No Return to Homs

A case study on demographic engineering in Syria

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No Return to Homs

A case study on demographic engineering in Syria

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Executive Summary

State-directed population displacement has become a defining feature of the Syrian conflict. Through a strategy of siege, starve, destroy, and transfer, the Syrian government – aided by its allies Russia and İran – has displaced hundreds of thousands of civilians from rural and urban centers in Damascus, Aleppo, and Homs that rebelled against the rule of Bashar al-Assad, contributing to a crisis that has seen more than half of all Syrians driven from their homes. İn addition to the often-catastrophic physical damage inflicted on the infrastructure of depopulated areas and the immense physical and psychological harm wrought on the displaced, this forcible displacement strategy has long-term disruptive cultural and socioeconomic implications that will complicate Syria's prospects for future peace and reconciliation.

This report explores the mechanisms and impacts of state-led demographic engineering in Syria through a case study of Homs city, which in 2014 became the first major urban center to succumb to the government's siege and destroy strategy. The goal of this study is to understand what has happened to Homs city and its displaced residents in order to highlight continuing challenges for the displaced, to identify lessons that can improve the response of international actors, and to better understand the dynamics playing out today in other Syrian cities and towns targeted by the government's forced displacement strategy.

This case study first presents background on Homs city and an overview of the course of the conflict from the start of protests in 2011 through the destruction and depopulation of much of the city center by mid-2014. It explores the aftermath of the siege and examines the role played by the United Nations in post-siege developments. The analysis and discussion throughout the report is informed by interviews, conversations, and surveys conducted with former residents of Homs city who were displaced between 2011-2014.

This report shows that the government's displacement strategy in Homs city is a form of demographic engineering, which seeks to permanently manipulate the population along sectarian lines in order to consolidate the government's power base. Former residents of Homs continued to face persecution even after their initial displacement and many are trapped under siege in other parts of the governorate to this day. Interviewees identified a long list of physical and administrative barriers created by the Syrian government that prevent them from returning to their homes. As a result, they are effectively excluded from rebuilding efforts undertaken by the Syrian government in cooperation with UN agencies with the support of foreign donor states.

Under these conditions, international support for Syrian government efforts to rebuild the Homs neighborhoods that it intentionally destroyed and depopulated may serve to incentivize similar atrocities elsewhere by paying the government "war crimes dividends" instead of holding it accountable. Indeed, the 'Homs model' has served as a blueprint for the destruction and depopulation of other key locations such as Darayya and eastern Aleppo in 2016.

The scale, scope, and nature of forced displacements from places like Homs city present a formidable challenge to future stability in Syria. National reconciliation will be unable to move forward without addressing complex issues of repatriation and property rights. In this sense, premature rebuilding efforts in places like Homs city that lack conflict-sensitivity can reinforce injustices, deepen sectarian schisms, and create new grievances that will undermine progress towards a solution and lay the groundwork for future conflict.

Physical reconstruction efforts in places like Homs should be undertaken only as part of a holistic, conflict-sensitive recovery strategy that combines conditional reconstruction support with efforts address the rights, concerns, and priorities of the displaced.

Key Recommendations:

♦ **Engage displaced Syrians** and give them a voice in the future of their communities. United Nations agencies and other actors supporting reconstruction efforts must conduct preparatory assessments to determine the whereabouts, needs, and priorities of its original inhabitants. These assessments must be independent of the Syrian government, and should be completed before the start of rehabilitation and reconstruction projects. Findings should be used to inform decisions in UN-supported reconstruction efforts.

♦ The physical reconstruction of Homs city is critical to recovery, but must be part of a **holistic strategy** to help ensure that international actors do not pay "war crime dividends" to the Syrian government. The European Union commitment to not support reconstruction efforts in Syria until a credible political transition process "is firmly under way" should be translated into concrete benchmarks, and adopted as a condition by all relevant international actors.

♦ Acknowledge and address the full range of issues that create **barriers to return and reconciliation** in areas like Homs. These challenges include housing, land, and property rights issues and the continued risk of violence and

persecution faced by returnees. UN or other international monitors should be deployed in areas like Homs city in the early stages of reintegration and reconciliation, in order for displaced citizens to feel safe enough to return.

♦ The intentional strategy of forced civilian displacement from Homs city and similar areas in Syria constitute **war crimes and crimes against humanity**. Forced civilian displacement and population transfers must be condemned and incorporated in the accountability mechanism to be established in accordance with the UN General Assembly Resolution of 21 December 2016 that created an accountability mechanism for war crimes in Syria. ♦

İntroduction

S tate-directed population displacement has become a defining feature of the Syrian conflict. Through a strategy of siege, starve, destroy, and transfer, the Syrian government – aided by its allies Russia and İran – intentionally decimates civilian populations in areas that rebelled against the rule of Bashar al-Assad. These efforts have displaced millions of people from rural and urban centers in Damascus, Aleppo, and Homs – contributing to a crisis that has seen more than half of all Syrians driven from their homes.

Evidence suggests that the Syrian government's population displacement strategy has taken on the form of demographic engineering, herein defined as the state-directed manipulation of ethnic groups during conflict.[1] The immediate goal of this strategy is to alter the balance of power between oppositional sectarian groups,[2] but it has far-reaching long-term cultural and socioeconomic implications that will shape the future of Syria and its refugees. The demographic changes implemented during the conflict not only impact the lives of millions of Syrians, but also complicate the prospects of future peace. Negotiations, political transition, reconstruction, and reconciliation efforts will all be shaped by the complex issues surrounding displacement and sectarian identity.

In 2014, more than two years before the devastating scenes from eastern Aleppo shocked the world's conscience, Homs became the first major urban center in Syria to succumb to the

government's siege and destroy strategy. Massacre, rape, detention, siege, starvation, denial of medical care, targeted bombing of civilians and civilian infrastructure, sectarian militias, psychological warfare… the tactics that the government used to successfully depopulate restive Sunni-majority neighborhoods of Homs city became a blueprint for places like Darayya and Aleppo in 2016. Accordingly, the experience of Homs and its diaspora population in the years after depopulation can provide insight into what the future may hold for the newly depopulated areas, and those like Madaya and Douma that appear poised to follow the same path in the coming year.

Before the war, Homs was the third largest city in Syria, with an estimated population of 800,000 - 1.3 million people.[3] The population of Homs city has been decimated by the conflict, and estimates today range from 200,000-650,000.[4] Even at the high end, these estimates indicate that at most only half of the original population remains. Pro-government forces regained control of the entire city by mid-2014, with the exception of the outer district of al-Waer. Today, more than two years after the sieges of central neighborhoods of Homs city ended and the last residents were bused away, large parts of the city are still ghost towns.

The last group of civilians and fighters that remained in the besieged city center of Homs in early 2014 was deported in a series of UN-mediated forcible population transfers. After years of deprivation and attack, the population was given no real choice but to capitulate or die. Acts of forced displacement like this violate both international humanitarian law and international criminal law. The fact that similar war crimes of forced displacement have been carried out against other civilian populations – including those in Darayya and eastern Aleppo – indicates that these acts are part of a systematic and widespread strategy, and thus may be considered crimes against humanity.

This report will explore the mechanisms and impacts of state-led demographic engineering in Syria through a case study of Homs city, which lost more than half of its pre-war population between 2011-2014.

Methodology

The primary source information in this report was collected through interviews, surveys, and follow-up communications with 16 Syrians who were displaced from Homs city. Information was also gathered through supplemental interviews with 13 secondary sources including Syrian journalists, civil society leaders, and former residents with detailed knowledge of Homs. Additional background and supporting research drew on media reports, prior studies, and analysis of open-source data such as satellite imagery.

Respondents were displaced from their home communities between 2011-2014. The years of displacement are distributed as follows: 2014 (5), 2013 (3), 2012 (7), 2011 (1). Eleven of therespondents were still in Homs governorate at the time of correspondence: five in the

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1 John McGarry, " 'Demographic engineering': the state-directed movement of ethnic groups as a technique of conflict regulation," Ethnic And Racial Studies Vol. 21, Iss. 4,1998.

2 See: Paul Morland, "Demographic Engineering: Population Strategies in Ethnic Conflict," Farnham, UK: Ashgate, 2014 for a detailed typology of the term.

3 US Department of State, "Syria Background Note," 8 September 2010, <www.state.gov>; UN-Habitat, "City Profile: Homs Multi Sector Assessment (Draft for revision and endorsement)," May 2014, <unhabitat.org>.

4 Abadah Koojan, «بابا عمرو مشروع «استيطاني» يجرد أهله حقوقهم، رغم تهجير نصف سكانها.. ديموغرافيا حمص تحافظ على ثباتها حتى الآن» Enab Baladi, 31 January 2016, <www.enabbaladi.net>

besieged district of al-Waer, five in besieged rural areas of Homs, and one in a government-controlled neighborhood of the city. The remaining five respondents were distributed in Jordan (2), Turkey (2), and Europe (1). Fifteen of the respondents were male and one was female. Interviewees were identified through chain referrals from existing networks of contacts on the ground and abroad. Due to ongoing security concerns, all respondent names have been changed in this report.

Researchers conducted all interviews remotely in Arabic via Whatsapp, Facebook, or Skype. With many interviewees, there were several rounds of follow up conversation and information sharing after the initial session. While live audio interviews were preferred, five of the 16 could not be reached this way due to technology issues or security reasons, and instead responded to a 12-question survey about their experiences. The same 12 questions were used as a framework for interviewers when conducting live interviews, but were not formally adhered to as a script. Interviewers used their discretion to skip or amend questions as appropriate and asked additional questions relevant to the conversations.

Efforts were made to avoid intentionally activating sectarian or political beliefs. Interviewees were questioned primarily about their experiences and were not directly asked personally identifying and potentially sensitive questions about their religious, ethnic, or professional backgrounds. Nonetheless, the many respondents voluntarily self-identified through the natural flow of conversation.

Challenges

The sensitive nature of the topic presented the primary challenge to researchers in identifying interviewees for this report. Many referrals were unwilling or unable to participate and speak about their experiences. This unwillingness to speak was generally due to fear of retaliation against them or their families by the Syrian government. One displaced person that fled to a government-controlled area of Homs city did not feel safe communicating directly with the project team but was willing to submit information in writing via a third party. Communication in government-controlled areas is heavily monitored. In this case, the 12-question written survey was distributed, and responses were submitted anonymously through a third-party contact on the ground. Although several other potential interviewees currently living in government-controlled neighborhoods were identified or suggested by contacts, none felt safe enough to communicate with the research team.

A number of people displaced from Homs' city center are currently in besieged areas elsewhere in the governorate, where there is a lack of reliable electricity and internet access. Three such respondents in the besieged district of al-Waer and one in the besieged northern countryside of Homs were unable to connect for an audio call and instead submitted the written questionnaire. The instability faced by project interviewees still living in these active conflict areas reduced opportunities for follow-up conversations related to the study, as urgent security concerns understandably took priority over discussion of prior experiences. ♦
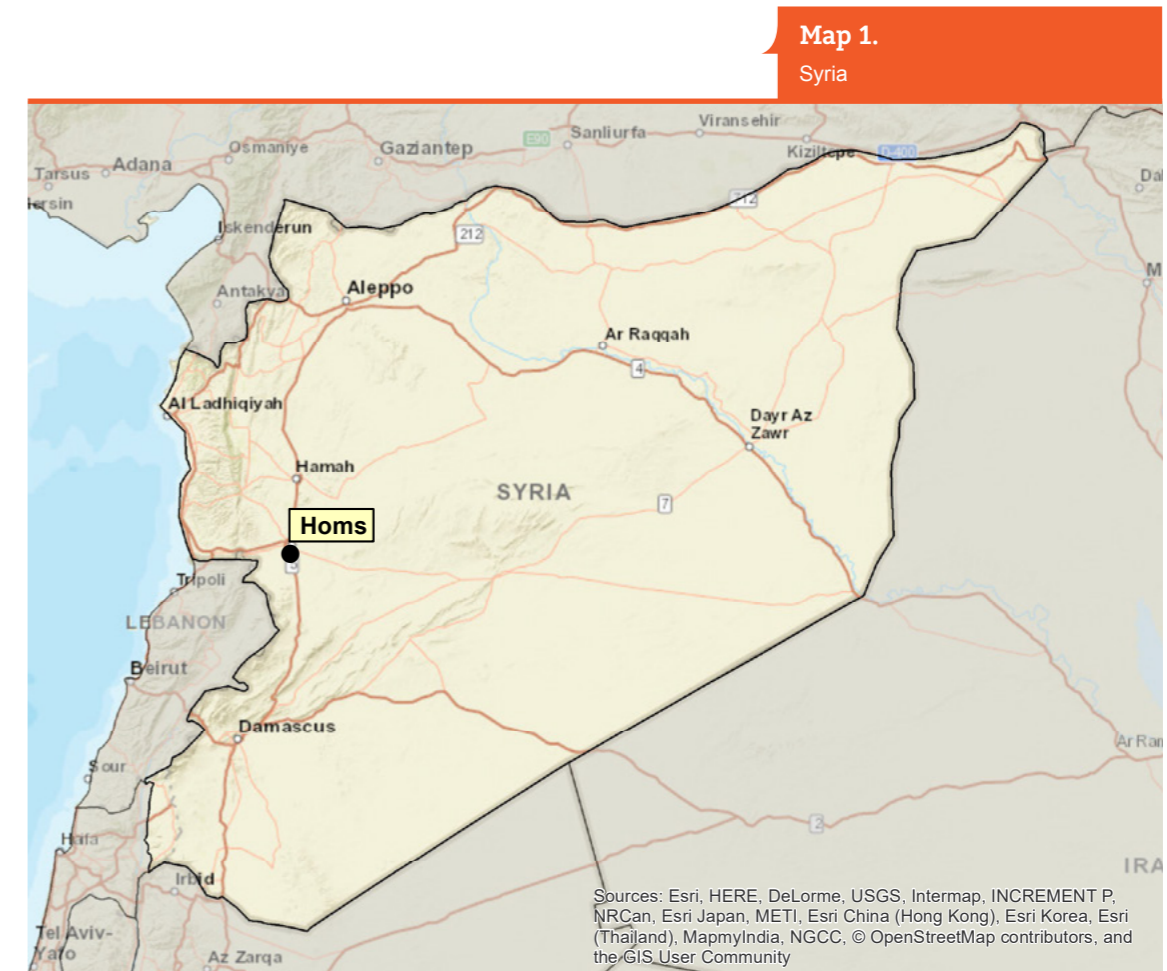
Homs

Country Context

Syria is a diverse Sunni-majority authoritarian state ruled by the Assad family since 1970.[5] Under the Assads, Syria has been a secular nationalistic state with a power structure that favored members of the Assad's minority Alawite sect. The government worked to secure loyalty from different minorities and the urban Sunni majority by investing in the business elite in major cities such as Damascus and Aleppo. Under this system, Syrians experienced various forms of oppression and dissent was not tolerated. Still, many - including the urban Sunni business class - valued the stability of the status quo. As a result, sectarian identities did not serve as a major barrier to coexistence and social cohesion. This has changed since the conflict began.

In March 2011, protests in the southern city of Daraa spread across the country, with Syrians coming out to air grievances against the Assad government and calling for a variety of reforms. Although the protests began peacefully, the government responded with violent crackdowns. Instead of silencing the protestors, this heavy-handed initial response pushed the country down a path of escalating violence, as military defectors soon led efforts to organize an armed defense and later offense against the Assad government. The Syrian government worked to frame the peaceful democratic uprising as a violent sectarian one from the beginning with

Map 1.
Syria

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

provocative propaganda, the formation of pro-government *Shabiha* militias,[6] and targeted assassinations of minorities that incited fear and encouraged violence. Ultimately, sectarian identities were activated as tools of mobilization on both sides of the conflict and over time the Shiite/Alawite versus Sunni dynamic became a prominent aspect of the war.

Pre-War Homs

Homs is centrally located between Aleppo and Damascus, and serves as a strategic gateway to the coastal Alawite heartland. Homs hosts some of the country's most important military institutions. Before the war, Homs was the third largest city in Syria after Aleppo and Damascus, and was known as an economic and industrial hub. Homs was a diverse city with a majority Sunni population but significant Alawite and Christian minorities.[7] The migration of Alawites into Homs city goes back only 20-30 years, when Alawites from nearby towns and

5 Neil Quilliam, "Hands of Power: The Rise of Syria's Assad Family," Chatham House The Royal Institute of International Affairs, 4 November, 2015, <www.chathamhouse.org/>.

6 The term *Shabiha* has been used in Syria to describe members of pro-government armed militias and paramilitary groups. The *Shabiha* militias are known for doing the "dirty work" of the Syrian military and are implicated in crimes including torture, rape, and looting.

7 Human Rights Watch, "'We Live as in War' Crackdown on Protesters in the Governorate of Homs, Syria," 11 November 2011, <www.hrw.org>; BBC News, "Homs: Syrian revolution's fallen 'capital'," 9 December 2015, <www.bbc.com>.

villages began to move into the city. These new residents clustered primarily in the southeastern part of the city creating several Alawite majority neighborhoods, although majority-minority dynamics were not antagonistic.[8] Christians were present as a minority in many neighborhoods, and formed a majority in the Hamidieh neighborhood near the city center.

Beyond the underlying social dynamics of Syria's power structure, there were few obvious signs of a sectarian divide between residents of Homs before the war. Members of different groups worked, lived, and interacted in a pluralistic city. This point was emphasized by multiple project interviewees. For example, when asked to describe what his neighborhood of Bayada was like before the war, an interviewee named Ibrahim responded:

"We used to be neighbors with Alawites and Christians and would get along fine. We never saw a difference with the Christians, Kurds, and Armenians. We would celebrate together and be sad together. When we fasted in Ramadan, the Christians and Alawites would not eat or drink in front of us out of respect. We always respected each other. With the Iranian devil coming into the country, everything changed. Those that were friends and brothers began to hate each other including Sunnis. We used to be friends with Kurds, Christians, and Alawites and be sad together during their sad times such as funerals. We would cry for them like we were their parents. We used to live our lives happily together. Whether someone was Alawite, Christian, Kurdish, we had no sectarian problems. We celebrated Nairouz with the Kurds and celebrate with the Christians on Christmas and New Year's Eve and celebrated with our whole heart, not superficially. We were neighbors and extended family. It was a simple life. No one used to think that way. No one thought about the government or connections at the expense of others. I knew my neighbor well and if I hadn't seen him for a few days would ask about him if he's sick or anything else, whether he was Alawite or Christian. We would try and help out neighbors having a hard time paying rent, or getting food for his family, during funerals and we would gather money together to help him. This is how we were; just like our fathers before us."[9]

Perhaps even more telling, when asked whether his friends were of different religious backgrounds, a student from Homs who left to study law in Damascus before the start of the conflict could not recall - he had never bothered to ask them. Muhannad, displaced from the Qarabeis neighborhood, echoed this sentiment: *"There was no sectarian divide or perception of Shia vs Sunni, they all dress the same and look the same especially with the women wearing veils, just like Sunni women. People weren't aware of sectarian divide and ethnic differences."[10]*

Though this tolerance may have existed among neighbors, the same was not true of the Syrian government. Even before the uprising began in 2011, many in Homs were unhappy with a redevelopment initiative called the "Homs Dream" championed by then-Mayor Iyad Ghazal. The "Homs Dream" project had begun displacing many residents from parts of the heavily populated city center and the southwest including Baba Amr, Jobar, and Kafr Aya to build a swathe of

Modern buildings tower over the famous Clock Square in a reimagined Homs.
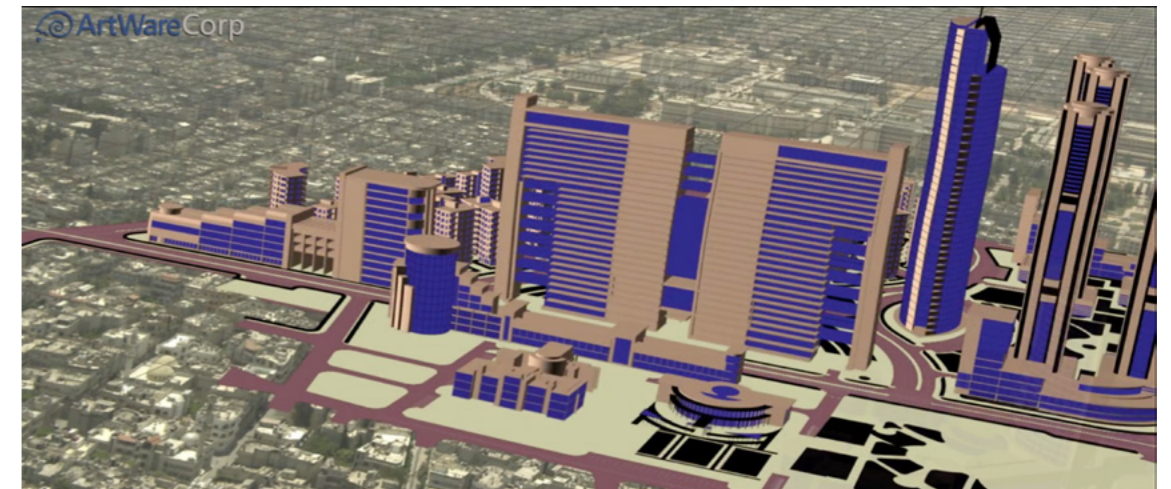
Rendering of plans for 'Homs Dream' overlaid on a map of the city

modern glass skyscrapers and shopping malls.[11] The project was associated with land seizures and evictions starting in 2009, and despite a slick branding campaign was widely unpopular. It was referred to as the "Homs Nightmare" by residents.[12]

The fact that plans for the massive "Homs Dream" project did not touch any of the Alawite-dominated neighborhoods led many to the conclusion that this urban redevelopment project was designed to change the demographic makeup of Homs city.[13] During the early days of protests in Syria - before violent government crackdowns pushed protesters across the country to unify in calling for the fall of the regime - demonstrations in Homs city actually primarily called for the removal of Iyad Ghazal.

8 Aziz Nakkash, "The Alawite Dilemma in Homs," Friedrich-Ebert-Stiftung, March 2013, <library.fes.de>.

9 Ibrahim, real name withheld.

10 Muhannad, real name withheld, Qarabeis.

11 Abadah Koojan, «بابا عمرو مشروع «استيطاني» يجرد أهله حقوقهم.. رغم تهجير نصف سكانها.. ديموغرافيا حمص تحافظ على ثباتها حتى الآن» Enab Baladi (AR), 31 January 2016, <www.enabbaladi.net>.

12 Basma Atassi, "Syria Broke My Grandfather's Heart," Huffington Post, 1 July 2016, <www.huffingtonpost.com>; Nawara Mahfoud, "A Syrian City's Life, Amid the Fighting," The NewYorker, 21 June 2013 <www.newyorker.com>; Marwa al-Sabouni, "Homs sweet Homs!," Wall Street International, 25 February 2014, <wsimag.com>.

13 Heiko Wimmen, "Syria's Path From Civic Uprising to Civil War," Carnegie Endowment, 22 November, 2016, <carnegieendowment.org>.

Protest & Violence

As Arab Spring protests swept across northern Africa and despotic regimes fell, the Assad government had time to plan. Well before Syria's first demonstrations – before the people of Daraa came out in peaceful protest to call for the release of its abducted teenage sons – Damascus sent a message to its military officers in Homs to prepare for attacks by Sunni terrorist gangs.[14] By creating the narrative of a violent sectarian threat, the government intended to undermine any legitimate demands of peaceful and democratic protestors. Accordingly, the Syrian government responded to peaceful protests in Syria with violence from the very beginning. Over time this escalating violence pushed some protestors to organize and arm themselves, led by defectors from the Syrian military.

Residents of Homs came out in peaceful protest on 18 March 2011, just weeks after tensions in the southern city of Daraa began. The large and spirited demonstrations that took place in the city center near the iconic Khalid bin al-Waleed Mosque and clock tower earned Homs the nickname "the capital of the revolution." State security services quickly mobilized Alawite men in response to anti-government demonstrations, sending them to counter-protest in Sunni neighborhoods and encouraging sectarian rhetoric. Zahraa, perhaps the most heavily-populated Alawite district in Homs, quickly became a hotbed of sectarian pro-government *Shabiha* militias. Not coincidentally, the project interviewee who fled Homs the earliest - in late 2011 - was the only one living in the Zahraa neighborhood. Rami said that he fled his home because his family was "bullied" by the Alawites. *"When the revolution started, our neighbors started to treat us as enemies… I can't get in touch with those still there. Even my Alawite friends have turned against me saying I'm an unwanted terrorist."*[15]

Not all Alawites immediately jumped on board with the government's sectarian narrative, but over time this changed as a number of highly publicized tit-for-tat sectarian assassinations pushed Homs' Alawite community to rally around Bashar al-Assad. In April 2011 an Alawite Brigadier General Abdu Telawi was brutally murdered along with his two sons and nephew in the Zahraa neighborhood, and their mutilated bodies were shown in the media.[16] On 17 July the mutilated bodies of three additional Alawite *Shabiha* members were found in a deserted area. In response, the Alawites of Homs rioted, vandalizing and burning Sunni shops and killing three people.[17] The situation continued to escalate throughout 2011, with protests, arrests, and violent crackdowns, including several major clearance operations by the government using tanks in May and November.[18] Sectarian overtones were present throughout the escalation in Homs.

In 2012, violence in Homs escalated to new levels. The restive Baba Amr neighborhood, largely controlled by armed opposition forces at that point, was one of the first places in the country to feel the full intensity of the Syrian military. On 4 February 2012, the conflict reached a new stage in Homs when Syrian government forces launched a major military campaign against several

14 Aziz Nakkash, "The Alawite Dilemma in Homs," Friedrich-Ebert-Stiftung, March 2013, <library.fes.de>.

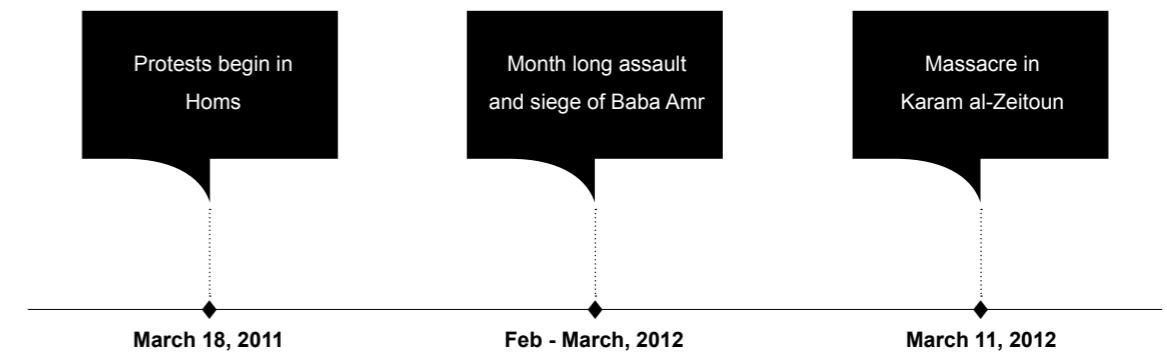15 Rami, real name withheld, Zahraa.

16 Aziz Nakkash, "The Alawite Dilemma in Homs," Friedrich-Ebert-Stiftung, March 2013, <library.fes.de>.

17 Nada Bakri, "Deaths in Syria Tied to Rift Between Sects," New York Times, 18 July 2011, <www.nytimes.com>.

18 Joseph Holliday, "The Struggle for Syria in 2011," Institute for the Study of War, December 2011, <understandingwar.org>.

Graphic 1.
Key Events from 2011-2012

Protests begin in Homs	Month long assault and siege of Baba Amr	Massacre in Karam al-Zeitoun
March 18, 2011	Feb - March, 2012	March 11, 2012

neighborhoods of the city, reportedly killing over 200 people with shelling alone.[19] By 9 February government forces had completely surrounded the Baba Amr neighborhood, cutting off access for fighters and civilians alike.[20] During the brutal siege that followed, Baba Amr was attacked with tanks, mortars, and snipers. The assault lasted a month before opposition fighters – then composed largely of defectors from the Syrian military – surrendered. Among the hundreds of civilian casualties were foreign reporters Marie Colvin and Remi Ochlik, killed in an attack targeting a local media center.[21] The day before she was killed, Marie Colvin said in an interview that government forces were "shelling with impunity, with merciless disregard for civilians."[22]

An analysis by Human Rights Watch similarly described the severity of the attacks on residential civilian parts of Baba Amr and how the government refused to allow civilians safe passage out of the area.[23] The majority of the buildings in the neighborhood had been reduced to rubble by 1 March 2012 when Syrian forces took control.[24] The use of sieges, targeted attacks on civilians, and destruction of physical infrastructure would become three of the government's primary methods of forcing civilians out of Homs city and other opposition-controlled urban areas of the country. During the siege and destruction of Baba Amr alone, an estimated 50,000-60,000

19 CBS News, "Syria denies massacre of 200 in Homs," 4 February 2012, <www.cbsnews.com>.

20 BBC News, "Homs: Syria revolution's fallen 'capital'," 9 December 2015, <www.bbc.com>.
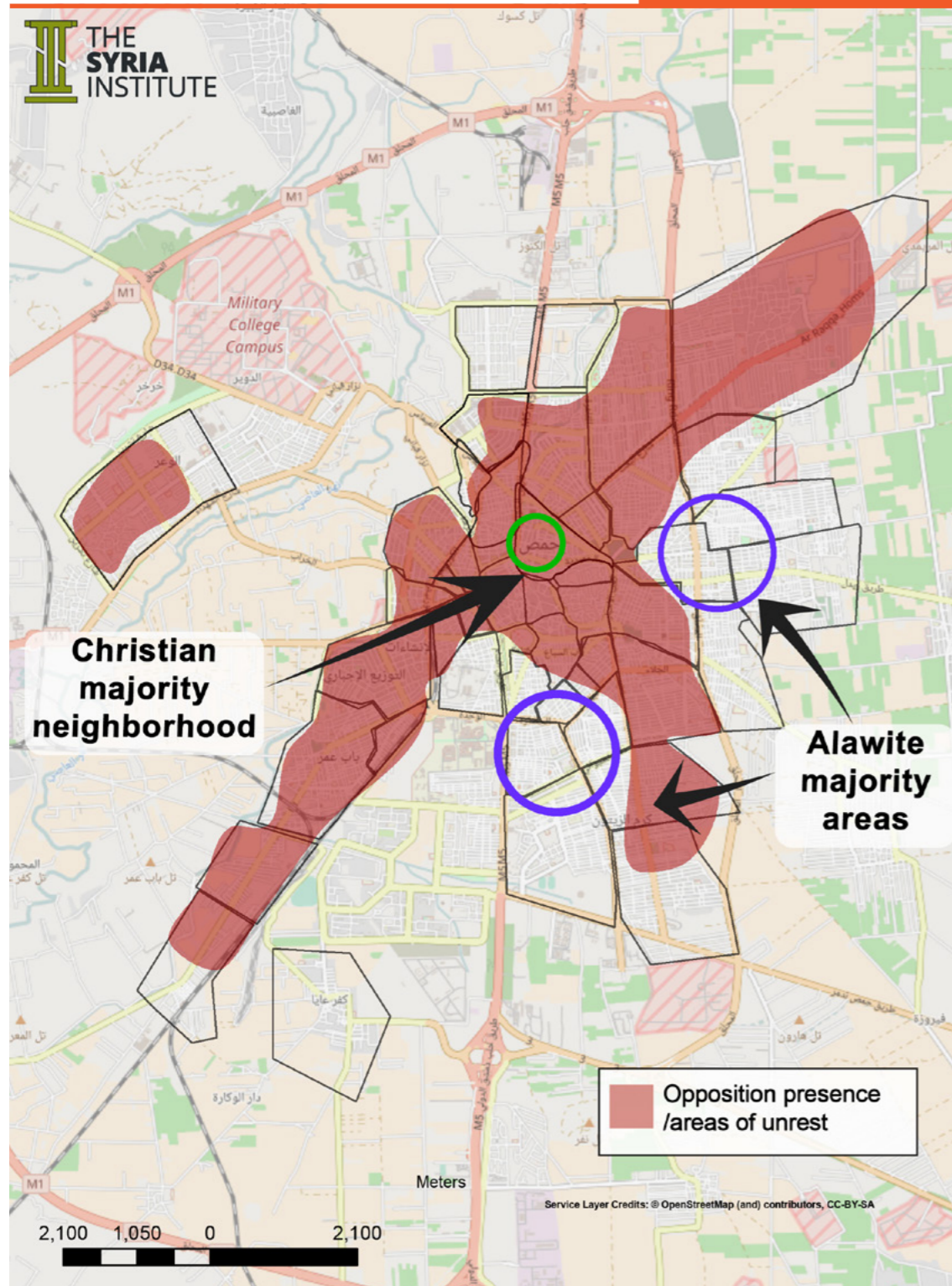
21 Jon Lee Anderson, "The Fall of Homs," The New Yorker, 2 March 2012, <www.newyorker.com>.

22 BBC News, "Homs: Syrian revolution's fallen 'capital'," 9 December 2015, <www.bbc.com>.

23 Human Rights Watch, "Syria: New Satellite Images Show Homs Shelling," 2 March 2012, <www.hrw.org>.

24 Matthew Weaver, "Battle for Baba Amr – timeline," The Guardian, 1 March 2012, <www.theguardian.com>.

Map 2.
Homs city at the start of 2012

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Christian majority neighborhood

Alawite majority areas

Opposition presence /areas of unrest

2,100 1,050 0 2,100

Meters

Service Layer Credits: © OpenStreetMap (and) contributors, CC-BY-SA

Baba Amr neighborhood in ruins after the siege

people were displaced.[25]

The fall of Baba Amr in March 2012 was not the end of fighting in Homs. In the months that followed, fighting erupted in neighborhoods across the city. In August, neighborhoods in Homs were hit with the first documented use of barrel bombs in the conflict.[26] During this time, pro-government *Shabiha* militias committed a series of high-profile civilian massacres. Notable among these is the Karm al-Zeitoun Massacre in which an estimated 47 people were executed on 11-12 October. Surviving eyewitnesses described how the men encircled the neighborhood to prevent escape before entering and attacking civilians. Women were raped, buildings were burned, and entire families were found killed together in their homes.[27]

The brutality of the killings as described by project interviewees appeared designed to spread fear and prompt residents to flee. Ibrahim from Bayada described the sectarian nature of these killings: "*There was a pregnant woman. They slit her belly and took out the fetus, she died while she was 7 months pregnant. They wrote on the forehead of the fetus "Ya Hussein", just like horror movies!*"[28] These massacres were not random. According to Tareq from the Deir Baalbah

25 United Nations, "Press Conference on Syria by Emergency Relief Coordinator," 12 March 2012, <www.un.org/>.

26 UN General Assembly Human Rights Council, "Report of the independent international commission of inquiry on the Syrian Arab Republic," A/HRC/25/65, 12 February (published on 5 March 2014), <www.ohchr.org>.

27 Human Rights Watch, "In Cold Blood: Summary Executions by Syrian Security Forces and Pro-Government Militias," 9 April 2012, <www.hrw.org>; Anne Barnard, "Massacre Is Reported in Homs, Raising Pressure for Intervention in Syria," New York Times, 12 March 2012, <www.nytimes.com>.

28 Ibrahim, real name withheld, Bayada.

neighborhood: *"From the start of the massacres, the will to change the demographics was clear by killing people of a certain sect in certain areas."*[29]

Displacement

The violence of the first half of 2012 launched the first major wave of displacement from Homs, as thousands fled from restive Sunni-majority neighborhoods of the city.[30] In addition to the noted massacres, neighborhoods were attacked daily with heavy weaponry including tank shelling, people were detained and harassed, and some were forcibly removed by pro-government militias. One interviewee, Tareq from the neighborhood of Deir Baalbah, said that most of the people living there fled as the government forces were reasserting control in early 2012, but around 250-300 refused to leave, *"they thought the regime was not barbaric enough to kill innocent people who never participated in protests and who were employed by the government,"* he said. According to Tareq, all of those remaining were killed by pro-government *"Shabiha"* militiamen in a massacre in April 2012.[31] His story is reinforced with independent accounts.[32]

During this time, government forces and pro-government militias regularly abducted and raped women, children, and men in Homs city during their attacks. Rula, an interviewee originally from the Hamra neighborhood, described how *"women were used as a weapon of war by the regime."*[33] She said that fear of rape by the militias was a primary reason that many women she knew fled from Homs. The evidence that this sexual violence was part of a systematic policy of terror and torture is so strong that the UN Human Rights Council's Independent International Commission of Inquiry on the Syrian Arab Republic found that these rapes "could be prosecuted as crimes against humanity."[34]

By June 2012, the government had depopulated and reclaimed large parts of Baba Amr, Karam al-Zeitoun, Jib Jandali, Ashera, Bab Sbaa, Marija, Deir Baalbah, and Bayada.[35] Most of these neighborhoods bordered Alawite majority areas. Studies focused on Alawite populations suggest that they felt the sectarian rift and were keenly aware of the targeted nature of the displacement.[36] "It is the Sunni areas that are empty - at least the ones that asked for 'freedom'," an Alawite man in the Zahraa neighborhood was quoted by Reuters in 2012.[37]

29 Tareq, real name withheld, Deir Baalbah.

30 Abadah Koojan, "بابا عمرو مشروع «استيطاني» يجرد أهله حقوقهم.. رغم تهجير نصف سكانها.. ديموغرافيا حمص تحافظ على ثباتها حتى الآن" Enab Baladi, 31 January 2016, <www.enabbaladi.net>.

31 Tareq, real name withheld, Deir Baalbah.

32 France 24, "The massacre that almost went unnoticed: a survivor tells his story," 7 June 2012, <observers.france24.com/en>; Syrian Network for Human Rights "Documenting Deir Ba'alba Massacre in April 2012," 6 May 2012, <sn4hr.org>.

33 Rula, real name withheld, Hamra.

34 UN General Assembly Human Rights Council, "Report of the independent international commission of inquiry on the Syrian Arab Republic," A/HRC/21/50, 15 August 2012, <www.ohchr.org/>.

35 Abadah Koojan, "بابا عمرو مشروع «استيطاني» يجرد أهله حقوقهم. رغم تهجير نصف سكانها.. ديموغرافيا حمص تحافظ على ثباتها حتى الآن" www.enabbaladi.net>.; Tareq, real name withheld, Deir Baalbah.

36 Aziz Nakkash, "The Alawite Dilemma in Homs," Friedrich-Ebert-Stiftung, March 2013, <library.fes.de>.

37 Reuters, "Alawite fortress and Sunni wasteland in Syria's Homs," 19 June 2012, <www.reuters.com>.

Map 3.
Homs city depopulation patterns in mid-2012

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Areas with significant depopulation by mid-2012

2,100   1,050   0   2,100 Meters

Service Layer Credits: © OpenStreetMap (and) contributors, CC-BY-SA
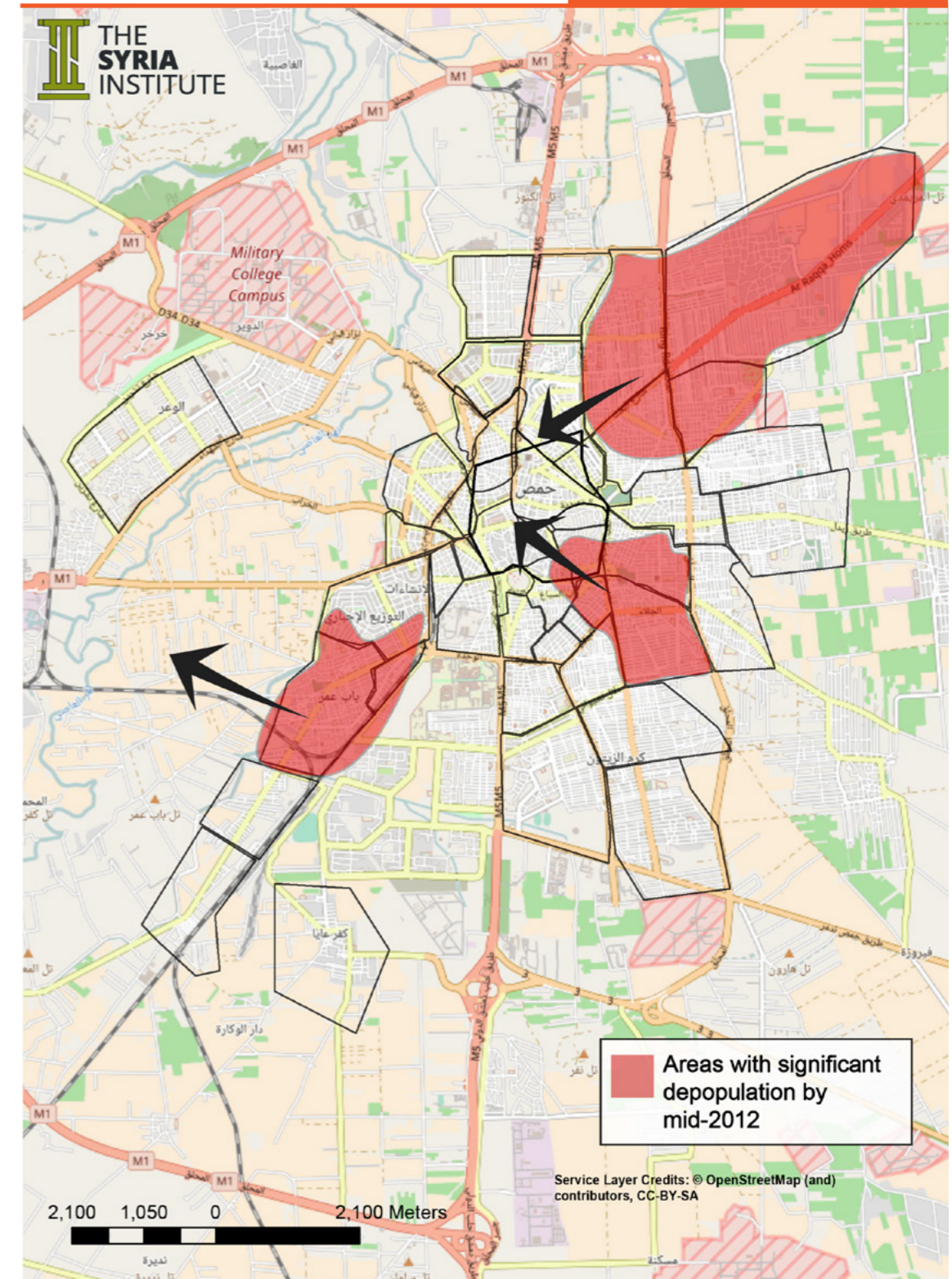
Even in areas where homes were not destroyed, there was widespread looting by the sectarian pro-government militias. For example in the peripheral village area of Haswieh north of Qusoor, where the buildings were not destroyed and most residents fled due to massacres, the intensive looting is a primary reason why displaced residents feel they cannot return. Former Haswieh resident Zaher described how: *"people left from fear after the massacres, not because buildings were destroyed, which they weren't. The buildings are dilapidated, not destroyed, and have been looted so they lie vacant."*[38] Former residents of other areas where many homes were not destroyed, such as Zahraa, described a similar situation. Tareq from nearby Deir Baalbah said that *"the regime narrative was that terrorists lived there and took all valuables with impunity."*[39]
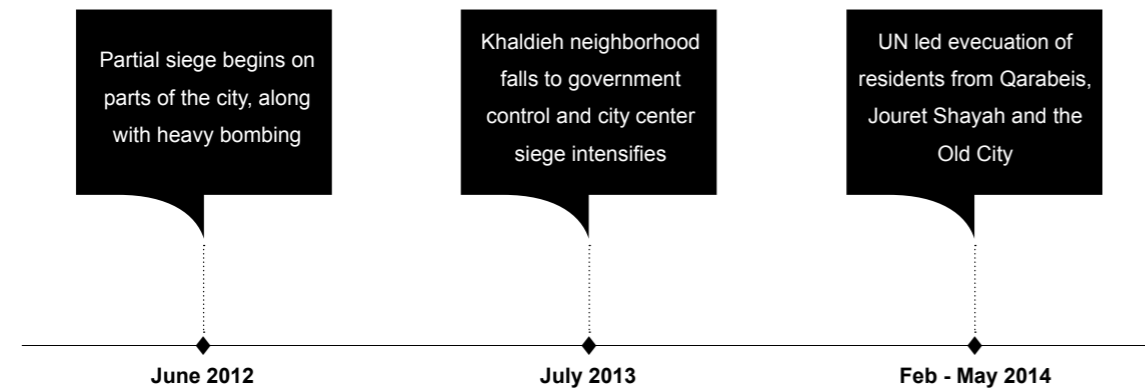
The looting was extreme, and in many cases homes were stripped down of even pipes and flooring, rendering them unlivable. Looted goods were sold in "Sunni markets" in Alawite neighborhoods of the city, sometimes named for the community from which the goods were looted. Alaa from the Khaldieh neighborhood described the continued violence and looting as *"an active offensive to keep people from re-populating and going back to their home."*[40]

Graphic 2.
Key Events from 2012-2014

| Partial siege begins on parts of the city, along with heavy bombing	Khaldieh neighborhood falls to government control and city center siege intensifies	UN led evecuation of residents from Qarabeis, Jouret Shayah and the Old City
June 2012	July 2013	Feb - May 2014

In July 2012, the government forces shifted tactics towards the remaining opposition-controlled neighborhoods where resistance continued and where many displaced in the earlier massacres had fled. Pro-government forces began to impose a siege on the densely populated opposition-controlled neighborhoods in the city center and north, including: the Old City, Khaldieh, Qusoor, Qarabeis, and Jouret al-Shayah. Access closures began on the east as the government forces

38 Zaher, real name withheld, Haswieh.

39 Tareq, real name withheld, Deir Baalbah.

40 Alaa, real name withheld, Khaldieh.

Map 4.
Stages of the siege of Homs city, 2012-2014
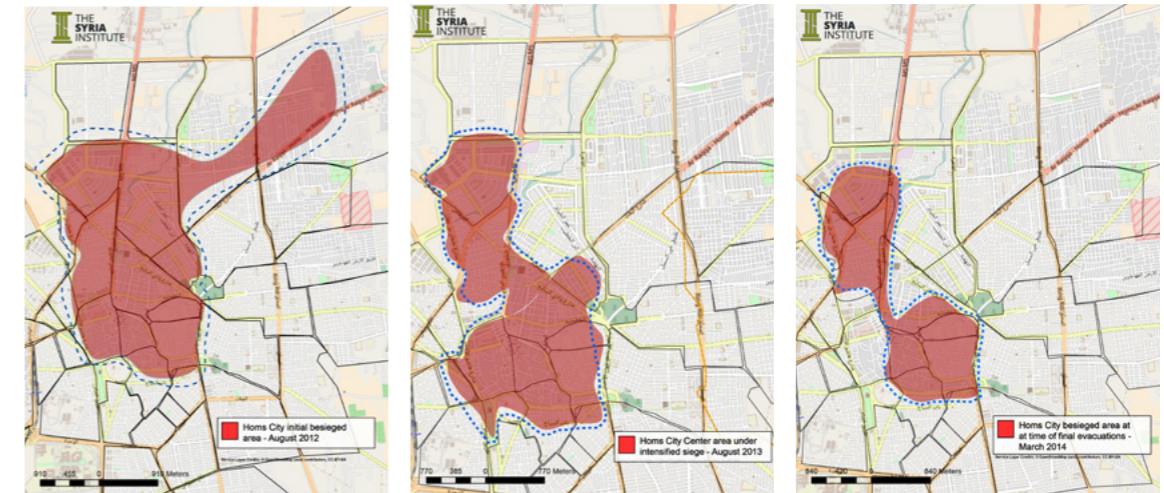
gained firm control over bordering neighborhoods such as Bab Sbaa and Jib Jandali. The restrictions increased until the only remaining access point was a dangerous route via Jouret al-Shayah to al-Waer on the northwestern side.[41] This created a semi-besieged pocket in what had been the densely populated city center.

Over time the area's remaining population drained, as the declining living conditions due to deprivation and frequent attacks forced more and more families to take the risk of fleeing. One year later, pro-government forces captured much of Khaldieh and part of Jouret al-Shayah. This severed the remaining access route to al-Waer and brought the Old City, Qusoor, and Qarabeis under intense siege by the end of July 2013 with an estimated 3,500 people left trapped inside.[42] Heavy fighting renewed at the end of 2013, and by early 2014 the humanitarian conditions for those civilians trapped in the besieged pocket were dire, as residents lacked access to medical care, clean water, food, and electricity.

Population Transfers

A series of multi-party local negotiations began between opposition and government forces, brokered by Iran and Russia and with UN observation. These talks eventually led to a deal to transfer the remaining fighters and civilians out of the city. Between 7 February and 9

41 Orient News (AR), "حصار الإبادة الجماعية على مدينة حمص" , 29 March 2014, <orient-news.net/ar>.

42 Orient News (AR), "حصار الإبادة الجماعية على مدينة حمص" , 29 March 2014, <orient-news.net/ar>.

May 2014, the besieged city center was emptied in a series of forced population transfers. A report by UN-Habitat in June 2014 noted that afterwards, there were only 100 total residents from the besieged areas that had not been displaced.[43] Although sometimes referred to as "evacuations," these types of deals are in reality forcible capitulations made under extreme duress, where trapped residents have no other options but to surrender or die. As one interviewee named Muhannad described it: *"people were forced to flee; people were displaced with just the clothes on their back."*[44] Civilians displaced by this Homs deal, and other deals like it, have continued to face targeted violence and persecution even after leaving their neighborhoods, and very few have been allowed to return.

With UN monitors present, fighters and civilians were loaded onto green government buses, and transported to al-Waer or the northern Homs countryside. Both al-Waer and the northern Homs countryside remain under siege by pro-government forces to this day. These green buses have since become a notorious symbol of the government's surrender or starve strategy and forcible population transfers.

The United Nations' participation in the Homs deal and in the forcible population transfers was controversial. For displaced Homs residents, many felt that the UN participation demonstrated complicity with government efforts to displace primarily Sunni populations. *"We wished that they [the UN] provided food instead,"* one resident from Qarabeis said.[45] *"The UN should not have a role in changing the demographics of a city, but in helping all kinds of civilians,"* said another from Jouret al-Shayah.[46]

The UN faced particular criticism for its failure to protect those who were forcibly displaced under the deal, as the Syrian government detained hundreds of evacuated men during "screening."[47] Reports suggest that some of these men may have been tortured and even killed.[48] Many, but not all, were eventually released. Some of those released were later re-arrested at government checkpoints.[49]

Displaced residents appeared to share the false assumption that the UN presence provided a level of protection from government abuses. A report of the UNHCR's Global Protection Cluster found that humanitarian actors involved had concerns that "the population was not properly informed of the conditions of the humanitarian evacuation, and may have mistook the presence of humanitarian actors, including the UN, as a guarantee for their physical protection – which was far from being the case."[50] As a direct result of this scenario, the UNHCR laid out a "Minimum Standards for participation, in humanitarian inter-agency evacuations"[51] document

43 UN-Habitat, "Neighbourhood Profile: Old City of Homs," June 2014, <unhabitat.org>.

44 Muhannad, real name withheld, Qarabeis.

45 Muhannad, real name withheld, Qarabeis.

46 Abdullah, real name withheld, Jouret al Shayah.

47 Sam Dagher, "Fate of Hundreds of Men Evacuated From Homs and Detained in Doubt," Wall Street Journal, 11 February 2014, <www.wsj.com>.

48 Amnesty International, "Updated briefing on sieges across Syria," MDE 24/023/2014, 12 June 2014, <www.amnesty.org>.

49 Global Protection Cluster, "Humanitarian Evacuations in Armed Conflict," November 2014, <www.globalprotectioncluster.org>.

50 Global Protection Cluster, "Humanitarian Evacuations in Armed Conflict," November 2014, <www.globalprotectioncluster.org>.

51 UN High Commissioner for Refugees, "Minimum Standards for participation, in humanitarian inter-agency evacuations, informed by international humanitarian and international human rights law," 23 February 2014, <www.refworld.org>.

The forcible transfer of civilians out of Qarabeis in February 2014

in an attempt to ensure that future UN agency efforts adhered to international humanitarian and human rights law. Unfortunately the document contained few practical guidelines for the complex situation in Syria and has failed to improve the practice of forcible transfers or notably change the role of UN agencies in them. The most recent example in eastern Aleppo bore remarkable similarities to Homs two years prior.

The Aftermath

Following the forced transfer and end of the siege, the Syrian government allowed displaced residents near the city center to enter the destroyed neighborhoods for brief periods to visit their homes and collect belongings. A few project interviewees were able to visit their homes or knew family or friends that returned. This brief access to witness the destruction served as a final push factor, confirming that they could not return home. "*People were allowed to go back only to see the homes but really they only were there to see the destruction,*" as Muhannad described it.[52]

The UN-Habitat assessment of the impacted neighborhoods describes some of the concerns with this process. Notably, if residents wanted to retrieve belongings they had to apply for permission at local government police offices and produce property ownership documents. Despite this, UN-Habitat noted that there did not appear to be actual verification of ownership during these application processes.[53] The implication is that the government used these police approvals as a method of vetting people instead of vetting ownership, raising serious protection issues that will be discussed in more detail below. Procedures like these also by design disqualify those who cannot physically return to Homs or who no longer possess their documentation.

Since 2014, a small portion of displaced Homs residents have been allowed to repopulate certain neighborhoods such as Qusoor, Qarabeis, and Hamidieh. The fact that the Christian majority neighborhood of Hamidieh is one of the few where people have been allowed to come back and one of the first to be addressed in UN-supported rehabilitation projects has deepened sectarian resentments among the displaced. Other neighborhoods such as Baba Amr and Khaldieh are still complete ghost towns and access remains restricted. As Tareq from Deir Baalbah explained: "*The people were told they were not allowed to go back without a permission from the government. Most do not dare to ask anymore.*"[54]

Persecution by government forces continued for residents that were displaced from Homs city center to other areas in the governorate. One major example of this is in al-Waer. Al-Waer neighborhood is a planned modern district on the northwestern outskirts of Homs city. Prior to the conflict, it was an affluent residential area that was also home to some government offices. Over the course of the conflict as more and more citizens from the central parts of Homs city fled to al-Waer, most of the original wealthier inhabitants left and the district became essentially a colony of internally displaced people.

Map 5.
Damage assessment showing targeted destruction of Homs city, 2014

Jouret al-Shayah

Baba Amr

Damage Levels
moderate   severe   destroyed

Miles
0 0.4 0.8   1.6   2.4   3.2

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
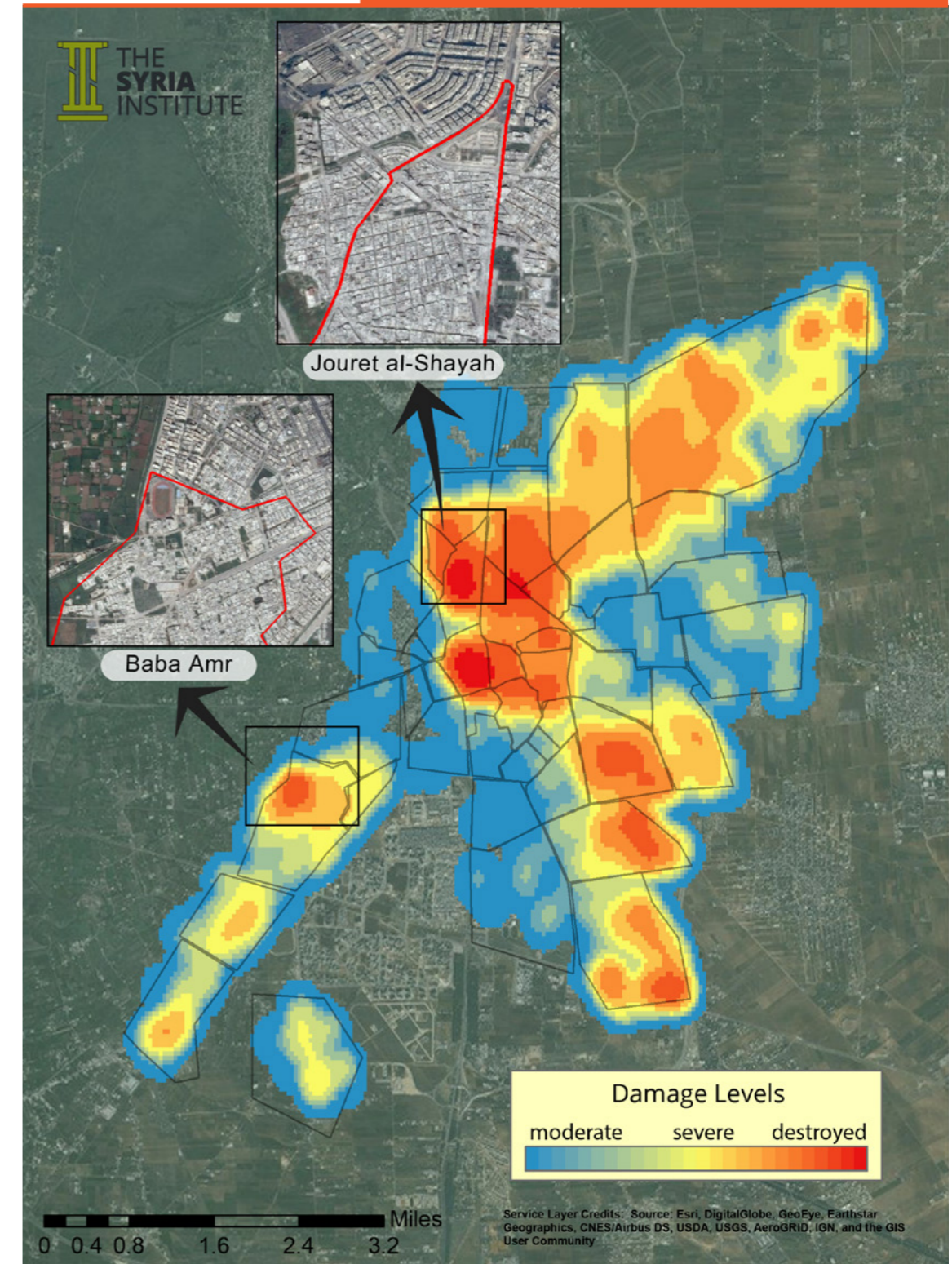
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52 Muhannad, real name withheld, Qarabeis

53 UN-Habitat, "Neighbourhood Profile: Old City of Homs," June 2014, <unhabitat.org>.

54 Tareq, real name withheld, Deir Baalbah.

Initially, people fled from central Homs neighborhoods to nearby al-Waer to wait out the violence, in the belief that they would be able to return to their homes. But when the city center came under partial siege in 2012, al-Waer became the primary escape route for fleeing citizens and opposition fighters alike. Starting in November 2013, government forces and affiliated militias severed the remaining route between al-Waer and the city center as well as other external access points, bringing al-Waer under complete siege with more than 100,000 people trapped inside.[55] Many from Homs city fled to rural areas of the northern countryside of Homs governorate, and these were also placed under siege. As with other sieges in Syria, the ultimate goal of these Homs governorate sieges appears to be depletion and displacement of the population.

In some cases, the persecution followed even those who fled elsewhere in the country. The UN HRC reporting describes how in April 2013, the Syrian military shelled a town called Deir Atiyah in the northern Damascus countryside where many residents from Homs city sought safety. The government warned the town that the attacks would continue unless these IDPs left. As a result "the municipal office of Deir Atiyah **informed the displaced that they had four days to leave** before their quota of bread was withdrawn,"[56] forcing them to flee once again. The HRC has deemed this act a crime against humanity. Rami, from the Zahraa neighborhood of Homs, described a series of displacements before he ultimately fled to Jordan, "*After we headed to the countryside, more attacks would hit and we kept fleeing to other areas that would also get attacked.*"[57] As with the sieges, this continued targeting of Homs residents even after they fled their homes appears to be designed to ultimately drive them out of the country and prevent their return. ♦

55 PAX & The Syria Institute, "Siege Watch: First Quarterly Report on Besieged Areas in Syria – February 2016," <siegewatch.org>.

56 UN General Assembly Human Rights Council, "Report of the independent international commission of inquiry on the Syrian Arab Republic," A/HRC/23/58,

18 July 2013, <www.ohchr.org>. *(emphasis original)*

57 Rami, real name withheld, Zahraa.

Discussion

UNDP workers clear rubble from depopulated Old City neighborhoods in Homs

The UN, Rehabilitation, and the Rights of the Displaced

In the years since the last residents of Homs' city center were bused away, agencies like the UNDP and UNHCR have embarked on rehabilitation efforts in some of the destroyed neighborhoods with the support of donor states and in cooperation with local Syrian government authorities.

There is little transparency regarding the selection of neighborhoods targeted in these initial rehabilitation efforts, but presumably the Syrian government has significant control over the selection of locations and types of projects, since it controls the security situation in the area. The selection of the Christian Hamidieh neighborhood as the first location targeted for reconstruction has reinforced this point in the eyes of many observers.[58] One project interviewee with relatives still in Homs said that road repaving had begun to reach many parts of the Old City, but for some inexplicable reason the neighborhood of Bab Hood – a strategically-located former opposition stronghold – had been skipped over. These selections reinforce the idea that the government is using the rehabilitation process to carry out planned demographic changes in Homs and deprive particularly the displaced Sunni of their rights, turning urban planning into a weapon of war.

In August 2016, UN-funded efforts began to clear debris from the Jouret al-Shayah neighborhood in Homs city center. The Syrian government completely depopulated Jouret al-Shayah during

nearly two years of siege, and satellite imagery shows that every building in the neighborhood was partially or completely destroyed. It was part of the final UN-brokered population transfers in 2014 in which the remaining besieged populations were forcibly removed from the city.

This work does not appear to include efforts to account for the rights of original property owners. None of the displaced participants reached for this study had been contacted by any organizations or agencies regarding the property they left behind. In May 2016 an ICRC spokesman in Damascus replied: "We have no idea," when asked about the whereabouts of the people who fled Homs city.[59]

Cooperation with the Syrian government in rehabilitating areas that were intentionally destroyed to displace civilian populations raises serious ethical concerns. This is especially true considering the severity and scale of well-documented human rights abuses and war crimes committed by the government in pursuit of depopulation. International funding and support for reconstruction in areas like the Old City of Homs creates a "war crime dividend," allowing the Syrian government to benefit from its crimes rather than be held accountable. When the UNHCR mission to Syria visited Homs city in late 2014, the current governor of Homs told them that the "government shouldn't bear the responsibility of reconstruction alone; rather the international community must shoulder this burden as well."[60] The UNHCR delegation head confirmed their commitment to work with the government in reconstruction of Homs city. At an event to mark the launch of one UNDP-supported rebuilding project, the Syrian Housing

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58 Syria Untold, "A Real Estate Market Under Surveillance," 21 November 2016, <www.syriauntold.com>; Scott Craig, "UN refugee head meets Homs' displaced on Syria visit," UNHCR, 31 January 2017, <www.unhcr.org>.

59 Tom Coghlan, "Capital of Syria's revolution Homs a ghost city looking for life," The Australian, 19 May 2016, <www.theaustralian.com.au>.

60 SANA (EN), "Homs Governor to UNHCR: Cooperation with international organizations helps serve Syrian society," 16 September 2014, <sana.sy/en>.

Syrian government sign thanking the UNDP for rubble removal in Jouret al-Shayah and Qarabeis. Source: Government Rehabilitation of Jouret al-Shayah neighborhood Facebook page

Comparison photo taken during a tour of UNDP initiatives in Old Homs by their country director. The cleaned buildings are freshly painted with the government's flag.

Minister claimed that this project and others like it would rebuild "what has been destroyed due to terrorism,"[61] when in fact the neighborhood in question was largely destroyed by government bombardment during the siege of the Old City.

As a result of this unconditional support, the Syrian government not only knows that it can continue to commit these same war crimes with impunity, but is incentivized to do so. Just two miles away from the UNDP's rubble clearing efforts in Jouret al-Shayah, tens of thousands of civilians in the district of al-Waer are still suffering under government attack and siege.[62]

Cooperation with the Syrian government's rehabilitation efforts also raises very important practical concerns regarding Syria's future. Given the massive scale of displacement in Syria, housing, land, and property (HLP) rights will be significant issues in any future national peace process negotiations, in addition to reconciliation and repatriation processes. UN assistance to the Syrian government in rebuilding neighborhoods like Jouret al-Shayah without consideration for the rights of the original (primarily Sunni) inhabitants means that the UN agencies may be inadvertently deepening sectarian schisms, validating war crimes, and removing any hope of return for many of the original inhabitants.

Clearly, humanitarian agencies do not seek to undertake projects that normalize war crimes or undermine future reconciliation and transitional justice efforts. Reconstruction, repatriation,

reintegration, and reconciliation are massively complex processes in any post-war scenario. Agencies like the UNDP that work in Syria face overwhelming obstacles and must address multiple and often conflicting priorities in their work. This means agencies must balance short-term welfare gains in helping those still in the area, with the long-term consequences their decisions may have on the displaced and the prospect for peace in the country.

While recognizing that the UNDP, the UNHCR, and other agencies face complex challenges in places like Homs, this does not excuse those agencies of their responsibility to address them. As a *Displacement Solutions* report regarding the role of land rights in the peace process in Myanmar explained: "If the rights of refugees or internally displaced persons to return to their original homes after conflict are not fully recognized, the residual impact of the conflict concerned may never entirely dissipate, with unresolved HLP rights and claims forming the basis for renewed conflicts."[63] The efforts that have begun in Homs city may cause more harm than good by reinforcing injustices and divisions that lead to future conflict.

Publicly available UN agency analyses make it clear that the UN is aware of some of the many issues surrounding the reconstruction of Homs city. Yet they fail to address a central concern for interviewees reached during this project: protection from the authorities. While some of the people displaced from targeted neighborhoods were able to find nearby shelter in government-controlled neighborhoods, most have left the city entirely. The project researchers found no reliable surveys of the displaced population of Homs city that could be used to

61 SANA (EN), "Rehabilitating archeological covered market in Homs helps revive tourism and economic movement," 21 August 2016, <sana.sy/en>.

62 PAX & The Syria Institute, "Siege Watch: Fourth Quarterly Report on Besieged Areas in Syria – August – October 2016," <siegewatch.org>.

63 Displacement Solutions, "Bridging the HLP Gap," <displacementsolutions.org>.

develop an understanding of their status and opinions. Based on the information provided by the interviewees in this project - who described not only their own personal experiences but also those of their families and neighbors - a significant portion of the displaced population fear persecution if they were to return.

This fact has serious implications for Homs' future, and for the efforts of international agencies working in the area. Physical reconstruction efforts alone are not sufficient to address the underlying protection concerns. They do nothing to help rebuild trust and renew the social cohesion necessary for stability in the future. Syrian authorities' current efforts surrounding housing, land, and property rights, abjectly fail to meet international standards, and some may even amount to war crimes.[64]

The 'UN ('Pinheiro') Principles on Housing and Property Restitution for Refugees and Displaced Persons' that lay out international standards for State authorities, also describe the normative roles and responsibilities of the international community. Among these: agencies should promote HLP rights and restitution as well as voluntary and safe return, and donors should fully consider international prohibitions on unlawful displacement and evictions.[65] If the UNDP, UNHCR, and other agencies conduct reconstruction work without consideration for the displaced, they are failing to meet their obligation to "do no harm," and potentially undermining the country's path to peace.

Legal and Bureaucratic Justifications

Alongside the start of UN-supported rehabilitation efforts, the Syrian government has issued new laws and administrative decrees to try and justify some of its actions in Homs. These policies regarding land use, property rights, and bureaucratic procedure are designed to ensure that the government can decide who returns to which neighborhood, effectively engineering the future demographic makeup of Homs city.

For example, in May 2016 President Bashar al-Assad issued a legislative decree regarding the digitization of property records.[66] Given the widespread destruction and falsification of property records (described in the following section), this new digital property registry will permanently erase all records of the past while formalizing the property seizures in a way that will be incredibly difficult if not impossible to undo in the future. Far from representing a genuine effort to allow the displaced to reclaim property and return to their homes, this type of policy supports the government's demographic engineering efforts and helps solidify its power. These policies also help provide a veneer of legitimacy around rebuilding and redevelopment initiatives,

making them more palatable to international actors such as the UNDP and UNHCR that are supporting the government's reconstruction efforts.

The Syrian government's use of legislation to justify and legitimize its demographic engineering strategy is not limited to the issue of property rights. In another example, the government created a new special 'Counterterrorism Court,' in 2012 that provided flimsy legal justifications for the detention, conviction, and execution of human rights activists and democratic protesters.[67] In related legislative decrees and directives the government has "legalized" the seizure of property and assets of these detainees.[68] These justifications have been used as part of the government's efforts to consolidate control, instill fear, and permanently displace unwanted populations. At the same time, there are thousands of Syrians who have been "forcibly disappeared" and their detentions have never been acknowledged at all.

In August 2015 the Syrian government announced that it had passed a measure to rebuild Baba Amr and nearby Jobar in accordance with original pre-war "Homs Dream" plans.[69] This indicates that the government plans to capitalize on the destruction of civilian areas to implement its pre-war demographic change plans without the resistance that it faced before the war. Similar urban redevelopment plans that will permanently alter local demographics and prevent return of the displaced have been announced in other depopulated areas such as Darayya in Damascus.[70]

On Returning

In order to understand what the future might look like both for the displaced residents of Homs city, and the communities they left behind, interviewees were asked about the possibility of returning home one day.[71] The interviewee responses on the issue of returning are powerful. Here is a selection of quotes from these responses:

♦ *"Of course, I would like to return, but it is unlivable now. If the regime was no longer in control, yes we would go back to our home, but it is demolished." – Abdullah, Jouret al-Shayah*

♦ *"No one dares to return to these neighborhoods, if [we] did have the permission to return the Shabiha and militias would kill [us]. The neigh-*

64 Final Report of the Special Rapporteur on Housing and Property Restitution in the Context of the Return of Refugees and Internally Displaced Persons (E/CN.4/ Sub.2/2005/17 and E/CN.4/Sub.2/2005/17/Add.1). This document contains the official UN text of the *Principles on Housing and Property Restitution for Refugees and Displaced Persons*, as approved by UN Sub-Commission on the Protection and Promotion of Human Rights in Resolution 2005/21 of 11 August 2005; Displacement Solutions, "Housing, Land and Property Rights and International Criminal Justice," September 2012, <displacementsolutions.org>.

65 Final Report of the Special Rapporteur on Housing and Property Restitution in the Context of the Return of Refugees and Internally Displaced Persons (E/CN.4/ Sub.2/2005/17 and E/CN.4/Sub.2/2005/17/Add.1). This document contains the official UN text of the *Principles on Housing and Property Restitution for Refugees and Displaced Persons*, as approved by UN Sub-Commission on the Protection and Promotion of Human Rights in Resolution 2005/21 of 11 August 2005.

66 SANA (AR), "مجلس مدينة حمص يقر المخطط التنظيمي العام لمشروع إعادة إعمار بابا عمرو والسلطانية وجوبر" , 19 May 2016, <www.sana.sy>.

67 Human Rights Watch, "Syria: Counterterrorism Court Used to Stifle Dissent," 25 June 2013, <www.hrw.org>.

68 Violations Documentation Center in Syria – VDC, "Counter-Terrorism Court: a Tool for War Crimes," April 2015, <www.vdc-sy.info>.

69 SANA (AR), "مجلس مدينة حمص يقر المخطط التنظيمي العام لمشروع إعادة إعمار بابا عمرو والسلطانية وجوبر" , 19 May 2016, <www.sana.sy>.

70 Naame Sham, "Silent Sectarian Cleansing: The Iranian Role in Mass Demolitions and Population Transfers in Syria," May 2015, <www.naameshaam.org>; Nabih Bulos **and** Patrick J. McDonnell, "Syria's Assad admits setbacks, insists he won't lose civil war," LA Times, 26 July 2015, <www.latimes.com>.

71 Note: In initial interactions, the interviewees were asked a basic version of the question "would you like to return home one day?" Many interviewees appeared to find the question itself absurd given the terror that drove them to flee, so in order to get a meaningful response it was necessary to clarify with a follow up question prompting interviewees to imagine a hypothetical situation where the government and sectarian militias were no longer in power and their safety would be assured. To avoid causing unnecessary frustration from interviewees, in later interviews, the basic "would you like to return home one day?" question was replaced entirely with "would you like to return home one day if the militias and Assad government were gone?"

borhood is unlivable. No water, electricity, no buildings standing, nothing left." - Muhannad, Qarabeis

♦ *"Of course I would like to, but my name is on the regime list, and now these areas are unlivable and destroyed. And I could only return when I know that Bashar and his gang and those involved in the killing of my friends are gone." - Abdul-Rahman, Khaldieh*

♦ *"No, the regime killed my family how would I ever return? There are no guarantees [of safety]. I would be arrested by the regime." – Zaher, Haswieh*

♦ *"There is no way I would ever return, it would be impossible. I would love to go back but not to what it has become." - Rami, Zahraa*

♦ *"I wouldn't go back to the neighborhood the way it is now. Why? Because of the Alawites living there. We would be afraid for our lives to live next to them" - Ibrahim, Bayada*

♦ *"I have hope to return one day without the government presence. The idea of different communities living together is not a problem for me." – Tareq, Deir Baalbah*

The overall impression given by these responses is a stark sense of the trauma and fear that forced people to flee, and that many continue to carry with them. In many ways the responses were remarkably similar: nearly all of the interviewees indicated that hypothetically they would want to return to Homs, but all expressed a belief that this would never be possible. Most cited the same two main reasons for this pessimism: fear of persecution by the government and sectarian militias, and the physical destruction. When asked if they would like to return in a hypothetical future where they would not have to fear the authorities, most respondents gave some version of "*sure, but…*" and again elaborated the many reasons they believed it would be impossible.

The challenges that interviewees described as preventing them from returning to their homes include a range of physical, bureaucratic, and safety-related barriers that are all part of the government's intentional displacement strategy. Eight key barriers are described in detail below:

1. **Destruction -** The physical destruction of infrastructure and property is the most visible way of preventing return. An April 2014 satellite damage assessment by UNOSAT shows the magnitude of infrastructure destruction in Homs city.[72] Significant portions of the road, sewer, water, and electricity networks in most of the forcibly depopulated neighborhoods were destroyed,

The besieged neighborhoods were largely destroyed by early 2014. Photos from Jouret al-Shayah and Qarabeis

72 UNITAR-UNOSAT, "Four Years of Human Suffering," March 2015, <unosat.web.cern.ch>.

rendering the areas uninhabitable. Almost all buildings in neighborhoods such as Jouret al-Shayah, Khaldieh, and the Old City were damaged or destroyed. The assessment shows extensive damage to hospitals and schools in the targeted areas - a key characteristic of the government's strategy. The areas are now completely uninhabitable. As multiple interviewees from these areas noted, there is nothing to go back to: *"there are no services left: no electricity, water, etc... even if they allowed people to return, there is nothing left."*[73]

2. **Looting -** Many project interviewees described how homes were pillaged by pro-government militias. Not only were the homes looted of people's personal belongings, they were stripped completely down to their building materials. As Alaa from Khaldieh described: "*The Syrian army and militias took everything from buildings, including copper, pipes, electricity wires, light bulbs, medicine, and supplies… People were shocked to find so much had been stolen to make the homes unlivable: water, electricity, and including all their personal items in the house."*[74] This extreme looting rendered the structures that were still standing completely uninhabitable. The aforementioned June 2014 UN-Habitat assessment acknowledged that this looting was likely condoned and protected by authorities. It also noted that after they were looted, some shops and homes were then burned "using materials that store the heat for a long period," rendering them structurally unsound.[75] This targeted destruction of the property belonging to forcibly displaced residents after the end of the siege indicates significant intentionality on the part of the government forces and militias. The 5 February 2013 report of the UN General Assembly's Human Rights Council (HRC) found that government forces and affiliated militias perpetrated the war crime of pillaging.[76]

3. **Threat of Detention -** A significant portion of the Syrian civilian population today faces persecution by the Syrian government, making a return to Homs city or other government-captured areas a potentially dangerous endeavor. In order to access certain neighborhoods, or to assert ownership of property, people must apply for permission in person through Syrian government security services. This application process was described by several interviewees and confirmed through examination of government written notices.[77] This type of process intentionally disenfranchises the many thousands of displaced civilians who are physically unable to return, and raises serious protection concerns for those who are. By some reports, "Sunnis are systematically denied permission to return to the Old City."[78] Many interviewees stated that they believe they were on security service "lists" and therefore had a very high probability of being

detained. Women, children, and the elderly all risk being detained for any number of reasons including personal connections, social media posts, or providing support to humanitarian aid groups that work in opposition-controlled areas, but the risk is highest for military-aged men.[79] Detained males accused of supporting the opposition face potential torture and execution, but they are also likely to be forcibly conscripted into the Syrian military and sent to serve as cannon fodder on the frontlines. Over time the Syrian military has deteriorated and the government's conscription efforts have grown increasingly aggressive to supplement its dwindling army. As a result, today almost all men of fighting age in Syria fear forcible conscription into the army. Military service for men has been a government condition in recent forced surrender agreements in towns around Damascus like al-Tal and Moadamiya.[80] There are also reports that during the final days of eastern Aleppo, thousands of men fleeing the besieged pocket were detained and immediately sent to fight.[81]

4. **Sectarian violence -** The threat of violence is still prevalent in Homs city. Government-allied sectarian militias enjoy control of many of the checkpoints that separate neighborhoods. Muhannad from Qarabeis described how "*these areas have been taken over by non-government [militia] officials and run like a local mafia.*"[82] Many interviewees cited examples of people they knew that attempted or managed to go back to such areas only to be beaten or killed for returning. For example, Alaa from Khaldieh said that he knew a couple that tried returning to their home in the Bab Sbaa area of the Old City. He stated that *"they were attacked by Shabiha who told them it was government controlled. The house was burned down and they were later found dead in the area. The army denied any responsibility in this."*[83] Stories like this instill such fear among the displaced that they prevent many from even considering an attempt at return. As Muhannad put it: *"even if a decree is issued for people to go back to their areas, at any time Shabiha could come in and attack them."*[84] In this manner, the pro-government militias create an atmosphere of hostility, which ensures that even if the government enacts policies that on paper might allow for some of the displaced to return and claim their property, many will not dare to return. Several interviewees noted that fear of the militias prevented others who were displaced and currently living in government-controlled neighborhoods of Homs from speaking to the research team for this project.

5. **Record Destruction -** In July 2013 the Land Registry office that housed official documentation of property ownership was destroyed in a fire. The office was

73 Muhannad, real name withheld, Qarabeis.

74 Alaa, real name withheld, Khaldieh.

75 UN-Habitat, "Neighbourhood Profile: Old City of Homs," June 2014, <unhabitat.org>.

76 UN General Assembly Human Rights Council, "Report of the independent international commission of inquiry on the Syrian Arab Republic," A/HRC/22/59, 5 February 2013, <www.ohchr.org>.

77 Facebook post by government page for rehabilitation in Jouret al-Shayah neighborhood of Homs (AR), 16 July 2016, <www.facebook.com>.

78 Thanassis Cambanis, "Syria's Stalingrad," Foreign Policy, 23 December 2015, <foreignpolicy.com>.

79 Phil Sands, "Syria evacuees: "All of their names will go to the mukhabarat," The National, 8 February 2014, <www.thenational.ae>.

80 PAX & The Syria Institute, "Siege Watch: Fourth Quarterly Report on Besieged Areas in Syria – August – October 2016," <siegewatch.org>.

81 Leila Alwan, "Men fleeing E Aleppo forced to fight with Assad," Al Arabiya English, 12 December 2016, <english.alarabiya.net>.

82 Muhannad, real name withheld, Qarabeis.

83 Alaa, real name withheld, Khaldieh.

84 Muhannad, real name withheld, Qarabeis.

on the upper floors of a building, and Syrian forces occupied the lower floors.[85] The act was believed to be intentional as it "was the only structure burned in the most secure part of the city."[86] Similar targeting and destroying of property records has been recorded elsewhere in Syria in what appears to be a military-on-civilian "weaponization of the Land and Property Rights System."[87] Destroying original records makes it easier for the government to prevent owners from reclaiming their property and enables the government to resell the stolen properties. Not a single interviewee or survey respondent reached for this study was in possession of any documentation of ownership for properties left behind in Homs. Reasons cited include that documentation was destroyed in the bombings and looting, or lost during displacement as many were forced to flee without their belongings. In a June 2014 assessment, UN Habitat described the issues surrounding property rights and documentation in Homs as "extremely alarming," noting that "local authorities neither have the needed set up (human and logical frameworks) to tackle this issue, yet nor they are planning to."[88]

6. **Record Falsification -** Two interviewees described attempts to dispose of three properties in Homs after fleeing the city, only to learn that their homes had been unlawfully sold using falsified documents. These incidents occurred in Bayada, Hay al-Arman, and al-Zahraa neighborhoods in the northeastern part of the city. These were either Alawite-majority or adjacent to Alawite-majority neighborhoods and were not subject to the siege in the city center and building damage was minimal. Both interviewees described similar scenarios of speaking with real estate agents by phone about their properties and being told the homes had already been sold and there were records to prove it. One said: "*We didn't understand this because we had not put it up for sale… All the buildings were sold to Alawites, through the authority of the Syrian government. Documents were forged saying that I had sold my home to Alawites. This happened all over the neighborhood.*"[89] He explained that a close neighbor still living in the neighborhood had seen the new ownership document; the Alawite family who had somehow purchased the home had shown it to him. Another interviewee explained that his family "*contacted a real-estate agent who said that they have papers that prove that the Alawites own the house… It was as if we sold it, except we didn't get anything from selling it, it was just taken.*"[90]

85 Martin Chulov and Mona Mahmood, "Syrian Sunnis fear Assad regime wants to 'ethnically cleanse' Alawite heartland," The Guardian, 22 July 2013, <www.theguardian.com>; Faris Al-Rifai, "السجل العقاري بداية إلحاقٌ حمص بلدية طَمزّان... بعد تهجير أهلها" , 2 July 2013, <www.zamanalwsl.net>.

86 Jon D. Unruh, "Weaponization of the Land and Property Rights System in the Syrian Civil War: Facilitating Restitution?" Journal of Intervention and Statebuilding, Volume 10, 2016 - Issue 4.
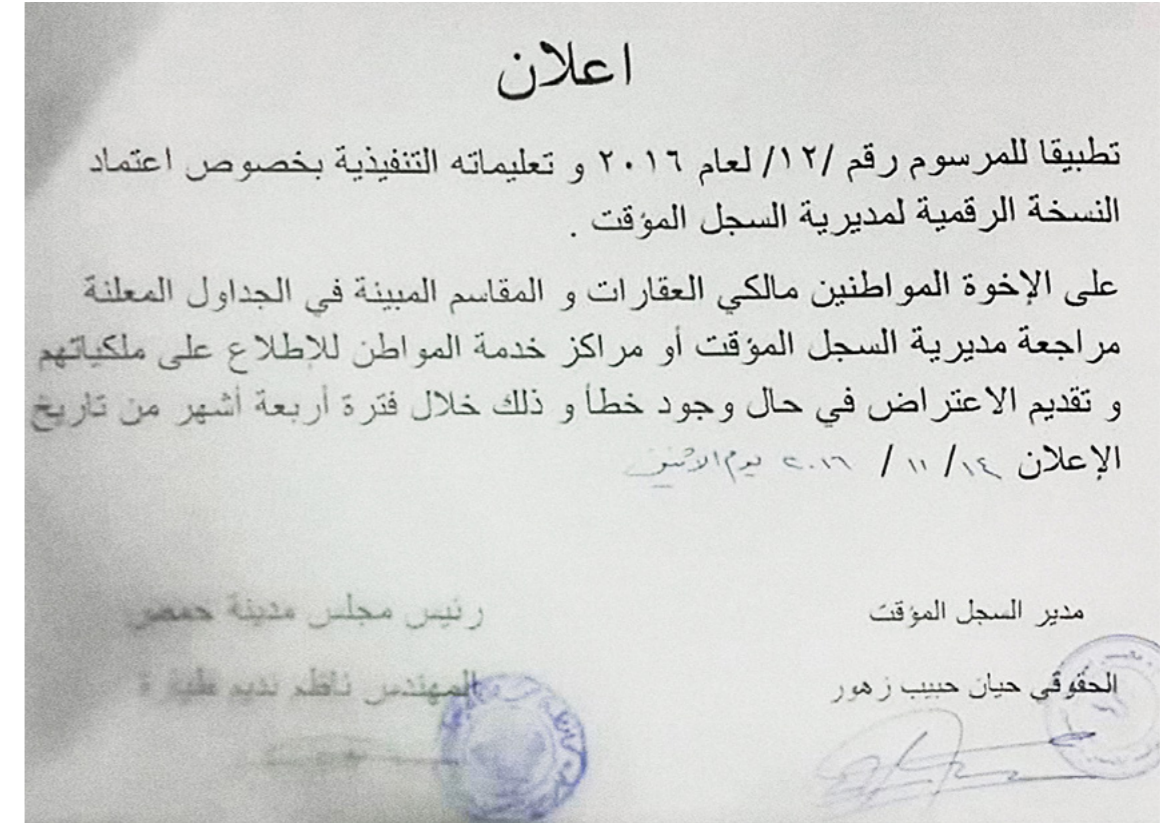
87 Jon D. Unruh, "Weaponization of the Land and Property Rights System in the Syrian Civil War: Facilitating Restitution?" Journal of Intervention and Statebuilding, Volume 10, 2016 - Issue 4.

88 UN-Habitat, "Neighbourhood Profile: Old City of Homs," June 2014, <unhabitat.org>.

89 Ibrahim, real name withheld, Bayada.

90 Rami, real name withheld, Zahraa.

Translation

Announcement

Applying the decree No 12 of 2016. And its executive instructions to consider the digital copy of the temporary record directory.

All citizens that own real estate and lands, which are listed in the announced tables. All citizens should check with the temporary record directory or serving citizen's centers, to have a look on their properties (could be papers), and complain in case of mistakes/errors within four months starting of the date of announcement 14 / Nov / 2016 Monday

Director of the Temporary Registry   Head of Homs City Council
Lawyer Hayan Habib Zohour   Engineer Nazem Nadeem Tayyara
Signed   Signed

7. **New Record Digitization -** One interviewee shared a photo of a physical government notice that was distributed in hard copy within government-controlled neighborhoods of Homs. According to the notice, people have four months starting 14 November 2016 to submit objections in person to a temporary records department or three other locations in the eastern neighborhoods if they feel there are any errors with the documentation of their properties. The list of property owners is available for people to check its accuracy only in person at the service centers. A government website explains that after that date, the records will be digitized and maintained in three locations so they cannot be tampered with.[91] Property owners who did not receive this notice or who are not in Homs to access the temporary records department, will be permanently deprived of any administrative recourse. Abdul-Rahman from Khaldieh described this policy as a way of formalizing the displacement and land grab, since "*most are in prison, killed, or in Europe*" and cannot reclaim their homes.[92] The government website explaining the policy also blamed the burning of the original land records to terrorists and criminal gangs despite evidence that it was destroyed intentionally by government forces.[93]

8. **Occupation -** There was a common belief among project interviewees that, whether with falsified documents or not, most homes in Homs city that were not destroyed have been occupied by government supporters. Abdullah from Jouret al-Shayah said "*70% of homes are totally destroyed, those left are occupied by Shia even in Christian areas, Hamidieh, Um al-Zinar Church are occupied by Shia. Homes not destroyed are either occupied by Shia groups or by soldiers fighting with the regime.*"[94] There is clear evidence to support Abdullah's contention that phenomenon has been occurring. The two project interviewees discussed above from eastern neighborhoods of Homs city both described encountering direct evidence of the extra-legal sales of their homes without their knowledge. A number of other interviewees had stories to tell of a relative or friend who tried to return home to find their property was already occupied. Occurrences like this have been similarly documented by outside sources.[95]

The barriers to return identified above all serve as layers that reinforce one another, ensure that few of the displaced can return home and even fewer will try. Not a single interviewee saw their displacement or the factors preventing them from returning as a de facto consequence of armed conflict, all felt that it was intentional and directed. Tareq from Deir Baalbah summarized this sentiment, saying: "*The regime has put limitations to keep us from returning home and has made Homs the biggest example of this policy. Even if the regime loses territory in Aleppo or Damascus, Homs was demolished as an example to the rest of the country. The point wasn't*

just to remove fighters, it was to demolish the area and create fear in people so they don't think or ever dream to return back to these areas."[96]

İnternational Law

Forced displacement or deportation means that people are moved against their will or without a genuine choice. Acts of forced displacements or deportation during armed conflicts, both within a territory and across State borders, may amount to international crimes, either as a war crime or crimes against humanity. In order for these acts to be considered war crimes, the victims must be 'protected persons' under the Geneva Conventions or the Additional Protocols, i.e. civilians. To further be considered crimes against humanity, the forced displacements must be part of a widespread and systematic attack against a civilian population.[97]

International humanitarian law provides for limited exceptional circumstances under which the displacement of civilians during armed conflict is allowed, namely if it is carried out for the security of the individuals involved or for imperative military reasons. This exception can never apply if the intent of the displacement is to persecute the civilian population.[98] In such cases where the exception is valid, the displacement should be temporary and must be carried out in such manner as to ensure that the displaced persons are returned to their homes as soon as the situation allows.[99] In addition, all possible measures must be taken to ensure that the displaced civilian population may be received "under satisfactory conditions of shelter, hygiene, health, safety and nutrition."[100]

None of the conditions for a valid exception to the prohibition on forced civilian displacements exists in the case of Homs. Many of the forcibly displaced persons were sent to areas such as al-Waer, where they remain persecuted, under siege, and face incredibly poor living conditions. Far from being carried out in such a manner as to allow for people to return to their homes, the Syrian government has taken measures to intentionally prevent the displaced from returning. Accordingly, the forced displacements in Homs violate BOTH principles of international humanitarian law AND international criminal law. According to the International Committee of the Red Cross, these rules are part of customary law, thus binding for all parties. ♦

91 Al-Ouruba, "السجل المؤقت يبدأ باستلام طلبات تثبيت الملكية وتسجيل الاعتراضات لإصدار النسخة الورقية للملكيات العقارية", 14 November 2016, <ouruba.alwehda.gov.sy>.

92 Abdul-Rahman, real name withheld, Khaldieh.

93 Al-Ouruba, "السجل المؤقت يبدأ باستلام طلبات تثبيت الملكية وتسجيل الاعتراضات لإصدار النسخة الورقية للملكيات العقارية", 14 November 2016, <ouruba.alwehda.gov.sy>.

94 Abdullah, real name withheld.

95 Etana Syria, "International Convention for the Evacuation of Homs," Etana Files, 3 June 2014, <www.etanasyria.org>; Philip Issa, "Displaced Syrians fear return, marking a demographic shift," The Times of Israel, 7 November 2016, <www.timesofisrael.com>.

96 Tareq, real name withheld, Deir Baalbah.

97 Guido Acquaviva, "Forced Displacement and International Crimes," UNHCR Legal and Protection Policy Research Series, PPLA/2011/05, June 2011, <www.unhcr.org>.

98 International Committee of the Red Cross, Customary International Law, "Rule 129. The Act of Displacement," Accessed 26 January 2017, <ihl-databases.icrc.org>.

99 Guido Acquaviva, "Forced Displacement and International Crimes," UNHCR Legal and Protection Policy Research Series, PPLA/2011/05, June 2011, <www.unhcr.org>.

100 International Committee of the Red Cross, "Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)," Article 17, 8 June 1977, 1125 UNTS 609, <ihl-databases.icrc.org>.

Conclusion

The Syrian military and affiliated sectarian militias systematically displaced more than half of the population of Homs city between 2012 and 2014. Their tactics included: detention, torture, rape, massacres, full-scale military assault with ground and air assets, siege, and the targeted destruction of civilian infrastructure. Displaced people from Homs city describe the widespread intimidation by government-affiliated militias and overtly sectarian violence that they experienced.

The military's disproportionate targeting of civilians and civilian infrastructure suggests that the government had motivations beyond just dislodging armed opposition groups or fighting "terrorism." The HRC reporting has determined that the strategy of denying food and medical supplies to certain areas by the Syrian government was not just aimed at controlling armed groups, but also at forcing the displacement of the population.[101] Unless there is an imperative military or security reason to do so, "Ordering the displacement of the civilian population for reasons related to the conflict," constitutes a war crime under Article 8(e)viii of the Rome Statute of the International Criminal Court.[102] Given the widespread and systematic nature of the forcible displacement of civilian populations in Syria, these crimes may rise to the level of crimes against humanity.[103]

More than a dozen targeted neighborhoods were fully or partially destroyed. These were mainly Sunni majority neighborhoods, in addition to the Christian Hamidieh neighborhood. Sunni residents living in Alawite-majority neighborhoods were also selectively targeted for expulsion, although the neighborhoods themselves remain populated and largely intact, incurring nominal damage from opposition shelling. The pattern of destruction closely resembles pre-war plans for an urban redevelopment project called '"Homs Dream," which intended to build modern shopping malls, parks, and skyscrapers where densely populated Sunni neighborhoods stood. The aim of this plan appeared to be redistribution of the population to strengthen the economic and physical control of the city by the pro-government Alawite community. The conflict has given the government the opportunity and means to implement, accelerate, and expand pre-war demographic changes goals.

Since the final residents were forcibly transported out of the besieged Old City in May 2014, the Syrian government has enacted new bureaucratic and legal barriers to prevent the displaced from returning to reclaim their homes, notably around property ownership. These new restrictions reinforce the existing physical barriers – the destruction, violence, and intimidation – to ensure that few unwanted residents attempt to return. Further barriers to return exist beyond even those identified by respondents, notably unexploded remnants of war such as landmines and cluster munitions, whose usage has been widely documented in Syria.[104] Unexploded landmines or cluster munitions primarily kill long after a conflict has ended.

The Syrian government has used Homs as a blueprint, repeatedly employing the same pattern of siege, starve, destroy, and transfer across the country. Notable examples from 2016 where the Syrian government followed the same pattern as in Homs include the city of Darayya in Rural Damascus in August, and Eastern Aleppo city in December. The same challenges and concerns identified in this study of Homs are highly relevant to these newly depopulated areas and displaced civilians. They are also relevant for the UN agencies and international actors that participate in the population transfers and the post-siege rehabilitation efforts. Lessons learned from the siege and destruction of Homs and developments in the aftermath should be applied to these and other future cases.

Recommendations

As described in this report, displaced Syrian civilians from Homs city face many barriers to return. Reconstruction alone cannot address these challenges and may even cause further harm in areas that, like Homs city, were targeted by the Syrian government's siege, starve, destroy, and transfer strategy. Physical reconstruction efforts in places like Homs should be undertaken only as part of a holistic, conflict-sensitive recovery strategy that pairs conditional reconstruction support with efforts address the rights, concerns, and priorities of the displaced.

101 UN General Assembly Human Rights Council, "Report of the independent international commission of inquiry on the Syrian Arab Republic," A/HRC/23/58,
18 July 2013, <www.ohchr.org>.
102 "Rome Statute of the International Criminal Court," <www.icc-cpi.int>.
103 See "Rome Statute of the International Criminal Court," Statute 7(1)d, <www.icc-cpi.int>.

104 International Campaign to Ban Landmines, Cluster Munition Monitor 2015 (ICBL-CMC: September 2015) <www.the-monitor.org>; Human Rights Watch,
"Syria: Mounting Casualties from Cluster Munitions," 16 March 2013, <www.hrw.org>.

Accordingly, PAX and The Syria Institute recommend the following:

Engaging the Displaced - With more than half of all Syrians displaced from their homes, the future of the displaced is central to the stability of Syria. It is critical to engage displaced Syrians and give them a voice in the future of their communities.

♦ The United Nations should conduct a large-scale survey of displaced Syrians to ascertain their opinions, priorities, and concerns with regards to issues of return, resettlement, reconstruction, and reconciliation. The results of this survey should be used to inform decisions in UN-led, internationally supported reconstruction efforts. Donors should make funds available for these assessment efforts.

♦ United Nations agencies and other actors supporting reconstruction efforts must conduct preparatory assessments to determine the whereabouts, needs, and priorities of its original inhabitants, prior to the start of rehabilitation and reconstruction in Homs city and similar areas. This will help identify any potential long-term negative impacts that reconstruction may have, so that implementers can take steps to mitigate potential harm to the forcibly displaced, and prevent potential conflicts in the future. This effort to survey original inhabitants should be done independently of the Syrian government, given the highly problematic nature of its manipulation of Homs' property records, as identified in this report.

♦ The input of the displaced should be duly considered during Syrian peace talks and incorporated into any future Syrian-led political transition process.

Reconstruction - The physical reconstruction of Homs city is critical to recovery, but it must be undertaken as part of a holistic strategy to address the rights and needs of the displaced. This will help ensure international actors do not pay "war crime dividends" to the Syrian government, exacerbate social divisions, or undermine future reconciliation efforts.

♦ International actors that choose to cooperate with the Syrian government in reconstruction efforts must ensure that they are not causing further trauma or injustice to the displaced by developing a "do no harm" policy specific to reconstruction in Syria.

♦ The European Union commitment to not support reconstruction efforts in Syria until a credible political transition process "is firmly under way" should be translated into concrete benchmarks, and adopted as a condition by all relevant international actors.[105] The five "Clear Steps in the Transition" laid out in the 2012 Geneva Communiqué can be used as the basis for these benchmarks.[106]

♦ Donors must practice due diligence in ensuring that agencies involved in

reconstruction do so only as part of a transparent, holistic strategy that addresses the rights of the displaced.

Return and Reconciliation - In Homs city, where much of the population displacement was part of an intentional government strategy, issues of return are far more complex than simply rebuilding the infrastructure of the city. It is absolutely critical that international actors consider the full range of challenges to return of the civilian population.

♦ Parties engaged in political processes should ensure the complex challenges regarding housing, land, and property rights for the forcibly displaced are thoroughly addressed in any future national negotiations, transition, and reconciliation processes. Any decisions made – such as those regarding repatriation or restitution – should be in accordance with international humanitarian law and independently monitored by third parties.

♦ The risk of violence and persecution of returnees must be clearly acknowledged and understood by all parties. To encourage return, strategies to safeguard civilian protection and rebuild trust should be implemented at both the national and local levels. Though these strategies should be Syrian-led, international stewardship and participation can play an important role in the early/transitional stages. One key recommendation is for UN or other international monitors to maintain an initial presence in areas like Homs city in the early stages of reintegration and reconciliation, in order for displaced citizens to feel safe enough to return. Other strategies may include (but are not limited to):[107]
  - The departure of all non-Syrian foreign militias
  - The disarmament, demobilization, and reintegration (DDR) of Syrian militias

♦ Psychological trauma and distrust must be addressed in a future scenario where return is an option for the displaced. Strategies may include (but are not limited to):
  - Truth and justice commissions
  - A focus on victim empowerment
  - Dialogue and trust-building initiatives
  - Psychosocial support, with a particular focus on vulnerable groups such as women, children, torture victims, and child-soldiers

Accountability - The forced displacement of civilian populations from Homs city and elsewhere in Syria constitute gross violations of international humanitarian law and international criminal law, thus amounting to war crimes and crimes against humanity.

♦ Governments and intergovernmental bodies should acknowledge and condemn the strategy of forced population transfers in Homs and elsewhere in Syria, and recognize that these displacements constitute war crimes and crimes against humanity.

105 General Secretariat of the Council, "European Council meeting – Conclusions," EUCO 34/16, 15 December 2016, <www.consilium.europa.eu>.

106 Action Group for Syria, "Final Communiqué," 30 June 2012, <www.un.org>.

107 International Institute for Democracy and Electoral Assistance, "Reconciliation After Violent Conflict: A Handbook," 2003, <www.un.org>.

♦ Any actor undertaking efforts to document war crimes and crimes against humanity should monitor forced displacement and the denial of the rights of the displaced to support future accountability efforts.

♦ Donors should make funds available for the documentation of forced population transfers, which continue to be committed in Syria.

♦ Forced population transfers must be incorporated in the accountability mechanism that will be established in accordance with the UN General Assembly Resolution of 21 December 2016 that created an accountability mechanism for war crimes in Syria.[108] ♦

108 UN General Assembly Resolution 71/248, "International, Impartial and Independent Mechanism to assist in the Investigation and Prosecution of those

Responsible for the Most Serious Crimes under International Law committed in the Syrian Arab Republic since March 2011," A/71/L.48, 21 December 2016,

<www.un.org>.