

Syria Alert XX: Don't Pay War Crimes Dividend

24 March 2017

On the 5th of April 2017, a group of donors led by EU High Representative Federica Mogherini will co-host a conference in Brussels on "Supporting the Future of Syria and the Region." The European External Action Service has described the conference as a "moment for the international community together to turn the page and start the political transition, the reconciliation process and the reconstruction of Syria." The conference comes at the time of a tragic deterioration of the situation in Syria. Direct international involvement in the fighting leads to more civilian casualties. After the fall and depopulation of eastern Aleppo in December 2016, the Assad regime's "Surrender or Die" strategy continues, characterised by massive war crimes and a dramatic humanitarian situation. Earlier this month, the community of al-Waer in Homs was forced to surrender after more than 3 years of siege. Once again, as has been seen elsewhere, the surrender is resulting in the forced displacement of a substantial part of the civilian population.

The surrender of al-Waer is symptomatic of the dynamics around besieged communities in Syria over the past year. Employing a "Surrender or Die" strategy, the Assad regime has intensified its assaults, including by starving besieged communities, directing heavy bombardments at populated areas and civilian infrastructure, arbitrarily denying humanitarian access and withholding life-saving goods, and – once a surrender has been negotiated – forcibly displacing civilians.

This blueprint first played out in the old city of Homs in 2014. Subsequent developments there indicate that the next step in the Assad regime's strategy seems to be to physically rebuild while simultaneously erecting administrative and other barriers to return for those who were forcibly displaced. This is the context in which Russia has egregiously called for European support to reconstruction efforts – moreover, without any accountability for the destruction and human suffering it and its allies have caused in Syria.

In the Council Conclusions of 16 January 2017, European Foreign Ministers confirmed readiness to support reconstruction in Syria "once a credible political transition is firmly underway". This is the minimum condition for such support, and PAX welcomes this policy. In this Alert, PAX calls on the EU and its member states to elaborate on what it would mean for the transition to be "firmly underway", and to translate this policy into concrete benchmarks and conditions for involvement in any reconstruction efforts in Syria. These should also clarify how displaced population will be consulted and their rights protected in the reconstruction process. Furthermore, other participants at the Brussels conference should be encouraged to align themselves with this policy. If European leaders neglect to put in place to clear, principled conditions – and to stick to them – they risk paying a war crimes dividend to the Syrian government.

SIEGES CONTINUE

On 23 March, PAX and TSI published the [Fifth Quarterly Report](#) of the Siege Watch project, covering the period from November 2016 until January 2017. Data collected during the reporting period from an extensive network of contacts on the ground shows that an estimated 913,575 people are trapped in at least 37 besieged communities across the country. More than 1.3 million additional Syrians live in 16 "Watchlist" areas, under threat of complete siege.

Eastern Aleppo was reclassified from besieged to “Watchlist” after being captured by the Syrian government and its allies in December. The brutal month-long campaign displaced hundreds of thousands of people and caused catastrophic destruction. Three more “Watchlist” communities in the Damascus area capitulated to the government’s forced surrender terms.

Other communities – including Madaya and Douma – require immediate and unfettered international assistance to prevent looming humanitarian catastrophes. These critically besieged areas are the most likely targets of the Syrian government’s next scorched earth campaign. Siege Watch has warned repeatedly that Al-Waer in Homs was another community at the verge of collapse. After the end of the reporting period, in March 2017, Al-Waer was indeed forced to surrender.

The Syrian government and its allies remain responsible for the majority of the sieges, as well as all “Watchlist” areas.

FORCED DISPLACEMENT AFTER SURRENDER

On 21 February 2017, PAX and The Syria Institute issued the report [“No Return to Homs”](#), a study on forced displacement and obstruction of return of IDPs in the old city of Homs after the forced surrender agreement of 2014. The report shows that the regime 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

Although local circumstances differ in other towns and communities that have been forced into surrender, the report describes a pattern of forced displacement and prevention of return that is part of a systematic regime strategy to ensure its control. The “Homs blueprint” was followed in the town of Darayya near Damascus, which was forced into surrender in August 2016 and the entire population was forcibly transferred. In eastern Aleppo the same pattern was followed in December 2016. In other forced surrender cases, like Moadamiyeh, al-Tal, Qudsayya, Khan es-Shieh, a substantial part of the population was forced into displacement. This included not only fighters, but also representatives of local councils, media offices and relief organisations, in other words all with contacts to the outside world. That makes these communities extremely vulnerable after surrender. They turn into an information “black hole” while rumours of ongoing human rights violations come out but cannot be verified.

RECOMMENDATIONS:

- Before donors – and in particular the EU and its member states – support reconstruction efforts in Syria, the following criteria must be met:
 - When the EU FAC meets on 3 April, the statement that “transition must be firmly underway” before any support for reconstruction must be translated into concrete benchmarks that are independently verified. The “Clear Steps in the Transition” described in the Geneva Communiqué of 2012 and reconfirmed in the UNSC Resolution 2254 of 2015 form a good basis for such benchmarks.

- The displaced population must be consulted in reconstruction plans for their neighbourhoods. Given the immense scale of displacement, particular attention should be paid to the protection concerns of displaced people with regard to possible return, and to their Housing, Land and Property (HLP) rights.
 - A monitoring mechanism to independently verify the benchmarks and criteria must be put in place.
 - At the Brussels conference, the EU must actively encourage other participants to align themselves with this policy.
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- International monitors – whether from the UN or another third-party stakeholder – should be immediately deployed into communities that have been forced to surrender to the Syrian government to ensure that vulnerable civilians are not being subjected to continuing human rights and IHL violations.
 - War crimes and crimes against humanity committed in the framework of sieges, such as starvation and 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.

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