at-a-press-availability/>

As for the Aid Worker Security Database (AWSD) project, on February 21, 2020, SNHR signed a Memorandum of Understanding ¹⁴ with Humanitarian Outcomes on contributing to its Aid Worker Security Database (AWSD) project, with the MoU stipulating the creation of a joint coordination and cooperation mechanism aimed at documenting and archiving violations and violence affecting aid workers. This will effectively assist in the study, analysis and description of aid work in Syria, providing comparisons with the rest of the world based on the AWSD's findings.

The AWSD ¹⁵, which became publicly available online in 2009, is the most comprehensive global database of the major incidents of violence recorded against aid workers since 1997 to date. It is accredited by the United Nations, the Red Cross and Red Crescent, and numerous humanitarian NGOs around the world. The AWSD records the number of aid workers affected, the institutional affiliation of victims, type of staff (national or international), the methods and means of violence used, the date and specific location of each incident, and many other details, with the aim of assessing the impact of attacks on humanitarian support.

The SNHR has a detailed database that includes details of aid worker victims, the targeting and bombing of aid centers and aid convoys, and the arrests and enforced disappearances these personnel are subjected to.

We at the Syrian Network for Human Rights fully support the work of the Aid Worker Security Database, and confirm that these investigations are an essential part of the process of holding those involved in violations against aid workers accountable and ensuring that they're prosecuted, as well as ensuring that they do not enjoy impunity, and exposing their crimes and violations against the provisions of customary international humanitarian law.

The dangers of coronavirus' outbreak in Assad prisons

Do you think that there is a possibility of holding the ruling leaders in Moscow, Tehran, and the Shiite militia leaders, foremost (the Lebanese Hezbollah), who have committed war crimes and crimes against humanity in Syria, accountable in international courts such as the International Criminal Court in The Hague, for example? And how to achieve that?

All of these figures have officially acknowledged their interference in the armed conflict in Syria. Let's assume that the Syrian regime which controls the Syrian state and recognized by the United Nations is the one which invited them to fight alongside it; they must abide by international humanitarian law during the fighting, which they have not done – instead, they've violated a large number

¹⁴ SNHR, SNHR Signs a Memorandum of Understanding with Humanitarian Outcomes in the AWSD Project, <http://sn4hr.org/?p=54693>.

¹⁵ The Aid Worker Security Database (AWSD), <https://aidworkersecurity.org/>

of rules of customary humanitarian law in a widespread and planned manner, with the gross violations of some rules of customary law and international humanitarian law constituting war crimes, as well as crimes against humanity. As examples of these, we can cite the extrajudicial killings carried out by these bodies, which have been deliberate and widespread, as well as forced displacement and widespread targeting of the population with indiscriminate attacks, and other violations that we've documented in dozens of reports (there is a database dedicated to violations perpetrated by Russian forces who've killed nearly 7,000 Syrian citizens from September 2015 up to the current date, including nearly 2,000 children). These crimes fall under the jurisdiction of the International Criminal Court, but Syria is a state that has not ratified the Criminal Court Charter, because the Assad regime largely avoids ratification of human rights treaties, and thus there must be a referral from the UN Security Council in order for the court to have jurisdiction, with Russia obstructing the referral through its veto power. Given the involvement of its forces, Russia is willing to use this veto power a million times and more, so there is no way to prosecute these crimes through this court.

The only way currently available remains to file a court motion against violations of Russia or Iran through courts with universal jurisdiction, although this jurisdiction is limited but is currently the only type available.

Syrians are increasingly concerned about the fate of thousands of detainees with the coronavirus pandemic (COVID-19) reaching the regime's prisons. What is your information about the conditions of prisons now and the conditions of the detainees? How can protection be provided for them by international humanitarian, medical and relief organizations and bodies? Have you sent letters in this regard to the concerned authorities?

There are about 130,000 detainees still in the Syrian regime's detention centers¹⁶, with detainees and individuals forcibly disappeared by all parties to the conflict in Syria being subjected to exceptionally brutal methods of torture, which negatively affect their physical and psychological health, making it difficult for them to recover from the virus if infected with it. In a detailed report¹⁷ published by SNHR previously, we recorded at least 72 methods of torture practiced in the Syrian regime's detention centers and military hospitals. The most notable methods of torture make detainees a very vulnerable group and seriously susceptible to the spread of the COVID-19. Among these are:

¹⁶ SNHR, Two Months Since Issuing Amnesty Decree, the Syrian Regime Released Only 96 of Nearly 130,000 Detainees and Arrested 113 More, <http://sn4hr.org/?p=54991>

¹⁷ SNHR, Documentation of 72 Torture Methods the Syrian Regime Continues to Practice in Its Detention Centers and Military Hospitals, <http://sn4hr.org/?p=54362>

1. Detaining and imprisoning detainees in detention centers which lack even the bare minimum of hygiene or sanitation, especially in the headquarters of the four main security branches and military prisons, where large numbers of detainees are packed into cells of various sizes, with an average cell area measuring 4 x 6 square meters containing approximately 50 detainees; this means that each detainee barely has an area of 70 cm² for sitting and sleeping, with detainees usually taking turns to attempt to sit or lie down to sleep when their numbers exceed the holding capacity of the cell, as they routinely do. The narrowness of the cells and the cramped, overcrowded conditions also lead to suffocation and shortness of breath amongst detainees due to inhaling the putrid smells of bodily waste, sweat, pus, and blood from wounds.
2. These cells lack ventilation and the most basic standards of sanitation and cleanliness, with the conditions being even more squalid in the solitary confinement cells located on the detention centers' lower floors which lack even light. Throughout the duration of their detention in the security branches, detainees are also prevented from going outside to get any exercise, or exposure to fresh air or sunlight. In addition to these congested unsanitary conditions, detainees are able to shower or wash only very rarely throughout the period of their detention, roughly once every several months or more, which often lasts for many years, with all these factors contributing to and exacerbating the spread of diseases, epidemics and infectious conditions, especially respiratory and skin diseases.
3. These harsh conditions of detention increase in severity according to the rising and falling temperatures in summer and winter respectively, with Syrian Regime forces deliberately withholding sufficient quantities of pillows and blankets from detainees in detention centers, while those which are issued are usually filthy, threadbare, soiled and encrusted with blood, pus or other bodily waste and fluids, and lousy with parasites. In addition, detainees' clothing is often worn, soiled or torn during torture or forcibly removed during inspections, during which detainees are forced to take all their clothes off; all these practices expose detainees to severe cold in winter, when temperatures fall below freezing.
4. Beatings, physical and psychological torture, continuous interrogations, and the poor food provided to the detainees cause them to suffer poor physical health, and weaken their immunity, putting them at greater risk of death.
5. In the event that one of the male or female detainees is infected, the Syrian regime will often fail to isolate him/her from the other detainees or provide him/her with medical care, as medical care is almost completely withheld from detainees. Even most of the deaths due to torture - with the total documented death toll due to torture by the Syrian regime reaching about 14,237 individuals - a percentage ranging between 70 to 75 percent - died due to illness exacerbated by medical negligence following torture, meaning that sick detainees are, in fact, persecuted to death. We believe that the same thing will happen if any detainee gets infected with the COVID-19, meaning that he/she will be effectively abandoned to suffer, either surviving or dying.

6. The conditions of detention in security branches and military prisons are somewhat similar to the civilian central prisons in terms of overcrowding, human stacking, and lack of cleanness and ventilation.
7. More than 85% of the detainees imprisoned were arrested on political grounds as a result of their opposition to the Syrian regime or other authorities. Consequently, neglecting their wellbeing in light of the spread of the coronavirus is, for the regime, a favorable opportunity to get rid of as many of them as possible.

The Security Council should implement the resolutions it issued concerning detainees in Syria, which the Syrian regime has blatantly and repeatedly violated, and continues to violate up to the present, such as Resolutions: 2042, 2139, 2254. At the very least, the Security Council and international organizations should put pressure on the regime to release the 3,327 Syrian medical personnel¹⁸ still held in its prisons, because society desperately needs them in light of this pandemic. The International Committee of the Red Cross should put pressure on the regime and take all possible steps to reach detainees, try to determine their fate and the torture methods they have been exposed to, and assist them as quickly as possible.

We have issued a number of reports, in which we detailed all of the factors I mentioned above, and have submitted those reports to several bodies in the United Nations and a number of countries worldwide, as well as sharing that data with a number of international human rights organizations, in order to push for greater action in this context, and we will continue to raise and reintroduce this issue, because the threat of detainees being infected with the coronavirus is serious and ongoing.

What are the real numbers documented by the SNHR concerning the Syrian detainees in Assad's prisons at the current stage? Do you have documented lists of cases of arbitrary arrest or enforced disappearances, with the Syrian revolution entering its tenth year?

The process of documenting the cases of detention and cataloguing whether detainees are released or join the ranks of the forcibly disappeared has been one of the greatest challenges and difficulties faced by the SNHR's team, as we've clarified in our methodology¹⁹. Since 2011, the SNHR has created complex electronic programs to archive and categorize the detainees' data, which the team collects and verifies; this enables us to catalogue the detainees according to gender, the location where each was arrested, the governorate from which each detainee originally came, and the party responsible for their arrest. These programs also enable us to make comparisons between these parties, as well as identifying the governorates from which the largest proportion of residents have been arrested and disappeared.

¹⁸ SNHR, The Most Notable Challenges for Medical Personnel, IDPs, Detainees and the Needy in Syria Amid the Spread of the COVID-19, <http://sn4hr.org/?p=54962>

¹⁹ SNHR, "Syrian Network for Human Rights Methodology", <http://sn4hr.org/public_html/wp-content/pdf/english/SNHR_Methodology_en.pdf>

The SNHR team implements strict standards in evaluating and assessing any incident of arbitrary arrest in accordance with the principles of international laws and the aforementioned set of principles on arbitrary arrest. The SNHR's Detainee and Forcibly-Disappeared Department records cases of arrest which departmental personnel collect from various sources, such as: victims' families, SNHR members in Syrian governorates, cooperating local activists, and former detainees, before diligently working to contact the families of the detainees and forcibly disappeared persons, as well as people close to them and people who survived detention, for the purpose of collecting as much information and data as possible, in light of the extraordinary and extremely complex challenges. We also record eyewitnesses' accounts and track cases of arrest to update these records regularly in order to determine the fate of each detainee, their place of detention, and the circumstances of their arrest. We have created on our website a special form to document a detainee²⁰ to facilitate access and contact with victims' families.

We have been able to build a database dedicated to detainees and forcibly disappeared persons, according to which at least 129,989 individuals, including 3,561 children and 7,913 women (adult female), are still detained or forcibly disappeared by the Syrian regime, since March 2011. This detainee record doesn't include prisoners with a criminal background, but does include cases of arrest that are based on the internal armed conflict, mainly due to opposition activity against the ruling authorities, as well as cases of detention to suppress freedom of opinion and expression.

What about the conditions of detainees in the prisons of the US-led Coalition in Syria and the Kurdish Syrian Democratic Forces, known as 'SDF', and the detention centers of armed jihadi factions in Idlib governorate and other areas of northern Syria?

Since the establishment of the self-management forces of the Kurdish Democratic Union Party, in January 2014, the Syrian Democratic Forces group or 'SDF' has practiced enforced disappearances against any activists or politicians critical of its practices in areas under its control. At the beginning of 2016, the SDF began targeting the civilian population on the basis of national and ethnic background and on the pretext of links between them and ISIS, especially in newly controlled areas, either through campaigns of raids and arrests, or through temporary checkpoints that they establish from time to time. They take those detained to detention centers without putting them on trial and prevent their family from visiting or communicating with them or appointing a lawyer. Despite this, no clear charges have been brought against them, and we have noticed the release of a number of them by the SDF after agreements with the tribal dignitaries and Sheikhs in the areas targeted by arrests.

²⁰ SNHR, Document a Detainee, <http://sn4hr.org/1573-2/>

Through our continuous follow-up and documentation processes, we've documented that SDF routinely resorts to the use of severe beatings causing bone fractures, in their detention centers, most commonly during the interrogation of detainees and abductees. We also recorded an escalation in the intensity of torture methods and a high toll of torture victims by the Syrian Democratic Forces since the beginning of 2016. These forces use methods of torture similar to those practiced by the Syrian regime such as the Shabeh, tire, electrocution, starvation and deprivation of healthcare, especially against those accused of belonging to Armed Opposition factions and their relatives or those accused of belonging to ISIS, who are prevented from contacting their families or appointing a lawyer and are submitted to the judiciary in areas under the group's control.

States supporting the SDF should put pressure on them to stop arbitrary arrests and enforced disappearances, and to respect the rules of international humanitarian law and principles of international human rights law in the areas they control, as well as supporting the process of establishing a genuine local democratically elected administration in the northeastern regions of Syria, in which all the inhabitants of the region may participate without discrimination on the basis of race or nationality and without the intervention of the de facto authorities in order to achieve stability and justice., in addition to supporting the creation and establishment of an independent judiciary that prohibits military parties from carrying out arbitrary arrests and enforced disappearances with impunity.

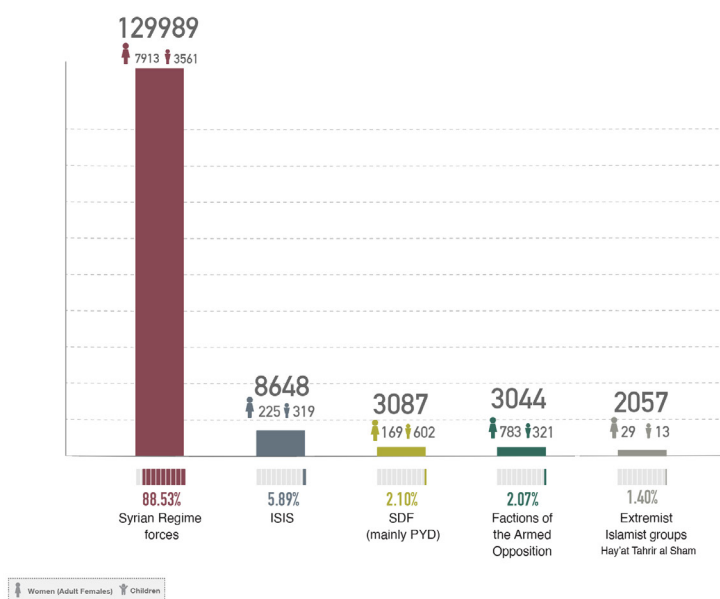
As for Hay'at Tahrir al Sham, in the areas under its control, the group has persecuted those criticizing its policies, along with activists, especially media workers and personnel working with humanitarian organizations, in particular those who refuse to coordinate with the institutions it established, and those affiliated with the Armed Opposition factions that Hay'at Tahrir al Sham is fighting against. Hay'at Tahrir al Sham has maintained a network of private and secret prisons and prevented the judiciary of the Salvation Government's Ministry of Justice from intervening in them, despite the Salvation Government's Ministry of Justice establishing its own prisons with the approval of the group. In Hay'at Tahrir al Sham's prisons, the group detains many of those whom its members have forcibly disappeared and practices various cruel forms of torture such as electrocution and flogging, pulling out of fingernails, starvation and sleep deprivation. Dozens of survivors of these prisons confirmed to us that the group's security forces practiced mock executions against them for the purpose of intimidating them, with many detainees released in return for bribes involving large sums of money.

As for ISIS, the areas under its control in Syria have largely declined or disappeared. As of the beginning of 2019, ISIS has been confined to small enclaves in eastern Syria. The physical and psychological methods of torture used by ISIS in its detention centers were very similar to those used in the Syrian regime's detention centers. Since the announcement of its existence in April 2013, the organization has practiced vicious methods of torture and ill-treatment, exhibiting a pattern of sadism against its detainees, with the aim of spreading terror and fear and intimidating the people in areas under its control with the dire consequences of violating its extremist doctrine, using methods such

as waterboarding, simulation of slaughter, gas asphyxiation, shooting bullets around detainees' bodies, forcing other detainees to watch footage and recordings of their peers' execution by barbaric methods such as beheading and immolation, and cutting parts of abductees' bodies, as a form of psychological torture. SNHR previously issued an expanded report, "The Black Bottom"²¹, on the most notable detention centers and methods of torture used by ISIS.

The levels of torture used by ISIS vary according to the charges against the detainee, being most severe against media and military activists and foreign abductees, who are often held in secret prisons. The group often tortures them to death or films its members carrying out brutal executions, while detainees accused of violating the group's extremist doctrine are subjected to various forms of torture, including methods, such as severe beating, flogging, use of the 'tire' and the Shabeh or 'Ghost, with this torture lasting for several hours or days.

Although ISIS has declined, it has left a terrible lasting impact on the families of victims of torture and enforced disappearances; many of those who we spoke with told us that ISIS had informed them of the death of their disappeared family members through the centers of their al Hesba or security forces, but failed to hand over the bodies or to inform the grieving families of their loved ones' burial place. Some 8,350 individuals previously arrested by ISIS are still missing. The Syrian Democratic Forces, which subsequently took control of the ISIS areas, has not revealed their fate. The following chart shows the total record of detainees or forcibly disappeared persons, and their distribution according to the main perpetrator parties to the conflict in Syria:



At least
146,825
 individuals
 are still detained
 or forcibly disappeared
 at the hands of the
 main perpetrator
 parties in Syria
 from March 2011 to March 2020

²¹ SNHR, ISIL's Torture and Detention Centers, <http://sn4hr.org/?p=21031>

The way out is to force Assad to leave

The Syrian scene has become very complicated, with the world leaving the local and regional powers in unregulated control of the Syrian situation, meaning that Syria is now under at least four occupations: America and the coalition, Iran, Turkey and Russia, so what is the solution to get rid of these occupations? What is the way out?

This is a very complicated question, but in short there can be no salvation for the Syrians and the Syrian state except with the departure of the head of the problem, which is the Assad regime that brought Syria to this stage by brutally retaliating against the demands of the Syrian people for freedom and dignity in March 2011. The Assad regime, which has plundered the resources of our beloved country for more than fifty years, will not voluntarily give up the looting process that secures it millions of dollars every month, and will not leave through demonstrations, with the only solution being to force it to leave. So, the way out is to force the Assad regime to leave, by every possible means, including political, economic and military. I talk about the exit regardless of its practical possible application, because I don't think there will be a military intervention to remove the Assad regime.

Practically, economic sanctions and the 'Caesar Act' can stop the Russian and Iranian arteries of support, at which point the Syrian regime will weaken significantly, but will not fall; it may accept a political settlement, if it finds that it can no longer hold out, because it knows that any political negotiation means the end of the Assad family's rule, which it will only accept if this is a final choice. In the event of a political transition, this carries with it a consensus of the military forces present on Syrian territory, which reflects its strength within the political framework and rule, and after a period of time, there will be no justification for their presence, and they will gradually reduce their direct military presence, but they will continue to interfere in the affairs of governance in Syria, and Syrians should gradually eliminate this interference through successive democratic national governments.

Finally, what can be done now to save the future of the Syrian people steeped in the quagmire of violence, death, destruction and revenge left by the war of Assad, Putin, Khamenei and Nasrallah against the Syrians for nearly a decade? Where are we going?

We must intensify our efforts to enhance awareness, political, human rights, and civil action, support civil society organizations, and create a path of transitional justice, all of which should be directed by Syrian national foundations, paving the way towards creating factors which would unite the Syrian diaspora, repair the ruptures, and contribute to crystallizing a real Syrian social pact, which will be the beginning of the path towards actually establishing the Syrian state; without that, we'll move towards the bottom of the abyss in various levels, and towards further terrible loss for our beloved country, Syria.

[Published on the Harmoon Center for Contemporary Studies' website \(in Arabic\)](#)



www.snhr.org - info@sn4hr.org