

Siege Watch

Final Report

Out of Sight, Out of Mind: The Aftermath of Syria's Sieges



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Colophon

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About PAX

PAX works with committed citizens and partners to protect civilians against acts of war, to end armed violence, and to build just peace. PAX operates independently of political interests.

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Acronyms

AOG	Armed opposition group
CoH	Cessation of hostilities
CoI	Commission of Inquiry
EU	European Union
HLP	Housing, Land, and Property Rights
HTS	Hayat Tahrir al-Sham
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
IDP	Internally displaced person
IHL	International humanitarian law
IIIM	International Impartial and Independent Mechanism
ISIS	Islamic State of Iraq and al-Sham
ISSG	International Syria Support Group
NGO	Non governmental organization
OPCW	Organization for the Prohibition of Chemical Weapons
R2P	Responsibility to Protect
SARC	Syrian Arab Red Crescent
SDF	Syrian Democratic Forces
UN	United Nations
UNDP	United Nations Development Program
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UN HRC	United Nations Human Rights Council
UN OCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNSC	United Nations Security Council
UNSG	United Nations Secretary-General
US	United States
WFP	World Food Program

Foreword

On 20 October 2017, 14-year old Maher hung himself from the ceiling in his room in Eastern Ghouta. Maher and his family had been previously displaced from Jobar to Ein Tarma. On the morning of his suicide, Maher woke up before dawn and went to wait in line at a bakery, but failed to procure bread after several hours of waiting and went home empty handed. When his family returned later in the day they found him hanging from the ceiling. This incident was described by residents as the first suicide of a child this young in Eastern Ghouta.

An estimated 2.5 million Syrians have lived through sieges in the last eight years. While the Islamic State in Iraq and al-Sham (ISIS), the US-led international coalition, and armed opposition groups were all implicated in perpetrating at least one siege during the conflict, the Syrian government, supported by its allies Russia and Iran and their militias, was responsible for the vast majority of sieges. It was the only party to intentionally inflict starvation, to deny humanitarian access, and to restrict free movement of civilian populations in a widespread and systematic manner.

Thanks to modern communication technologies and the civil activists who used them, the atrocities committed against besieged communities in Syria were broadcast to the world. United Nations (UN) organizations and members of the UN Security Council (UNSC) knew exactly what was happening. The notion of Responsibility to Protect (R2P) emerged in the wake of international inaction in the face of the Rwandan genocide in 1994. The underlying philosophy of R2P is that sovereign states have a duty and responsibility to provide safety and security for their own populations. In exceptional cases where governments are unable or unwilling to intervene in atrocities against their civilian population, the international community has a responsibility to protect the civilians with or without consent of the state in question.

The uncompromising positions of certain permanent UNSC members on Syria have not only paralyzed the council but they have effectively turned it into an obstacle to the resolution of the Syria crisis and the protection of Syrian civilians against war crimes and crimes against humanity in the besieged areas.

There are lessons to be learned from the sieges. How could the UN agencies have operated more effectively? Are there ways to overcome deadlock in the Security Council? Can standards of international humanitarian law be upheld more effectively? UNSC Resolution 2417 (2018) dealing with the use of starvation as a weapon, could be an important first step, but it still needs to be put in practice and lacks the level of ambition of the previous UN policy on R2P.

The international community's failure to protect siege victims against these atrocities increases its responsibility to seek justice for the survivors of the sieges. At the core of a victim-centered approach to justice are four basic victims' rights: the right to know, the right to justice, the right to reparations, and the right to guarantees of non-recurrence.

With few short-term prospects for a genuine transitional political process in Syria and a referral to the International Criminal Court unlikely, countries that prioritize accountability should expand the options to persecute those responsible for war crimes in third countries. If international norms are not restored, the war crimes committed as part of the siege strategy in Syria could set a dangerous precedent.

It is important to recognize the fact that while Syria's sieges are over, the suffering is not over for Siege survivors. Over a million of them are displaced as Internally Displaced Persons (IDPs) in northern Syria or as refugees in Turkey and elsewhere abroad. Those who stayed behind in post-surrender communities are extremely vulnerable and still receive little humanitarian aid. They can no longer be neglected. The international community must start listening to Syrians, rather than just talking about them.

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Jan Gruiters
General Director

Executive Summary

Since the beginning of the Syrian popular uprising in 2011, different parties in the conflict, but in particular the Syrian government and allies, used sieges to punish towns, neighborhoods, and cities where they had lost control. Tactics such as the blocking of humanitarian aid - restrictions on civilian movement - and targeted attacks on hospitals, were intended to inflict maximum suffering. The Siege Watch project started in 2015 as a collaboration between the Dutch peace organization PAX and the Washington-based think tank The Syria Institute. The project was designed to monitor and document the systematic nature of this brutal siege strategy and to share this information through the publication of regular reports and updates - in part to combat the UN's underreporting on sieges and the insufficient attention being paid by member states and international organizations. Using the UN's own siege definition, Siege Watch estimated that during the course of the project at least 1.45 million Syrian civilians lived under long-term besiegement, while at least another million lived in siege-like or semi-besieged conditions. This means that in total, a staggering 2.5 million people - more than 10 percent of the entire Syrian population - suffered the pain and fear of siege.

Sieges were a successful strategy for the Syrian government, as they allowed the Syrian army to contain rebellious areas and drain them of resources, and ultimately displacing much of the unwanted population. Russia's military intervention in 2015 finally enabled the Syrian army to capture besieged areas. By 2018, all long-besieged areas were recaptured by the Syrian army and its allies using brutal force including indiscriminate bombardments, attacks on civilian targets, and incendiary and chemical weapons. Given the impunity with which the sieges were carried out in Syria, it is likely that other actors will draw lessons from this "success" and use the Syrian government's sieges as a blueprint for future collective punishment campaigns.

While the sieges are over, their impacts continue to be felt. For hundreds of thousands of civilians, the end of sieges has meant the beginning of forced displacement, which has brought new trauma and uncertainty. Those who stayed in post-surrender communities remain largely isolated from international access and are vulnerable to continuing violations by the Syrian military and affiliated militias.

This final Siege Watch report seeks to summarize and draw conclusions about the siege strategy in Syria and the absence of an effective international response. It also looks at the present needs and conditions of siege victims and recommends measures that international actors can take to support and protect these victims and to begin to seek justice for the perpetrators of these crimes. With this report, PAX hopes to spur much-needed reflection on how the UN and other international actors can respond more effectively to atrocities such as those inflicted on civilians during Syria's sieges.

The reports main recommendations to deal with the aftermath of the sieges include:

- ◆ Siege victims are in urgent need of **aid and protection**, whether they live in post-surrender communities, as IDPs in northwest Syria, or as refugees in Turkey. Aid priorities for all siege victims lie in the fields of health, mental health and education.
 - UN agencies and humanitarian organizations operating in government-controlled parts of Syria should demand unrestricted access to post-surrender communities. Independent third-party monitors must be deployed to the post-surrender communities to ensure that vulnerable civilians are not being subjected to continuing human rights violations.
 - IDPs in northern Syria and refugees in Turkey should continue to receive support, not only humanitarian aid but also for programs to document and protect property rights and to document war crimes. Donors should be increasing support for humanitarian and civil society programs in northern Syria.
 - The United Nations High Commissioner for Refugees (UNHCR) and countries that resettle refugees through the UNHCR should recognize that refugees and IDPs from besieged areas form a particularly vulnerable group, with very little opportunity for safe return, and should develop more ambitious resettlement programs.

- ◆ Under the current conditions, **support for reconstruction, early recovery, or resilience in formerly besieged communities** may serve as “war crimes dividends” that validate the Syrian government’s strategy of destroying communities to punish and displace civilians, and allow it to continue its ongoing human rights violations unimpeded. Reconstruction in these post-surrender is premature in the absence of a political transition. Proper conflict-sensitivity measures must be put in place to ensure that any aid in post-surrender communities does not inadvertently harm civilians, does not contribute to sectarian grievances and other conflict dynamics, and does not pay war crimes dividends to the Syrian government.

- ◆ **Accountability and justice** efforts must focus on the victims’ rights to know, to justice, to reparation and to guarantee of non-recurrence.
 - Funding and other support should be allocated to Syrian civil society organizations - including victim-led organizations - working on the issues of justice, accountability, and support to victims.
 - An independent international mechanism should be set up to document the property claims of people who have been forcibly displaced, to collect and preserve proof of property, and to prepare for property restitution and reparations.
 - European countries should expand the options for prosecution of war crimes in Syria under the principle of universal jurisdiction through strengthening the legal basis for universal jurisdiction, enhancing the capacity of relevant authorities, and increasing cooperation and information sharing with other states and investigative mechanisms.

- ◆ United Nations Secretary General (UNSG) Guterres should order a **Syria Internal Review Panel** following the example of his predecessor Kofi Annan, who ordered an evaluation of the failure of the UN to protect civilians during

the civil war in Sri Lanka a decade ago. Many of the conclusions of this evaluation would be applicable to the role of the UN during the sieges in Syria. Member states and major donors like the European Union (EU) should demand such an evaluation and subsequent measures to operationalize the recommendations of that evaluation.

- ◆ The UNSG and Security Council must take **steps to uphold international norms and overcome the present deadlock in the Council**. The unanimous adoption of UNSC resolution 2417 (2018) on starvation as a weapon is an important step, but member states must operationalize it as stipulated in Art. 10.

Introduction

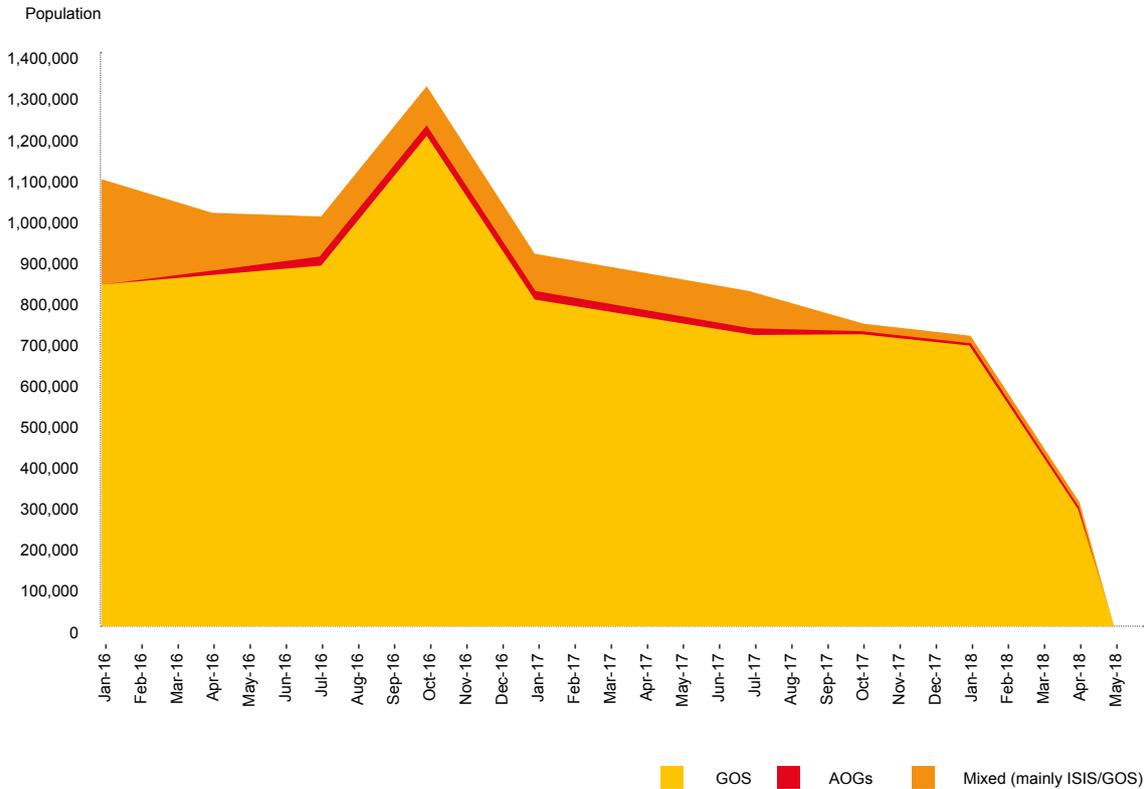
Between late 2015 and mid 2018, Siege Watch monitored besieged communities in Syria containing more than 1.45 million people. Escalations against an additional six communities on the Siege Watch “Watchlist” happened so quickly that they became fully besieged and then surrendered within the Siege Watch three-month observation window before a classification change could be made. Taking these people into account, a staggering 2.5 million people suffered the pain and fear of siege during the life of the project. All of the Syrian civilians who were under siege between 2012 – when the earliest long-term sieges began – and 2018 were victims of man-made humanitarian disasters of historic proportions. The sieges were military, economic, and social blockades that parties to the conflict imposed on populated areas with the intent of forcing them to surrender. The unlucky inhabitants of Syria’s besieged enclaves were forced to live primitive lives, cut off from electricity and running water, and deprived of food, fuel, medical supplies, and other basic necessities. Besieged communities were often subjected to devastating attacks, and some were essentially demolished during scorched earth campaigns. The Syrian government and its allies carried out part of their siege strategy in the information realm, spreading propaganda and disinformation designed to obscure their war crimes, and to dehumanize and cast doubt on the suffering of their victims. These sieges epitomize the atrocity and impunity that have become hallmarks of the Syrian conflict.

The Syrian government, along with its allies Russia and Iran, were responsible for the vast majority of sieges and were the only side to impose sieges in a widespread, systematic manner across the country. These government sieges were a form of collective punishment that often ended in the complete collapse of targeted communities and large-scale forced population transfers as part of a long-term demographic engineering strategy. All of the sieges in Syria entailed violations of international law. In the case of sieges committed by the government and its allies, the systematic, widespread war crimes rose to the level of crimes against humanity. Despite the overwhelming, well-documented evidence of the war crimes being committed against besieged communities, the international community watched in self-proclaimed helplessness as the Syrian government and its allies brought besieged communities to their knees one by one. The pattern of escalation, scorched earth campaign, and forced population transfer became predictable and routine.

Russia – an active participant in the Syrian government’s sieges – used its position as a permanent member of the UN Security Council (UNSC) to deter and block meaningful collective action. The UNSC’s repeated failure to uphold its responsibilities regarding the maintenance of peace and security placed unreasonable pressure on humanitarian agencies to carry the burden of the UN’s siege response, despite the fact that their mandates left them without the tools to do so.

The siege strategy flourished and spread because it was effective for its perpetrators: today, the Syrian government and its allies have reasserted control over all of the areas they once besieged. Since the sieges were formally ended, the government and its allies have continued to restrict humanitarian access to these post-surrender communities and to target them with

Population by besieging party



repressive and often-violent tactics. Out of sight and out of mind, there has been a striking lack of outcry over the fate of civilians left behind. The hundreds of thousands of civilians who were forcibly displaced from besieged communities are similarly still living with the fallout of the sieges. Many, especially those displaced in 2018, have found little support in exile in northern Syria or across the border in Turkey. They live in poverty and fear, struggle with the psychological effects of severe trauma, and have few if any options to earn money, seek legal status and asylum, finish their educations, reunite their families, and build a future for themselves and their children. Unless there is a genuine political transition in Syria, most will never be able to return home.

The sieges have left behind a new set of complex and urgent challenges for international actors to address related to civilian protection; justice and accountability, resettlement and return, housing, land, and property rights, humanitarian aid, reconstruction, and the breakdown of international norms and mechanisms for peace and security. It is crucial that international stakeholders have a clear-eyed understanding of the reality of the post-siege dynamics on the ground, in the region, and in the international community, and that they take responsible, needs-based approaches to engagement. This final Siege Watch report summarizes and assesses the information and knowledge gathered over three years of monitoring the sieges in Syria and subsequent communications with forcibly displaced Siege Watch contacts. This report highlights key takeaways and lessons learned as they relate to current challenges, the long-term impacts, and actionable recommendations for the post-siege era.

Part 1:

An Overview of Syria's Sieges

1. Understanding the Sieges

Defining Syria's Sieges

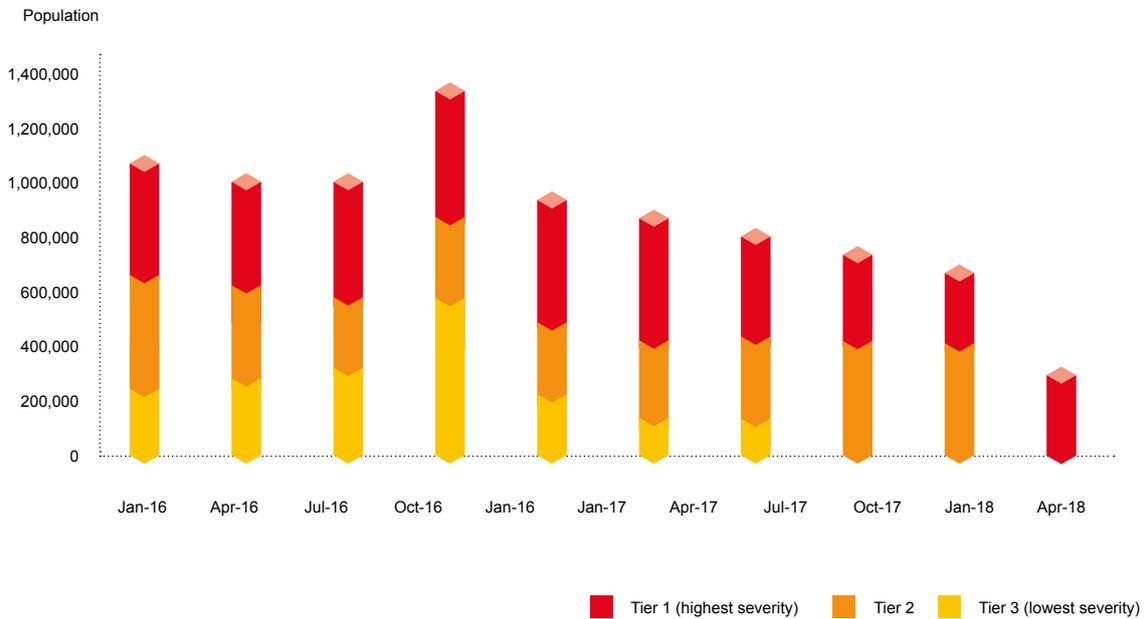
In order to identify which communities to monitor, Siege Watch adopted the United Nations Office for the Coordination of Humanitarian Affairs' (UN OCHA) definition that: "a 'besieged area' is an area surrounded by armed actors with the sustained effect that humanitarian assistance cannot regularly enter, and civilians, the sick and wounded cannot regularly exit the area."¹ No two sieges that met this definition looked the same, as they varied in size, scale, location, length, nature, intensity, and parties involved. Humanitarian conditions for people trapped in different besieged enclaves were impacted by the level of violence, the availability of local coping mechanisms like agriculture, the prevalence of smuggling and bribery, the delivery of UN aid convoys, and the reach of foreign charitable support. Siege Watch assigned each besieged community an intensity tier level ranking from 1-3 to give an indication of the relative severity of conditions in each area.

Siege Watch also created a separate "Watchlist" category for communities that were at risk of future siege, were under partial siege and experiencing poor humanitarian conditions, or were being monitored for a post-siege observation period. This Watchlist category was not the same as the general classification of "hard to reach" used by UN OCHA, as the Watchlist identified locations where aid and freedom of movement were being intentionally restricted, even if the definition of besieged was not fully met.

In mid-2016 the Syrian government and its allies began regularly capturing besieged enclaves and reasserting control over vulnerable, disarmed, and depleted communities. Because conditions in these post-surrender communities did not normalize, Siege Watch decided to keep them on the Watchlist for as long as access restrictions remained in place in order to draw attention to the residual security risks facing the civilian siege victims who remained. In many cases, the government and its allies have imposed new collective punishment measures since the end of the siege, including: looting and pillaging, property expropriation, extortion, arbitrary detentions, widespread forcible conscription of men, and repressive measures aimed at silencing media activists and destroying evidence of war crimes. By the end of the Siege Watch project in 2018, the only formerly besieged communities removed from the Watchlist were the ones where the sieges had been imposed by actors other than the Syrian government and its allies – such as al-Raqqa and Deir Ezzor – or communities that were completely depopulated.

¹ UN OCHA, "2015 Humanitarian Needs Overview: Syrian Arab Republic," November 2014.

Besieged populations by severity

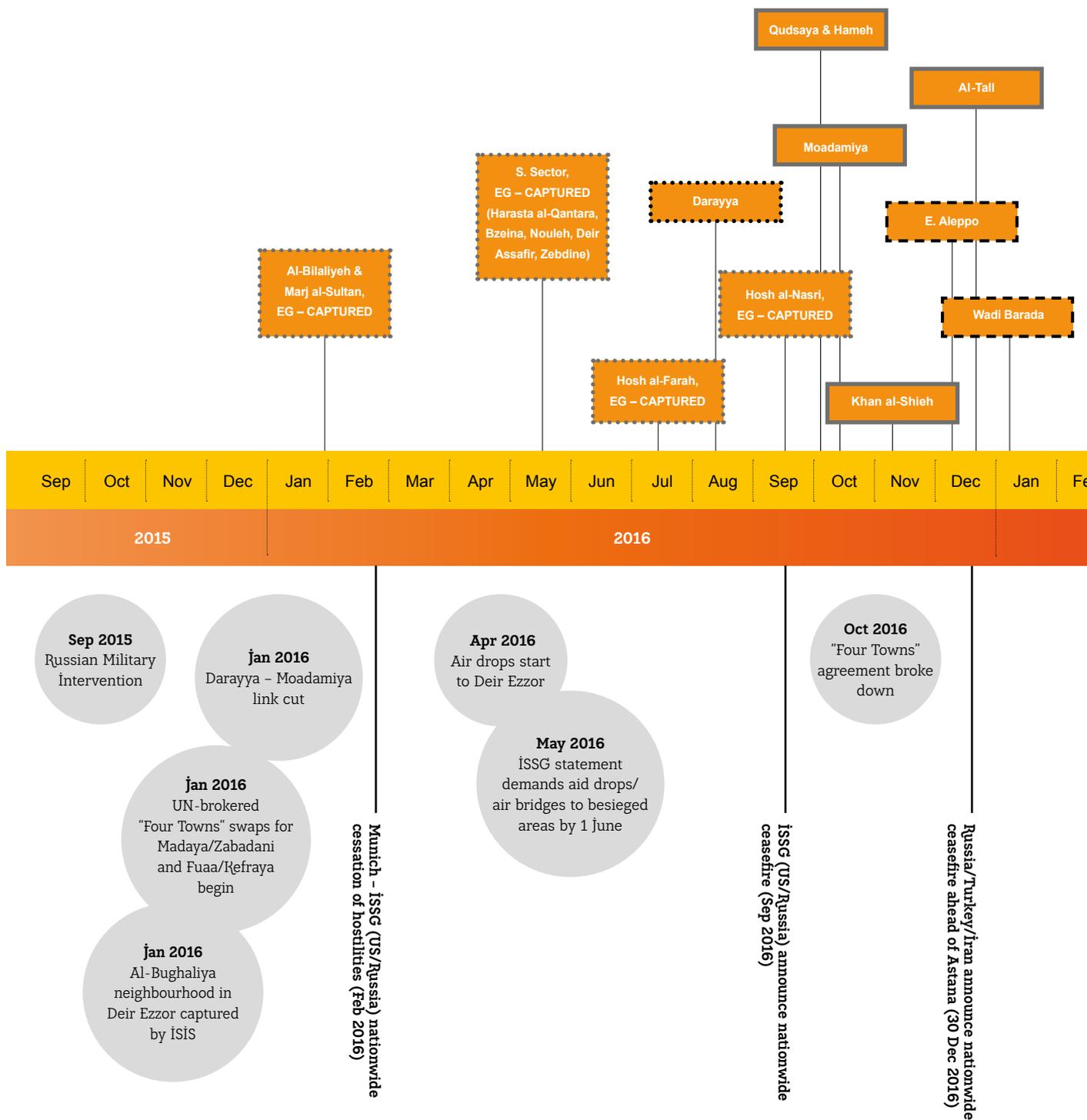


This Siege Watch classification and tier system was created as a simple tool to help stakeholders easily identify communities where civilians were at the most immediate risk, but the reality on the ground was always more complicated. In addition to the variations between sieges, each individual siege also changed over time, going through periods of escalation, de-escalation, and retrenchment due to evolutions of strategy and shifts in the domestic and international geopolitical landscapes. As a result, reality often challenged the limits of the project's classification system and blurred the lines between categories. For a more detailed look at individual sieges and how they developed, readers are encouraged to visit: <https://siegewatch.org/reports>.

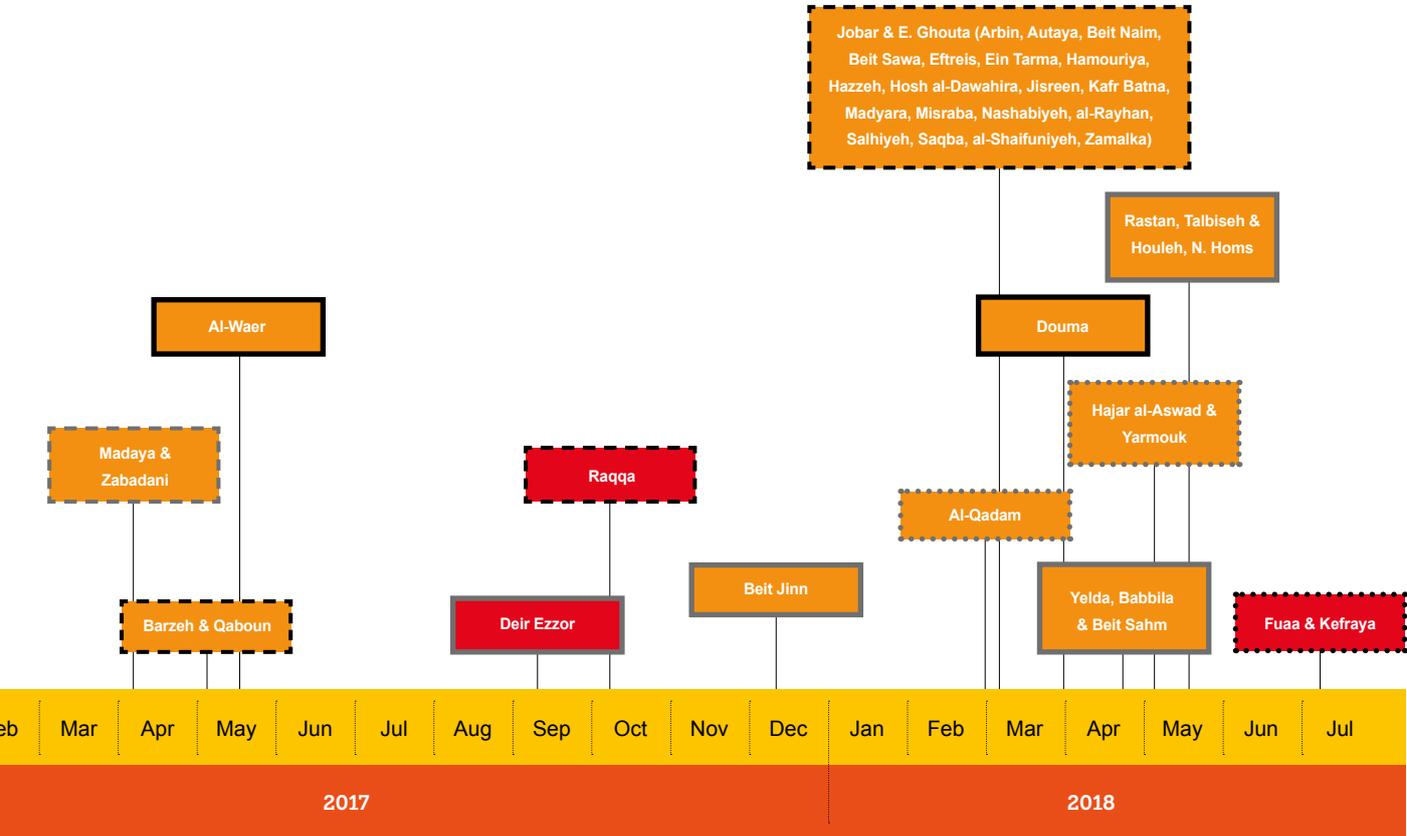
The Evolution of the Sieges

The Syrian conflict started with a siege when, in April 2011 after a month of unsuccessfully trying to quell the peaceful protests in Daraa, the military surrounded the city and cut it off from the outside world for 11 days of violence, detentions, and deprivation.² This brief siege of Daraa was a sign of things to come. The first long-term sieges started to develop in mid-2012, as checkpoints were strategically emplaced by government forces to regulate the flow of goods and people into and out of targeted opposition-controlled areas. By mid-2013, communities in Eastern Ghouta, the southern Damascus Suburbs, parts of Western Ghouta, the northern Homs countryside, and the Old City of Homs were completely cut off.

² Physicians for Human Rights, "Access Denied: UN Aid Deliveries to Syria's Besieged and Hard-to-Reach Areas," March 2017, <phr.org>.



Timeline showing the the end of sieges monitored by Siege Watch



Astana IV | (Russia/Turkey/Iran) announce a de-escalation zone agreement (May 2017)

Russia/US/Jordan announce ceasefire in S. Syria ahead of Astana V (July 2017)

Key

Box background colors

- Orange: Sieges by the Syrian government and its allies
- Red: Sieges by other actors (ISIS, AOGs, US-led Coalition)

Box outline colors

- Black: Siege ended with major scorched earth campaigns
- Grey: Siege ended with smaller offensive/attacks, negotiated surrender, fleeing ahead of advancing forces, or other

Box outline type

- Dotted: Completely depopulated under final surrender terms
- Dashed: Some neighborhoods or towns completely depopulated under final surrender terms, other still populated
- Solid: Significant population remaining after final surrender

Other symbols

- Grey circle: Notable events
- Abc: International ceasefire announcements

The start of long-term sieges in mid-2013 coincided with growing Iranian intervention in support of the Syrian government. Iranian advisors helped shape the strategy and Iran-backed militias played an important role in enforcing sieges from the start. As time went on, Russia's role in the sieges grew as it used its airpower to bomb besieged areas and protected the Syrian government at the UN and other international arenas. Russia also played a major role in spreading propaganda and disinformation designed to confuse the international narrative surrounding sieges, obscure war crimes such as chemical weapons attacks, and cast doubt on information coming out of besieged areas. During the final and bloodiest stage of the sieges in late 2017 into 2018, Russia took control, coordinating the coercive surrender negotiations, scorched earth campaigns, and final forced population transfers.

In the early years of the sieges, with the notable exception of the Old City of Homs in mid-2014,³ most of the government's sieges could be characterized as slow processes of attrition that Siege Watch referred to as "surrender or starve" campaigns, although they still saw significant intermittent escalations of violence. At least 560 civilians in besieged areas had died of non-military reasons such as malnutrition and lack of medical care as of January 2015.⁴ In many cases, especially in the larger enclaves like northern Homs and Eastern Ghouta, patronage networks emerged among government supporters in the military and business sectors to extract wealth from besieged areas.⁵ Parallel processes taking place in the distorted economic environments inside besieged enclaves led to the rise of local warlords and armed opposition group (AOG) infighting. People living under siege developed coping mechanisms such as burning plastic to extract oil derivatives, building advanced tunnel systems, and creating locally produced alternatives to basic medical supplies. By some measures, communities under multi-year sieges actually became more resilient over time as they built expertise in these methods of adjusting to the hardship.

This pattern changed in late 2015 with Russia's military intervention, which gave the Syrian government the military advantage it needed to finally capture besieged communities. The government and its allies launched a series of military campaigns to recapture besieged and semi-besieged enclaves through force and coercion, starting with a scorched earth campaign against Darayya that resulted in the destruction and complete depopulation of the city in August 2016. Darayya signaled the shift from the "**surrender or starve**" campaigns of attrition to a much more aggressive "**surrender or die**" approach aimed at quickly pushing besieged communities to the point of surrender and/or physical collapse.

At the national level, the government's new "surrender or die" approach followed a pattern of major and minor offensives. During the major offensives carried out against key strategic targets like Darayya, Eastern Aleppo, or Eastern Ghouta, the government and its allies would first acutely tighten the siege to weaken the trapped population and then launch a final devastating scorched earth offensive. These final offensives involved the intensive targeting of civilians and civilian infrastructure, and the use of banned or indiscriminate weapons such as chemical weapons, cluster

3 See: PAX & TSI, "No Return to Homs: A Case Study on Demographic Engineering in Syria," February 2017 <www.paxforpeace.nl>.

4 Syrian American Medical Society (SAMS), "Slow Death: Life and Death in Syrian Communities Under Siege," March 2015, <www.sams-usa.net>.

5 Further reading: PAX & TSI, "Siege Watch First Quarterly Report on Besieged Areas in Syria," February 2016, <siegewatch.org>; Will Todman, "Sieges in Syria: Profiteering from Misery," Middle East Institute, June 2016, <www.mei.edu>; Youssef Sadaki, "The Siege Economy of Eastern Ghouta," The Atlantic Council, 23 March 2016, <www.atlanticcouncil.org>.

bombs, and incendiary munitions. These major offensives were used to send a clear message to smaller, weaker besieged enclaves that continued resistance was futile. Accordingly, in the aftermath of each major scorched earth campaign a series of besieged and Watchlist enclaves surrendered to the government and its allies with the application of significantly less force, generally a brief but acute intensification of siege conditions accompanied by a volley of attacks when surrender negotiations stalled. During the coercive ‘negotiations’ – usually led by Russian or Iranian officials – targeted communities were explicitly threatened that they would be the next Darayya, or Eastern Aleppo, or Eastern Ghouta, if they did not concede completely to the government’s demands. Notably, many of the communities in this latter group had enjoyed years of relative stability and calm under longstanding truces with the government, right up until escalations that led to their surrender.

Darayya signaled the shift from
“surrender or starve” campaigns of
attrition to a much more aggressive
“surrender or die” approach

In this manner, the Syrian government and its allies recaptured all besieged or semi-besieged areas within the space of two years. Almost every besieged and Watchlist community recaptured by the government and its allies was subjected to forced population transfers, a war crime, as a mandatory component of its surrender.⁶ Local negotiators and residents had no choice but to surrender to government terms, with no guarantees that the government or Russia would follow through on any promises made for civilian protection. In many cases, people’s fears of post-surrender persecution were warranted, as those remaining in formerly besieged communities have been subjected to human rights violations and abuses by pro-government forces, drawing little notice from the outside world.

Since late 2015, Siege Watch documented partial or full forced population transfers out of the following communities as part of their surrenders to government forces:

6 Note: Muhajja, a town in Daraa governorate, was the only government-besieged community monitored by Siege Watch that was not subjected to armed attacks or forced population transfers. You can read more about Muhajja in the Siege Watch “Sixth Quarterly Report on Besieged Areas in Syria: February-April 2017,” <siegewatch.org>.

Forced population transfers from besieged areas since 2015

Surrender Date	Community	Enclave & Governorate	Notes
2016			
AUG	Darayya	W. Ghouta, Rif Dimashq	Estimates range from 4,000-8,300 total forcibly transferred. The community was completely depopulated as a result.
OCT	Moadamiya	W. Ghouta, Rif Dimashq	Estimated 3,000 people forcibly transferred.
OCT	Qudsaya & al-Hameh	Rif Dimashq	Watchlist community - situation escalated to fully besieged and surrender too quickly for classification shift. Estimated 1,000-2,000 people forcibly transferred.
NOV	Khan al-Shieh	W. Ghouta, Rif Dimashq	Watchlist community - situation escalated to fully besieged and surrender too quickly for classification shift. Several thousand forcibly transferred.
DEC	Al-Tall		Watchlist community - situation escalated to fully besieged and surrender too quickly for classification shift. Estimated 1,000-2,000 people forcibly transferred.
DEC	Eastern Aleppo City	Aleppo	An estimated 45,000 people were forcibly transferred.
2017			
JAN	Wadi Barada	Rif Dimashq	Watchlist community - situation escalated to fully besieged and surrender too quickly for classification shift. Estimated 2,100 forcibly displaced.
MAR-MAY	Al-Waer	Homs City, Homs	Estimated that more than 20,000 people forcibly displaced.
APR	Madaya & Zabadani	Rif Dimashq	Estimated 3,700 forcibly displaced.
MAY	Barzeh & Qaboun	Damascus City, Damascus	Estimated more than 5,600 forcibly displaced.
DEC	Beit Jinn	Rif Dimashq	Watchlist community - situation escalated to fully besieged and surrender too quickly for classification shift. Estimated 270 forcibly displaced.
2018			
MAR	Al-Qadam	S. Damascus Suburbs, Rif Dimashq	Approximately 1,351 forcibly displaced. The neighborhood was almost entirely depopulated.
MAR	Harasta	E. Ghouta, Rif Dimashq	Approximately 5,250 forcibly displaced.
MAR	Jobar, Arbin, Ein Tarma & Zamalka	E. Ghouta, Rif Dimashq (Jobar is part of Damascus City)	More than 41,000 people forcibly displaced. Convoys departed from listed communities but included IDPs from all parts of E. Ghouta: including Autaya,

			Beit Naim, Beit Sawa, al-Bilaliyeh, Bzeina, Deir Assafir, Eftreis, Hamouriya, Harasta al-Qantara, Hazzeh, Hosh al-Dawahirah, Hosh al-Fara, Hosh Nasri, Jisreen, Kafr Batna, Madeira, Marj al-Sultan, Misraba, Nashabiyeh, Nouleh, Al-Rayhan, al-Salhiyeh Saqba, Al-Shaifuniya, and Zebdine. Some of these communities were left completely depopulated.
APR	Douma	E. Ghouta, Rif Dimashq	Approximately 20,000 forcibly displaced.
APR	Yelda, Babbila & Beit Sahm	S. Damascus Suburbs, Rif Dimashq	Approximately 9,250 forcibly displaced, including displaced persons from Yarmouk and Hajar al-Aswad. Yarmouk was almost entirely depopulated.
MAY	Talbiseh, al-Rastan & al-Houleh	N. Rural Homs, Homs	Approximately 35,650 forcibly displaced.
MAY	Yarmouk & Hajar al-Aswad	S. Damascus Suburbs, Yarmouk is part of Damascus City, and Hajar al-Aswad is in Rif Dimashq	The government made a deal with ISIS to evacuate approximately 1,200 of its fighters to the Badiya area of southern Syria, and transfer approximately 600 of their civilian family members to Idlib.

In total, Siege Watch reporting documented the forced population transfers of more than 200,000 people. This estimate does not include forced transfers from besieged areas such as the Old City of Homs that took place before the project began, or the countless others who fled final offensives on foot. The majority of the people forcibly displaced from these communities were civilians, who were put on government buses and deported from their homes to Idlib and Aleppo governorates along with opposition fighters. Given their large-scale and systematic nature, these forcible transfers amount to crimes against humanity.

Two communities besieged by AOGs, Fuaa and Kefraya, were also subjected to forced population transfers in July 2018. In these transfers, which left the towns completely depopulated, around 7,000 remaining civilians and pro-government fighters were transferred to government-controlled Aleppo city. People living in Deir Ezzor city, which was under government control and besieged primarily by ISIS, were not forcibly transferred when the siege was broken. In al-Raqqa, the only city besieged by the US-led Coalition and its Syrian Democratic Forces (SDF) partners, there were no forced population transfers when the city was finally captured from ISIS, but it was left largely depopulated and destroyed.

2. The International Response

The international response to the sieges failed to alleviate civilian suffering or stem atrocities being committed against besieged populations. International players denounced the sieges in strongly worded statements and passed UNSC resolutions, but lacked the will to implement or enforce their demands. This led to a steady degradation of the value of their words over time and emboldened siege perpetrators. The only times when there was any real political will related to the sieges, it was focused not on ending the sieges but on delivering aid convoys, a Sisyphean endeavor that – even when it succeeded – was never enough to meet the needs of the population. As the situation on the ground in besieged areas evolved and worsened, the international response essentially remained unchanged, even when it was clearly ineffective.

UN Efforts

UN Security Council – The UNSC was slow to recognize the severity of Syria’s sieges. The first UNSC resolution to address them was Resolution 2139 (2014), which called upon all parties “to immediately lift the sieges of populated areas,” and demanded that medical supplies be allowed in and attacks on schools and hospitals cease, threatening further steps in the case of non-compliance. While the UNSG said that the resolution left “no room for interpretation or further negotiation of access,” in practice it was ignored by all parties on the ground.⁷ Access negotiations continued without pause, and instead of “further steps” towards enforcement to address the non-compliance, the UNSC went on to pass with a series of additional resolutions making similar demands: 2165 (2014), 2191 (2014), 2254 (2015), 2258 (2015), 2268 (2016), 2332 (2016), 2393 (2017), and 2401 (2018). It also failed to take action regarding the continued use of chemical weapons in besieged areas.

From the time the long-term sieges began in 2013 until they ended in 2018, Russia – an active participant in the sieges – used its veto power 12 times to block resolutions and repeatedly deterred more meaningful UNSC action. This gridlock meant that the UNSC failed to meet its mandated responsibilities with regards to the maintenance of peace and security. Its failure

7 UNSC, S/2014/295, “Implementation of Security Council resolution 2139 (2014) - Report of the Secretary General,” 23 April 2014, p. 11, <undocs.org>.

placed unreasonable pressure on humanitarian agencies to carry the burden of the UN siege response, despite the fact that their humanitarian mandate left them without the tools to do so.

UN Human Rights Council (UN HRC) – In August 2011 the HRC set up a Commission of Inquiry (CoI) to investigate and document violations of international law in Syria. The CoI's reporting consistently presented a more accurate reflection of the reality on the ground in besieged communities than that of UN OCHA. For example, in 2013 the CoI recognized the “prolonged siege” of al-Houleh villages in Homs, describing the effects of extreme malnutrition and the enclave’s devastated medical sector.⁸ By contrast, UN OCHA never recognized the siege of al-Houleh. The Syrian government has never allowed CoI investigators into the country.

UN General Assembly (UNGA) – In response to the UNSC gridlock, the UNGA has taken action to try and tackle issues of impunity and accountability in Syria. In December 2016, the UNGA created the International, Impartial and Independent Mechanism (IIIM) to document evidence of serious crimes committed during Syria’s war, in cooperation with Syrian civil society, member states, and other relevant actors. The IIIM’s effort to preserve and prepare evidence for eventual prosecutions is an important step towards the sort of justice that has thus far been elusive to Syrian siege victims.

Designation and Reporting

Siege Watch documented problems with the way that UN agencies reported on besieged areas throughout the course of the project. UN OCHA underreported the scope and scale of the siege crisis and failed to apply their classification criteria consistently and objectively, presenting a distorted view of the situation on the ground. Because UN OCHA’s data informed the UNSG’s mandated monthly reporting to the Security Council, it had a significant impact on how stakeholders responded – or failed to respond – to the crimes committed against civilians in besieged areas.

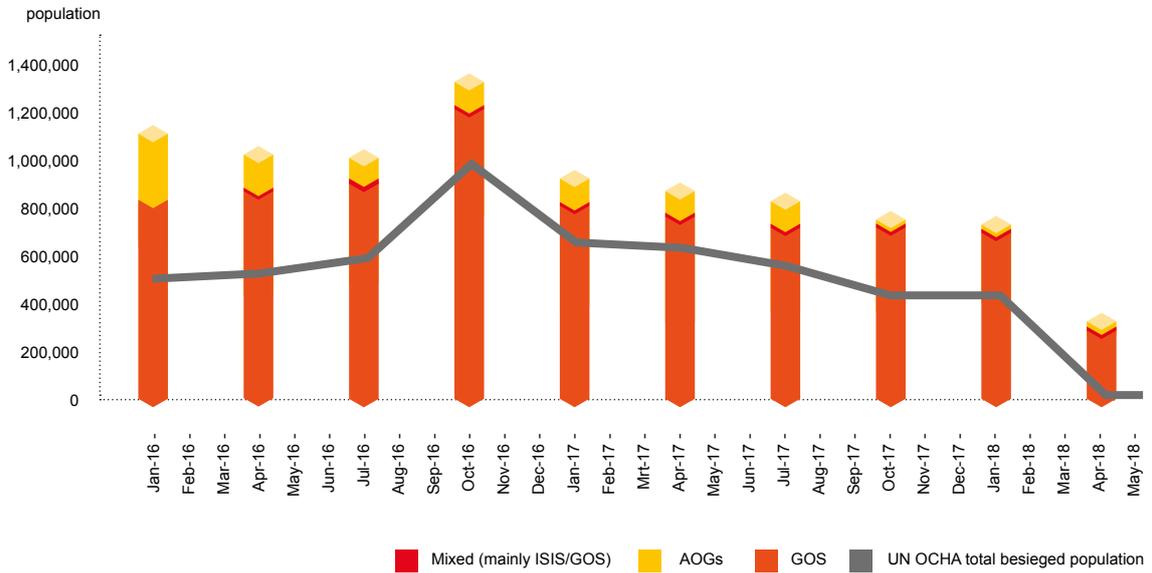
Missing Sieges – UN OCHA underreported the number of civilians living under siege and failed to recognize dozens of besieged communities that met their official definition. For example, for years UN OCHA only designated a handful of communities in the besieged Eastern Ghouta enclave as besieged. This created a number of reporting anomalies, such as the fact that for a full year, the UN did not recognize the siege of the town of Hazzeh even though it was completely surrounded by designated besieged communities (see map on next page).

When the first Siege Watch report was published, it identified nearly 1.1 million civilians under siege in almost 50 communities, compared to fewer than 400,000 in just 15 communities recognized by UN OCHA by the end of 2015.⁹ Siege Watch reporting helped put pressure on UN OCHA to address its reporting issues, and after an internal review in October 2016 they finally designated a number of communities in Rural Damascus as besieged for the first

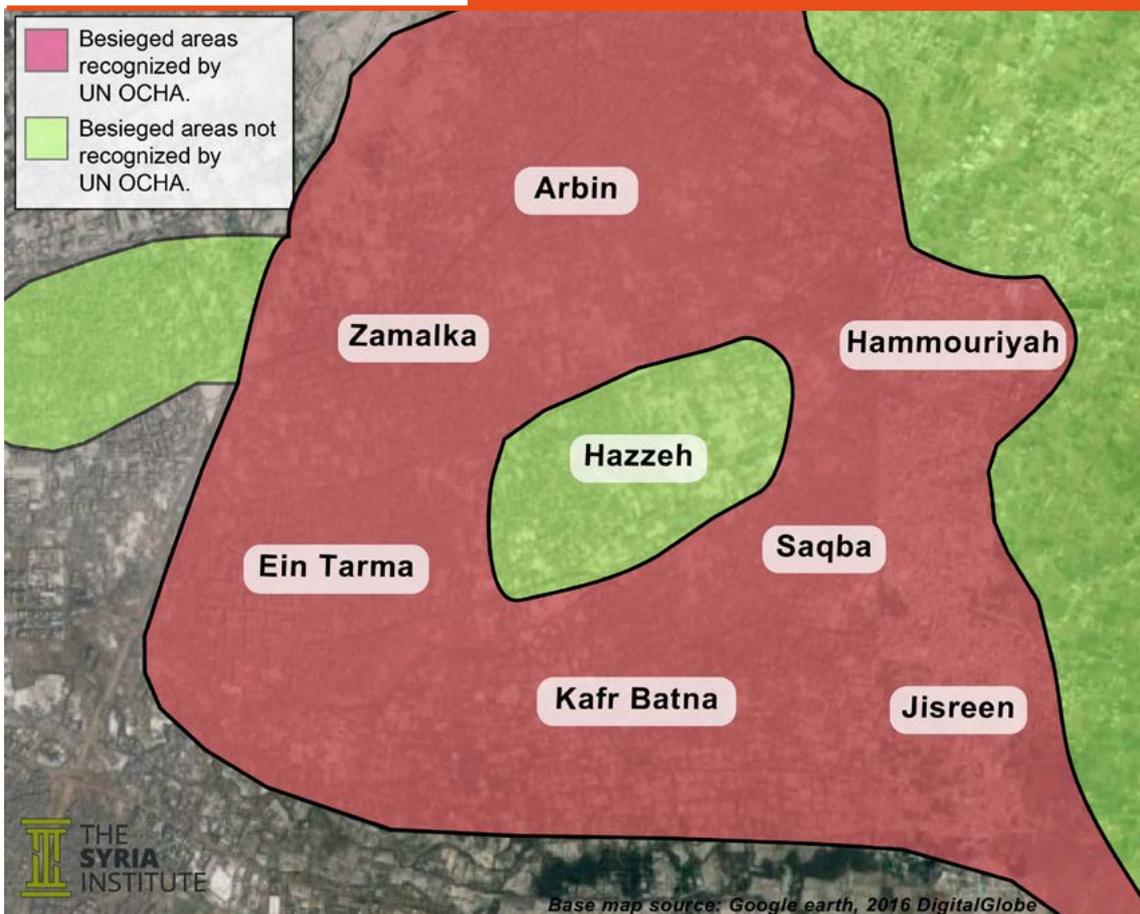
⁸ OHCHR, “Report of the Independent International Commission of Inquiry on the Syrian Arab Republic (A/HRC/23/58),” 4 June 2013, p. 22, <www.ohchr.org>.

⁹ UNSC, “Report of the Secretary-General on the implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015),” S/2016/60, 21 January 2016, <undocs.org>; PAX & TSI, “Siege Watch First Quarterly Report on Besieged Areas in Syria.”

Siege Watch vs UN OCHA besieged population data



Map of Hazzeh, 2016



time,¹⁰ in line with Siege Watch recommendations. While that brought the UN OCHA population estimates to their highest point ever, the gap between OCHA and Siege Watch figures never closed completely due to the lack of UN recognition of the besieged communities in northern Homs.

Designations Decisions – Decisions to add or remove communities from the UN's official besieged list were often inconsistent with developments on the ground and, were presented without clear justification. When abnormalities in the OCHA designations occurred, they consistently appeared to represent a bias against recognizing the full extent of the Syrian government's sieges. For example, the government-besieged community of Yarmouk was abruptly removed from the UN's besieged list in April 2015 despite the fact that the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) could not access the area and conditions remained severe.

The premature removal of government-besieged areas from the UN list after local truces were announced represented a specific type of designation problem. Local truce deals negotiated by the government and its allies were not the same thing as the end of a siege. Even in cases where violent attacks ceased, humanitarian access and civilian movement remained restricted, and living conditions often failed to improve – or even worsened – following truce implementation.¹¹ Despite the fact that the sieges remained in place, UN OCHA quickly and prematurely delisted a number of besieged communities as a result of the announcement of these deals. For example, Moadamiya was removed from UN OCHA's besieged list in the fall of 2014 after a local truce agreement was reached. But the city remained under siege and humanitarian conditions declined so much that, despite the fact that the truce deal never formally ended, the UN was forced to re-designate Moadamiya as besieged in January 2016.

Political Bias – UN OCHA repeatedly demonstrated a reluctance to correct their information on besieged communities after it was demonstrated to be inaccurate, illogical, or internally inconsistent. The fact that the UN OCHA office in Damascus was allowed to determine what data was included in the monthly UNSG report to the UNSC helps explain why this might have been the case. The Syrian government exerts undue influence over UN offices in Damascus because they rely on the government for permission to remain in the country, to issue visas for key staff, and to approve each specific operation they want to carry out. The significant leverage that the government has over UN agency offices in Damascus harms their ability to make decisions that are consistent with the core humanitarian principles of neutrality, impartiality, and operational independence.¹²

Response to Forced Surrenders

The UN had difficulty developing an effective response to the surrender agreements and forced population transfers imposed on besieged communities by the government

10 UNSC, S/2016/962, "Implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015) Report of the Secretary General," 15 November 2016, <undocs.org>.

11 For examples see: SAMS, "Slow Death: Life and Death in Syrian Communities Under Siege," p. 36; Omran Center for Strategic Studies, "Cease Fire Agreements in Syria and their Effectiveness: A Public Opinion Poll," 30 Sept. 2014, <www.omrandirasat.org>; Samer Araabi & Leila Hilal, "Reconciliation, Reward and Revenge," Berghof Foundation, 2016, <www.berghof-foundation.org>

12 UN OCHA, "OCHA on Message: Humanitarian Principles," Version 1, April 2010, <www.unocha.org>.

and its allies. UN agencies received intense criticism for their role in facilitating the forced displacement of civilians and fighters from the Old City of Homs in 2014, during which men in the displacement convoys disappeared during government questioning.¹³ Following this incident, UN actors became reluctant to take on, or acknowledge, roles in subsequent forced surrender negotiations, publicly denying any involvement. Indeed during the August-October 2016 reporting period, Siege Watch contacts in Moadamiya, Darayya, al-Waer, al-Hameh, and Qudsaya all said that their requests for UN oversight of surrender negotiations and/or forced population transfers were rebuffed or ignored. When an interim agreement was reached for al-Waer in 2016, UN officials refused to monitor the forced population transfers, saying that they “only get involved in evacuation operations when requested by all parties.”¹⁴

Despite UN denials and stated policy,¹⁵ behind the scenes some UN officials actually did get involved in certain surrender negotiations. For example in June 2016, local negotiators for al-Waer said that they were visited by a team of UN officials – including UN Special Envoy Spokeswoman Khawla Matar and UN Humanitarian Coordinator Yacoub al-Hillo – who pressured them to surrender to government demands, including forced population transfers.¹⁶ Siege Watch contacts have described similar unacknowledged UN participation in other final surrender negotiations, such as those in Douma in 2018.

UN Humanitarian Aid

The UN's humanitarian agencies struggled to gain access to Syria's besieged communities. Requests to deliver aid made by the UN OCHA hub in Damascus were regularly denied or ignored by the Syrian government. Even when they were approved on paper, convoys were often still prevented from proceeding due to bureaucratic or physical obstruction by the government. On the rare occasions when humanitarian aid convoys were allowed to reach besieged communities, their supplies were often tampered with or stolen by government forces during “inspections” at checkpoints before they were allowed to proceed, and the majority of medical supplies were regularly removed from the trucks. Reports suggest that the misappropriation of UN humanitarian aid by government forces was even worse in the Deir Ezzor airdrops, where government forces controlled access to the collection site and exerted significant influence over the local Syrian Arab Red Crescent (SARC) branch.

The nature of the UN's aid approval system was problematic in the siege context, as it allowed the Syrian government to control the delivery to communities where the denial of such assistance was a central pillar of its military strategy. The system gave the government significant leverage to manipulate UN aid in support of its military goals. In an effort to empower humanitarian actors to address this issue, UNSC Resolution 2165 (2014) broke new ground by authorizing UN agencies to deliver both cross-border and cross-line humanitarian aid to Syrians in need through

13 PAX & TSI, “No Return to Homs: A Case Study on Demographic Engineering in Syria.”

14 Bahira al-Zarier, Osama Abu Zeid, Orion Wilcox, and Sama Mohammed, “UN declines to monitor Waer evacuation: ‘We only get involved when requested by all parties,’” Syria Direct, 22 September 2016, <www.syriadirect.org>.

15 “Staffan de Mistura Special Envoy for Syria and Jan Egeland UN Senior Advisor Stakeout after the HTF Meeting,” 20 April 2017, <www.unog.ch>.

16 PAX & TSI, “Siege Watch Third Quarterly Report on Besieged Areas in Syria May - July 2016,” September 2016, p. 38, <siegewatch.org>. Samer Araabi & Leila Hilal, “Reconciliation, Reward and Revenge,” p. 16.

the most direct route, after providing notification to Syrian authorities rather than seeking their approval. Despite a Syrian government warning that it would consider such deliveries to be an attack on the country,¹⁷ UN agencies acted quickly to exercise their newly granted authority across borders, sending the first aid convoy into the country without government consent just ten days after the Resolution was passed.¹⁸ The agencies never attempted to exercise this same authority with cross-line aid deliveries of the sort that would be required to reach besieged areas, raising questions about whether more effective steps could have been taken.

While recognizing that the failure of the UNSC and other political actors to address the sieges placed unfair pressure on humanitarian agencies, there were still serious problems in the humanitarian response that must be addressed. UN agencies based in Damascus refused to address the misappropriation of aid supplies or to take steps to reform the problematic aid convoy approval process in any way that might anger the Syrian government. Instead of being transparent about the challenges and dilemmas they faced, these agencies chose to present selective data on their relief efforts. They failed to evaluate the role that their processes and their relationships with the Syrian government might have played in reinforcing the dynamics of the sieges and enabling the perpetrators. This had a devastating impact on besieged communities and damaged their trust in the agencies involved.

Multilateral Initiatives

With UNSC action obstructed by Russia, state actors and international coalitions made several attempts to address the sieges through multilateral agreements, but all such initiatives were ineffective and short lived because they lacked enforcement mechanisms and because they often relied on an unrealistic expectation that Russia would act in good faith. The repeated failure of powerful international stakeholders to enforce agreements or hold violators accountable, combined with a continued willingness to enter into subsequent agreements with guarantors who repeatedly failed to uphold their commitments, signaled to perpetrators that such deals could be easily ignored and manipulated.

International Syria Support Group (ISSG) – In February 2016, the ISSG – an international working group co-chaired by the US and Russia – called for a nationwide “Cessation of Hostilities” (CoH) and demanded that aid be allowed to reach besieged areas. The CoH led to a dramatic initial drop in violence across the country, but its deterrent effect eroded quickly due to a lack of monitoring and enforcement. Deir Ezzor city – a government-controlled area besieged primarily by ISIS – was the only besieged community that experienced significant humanitarian improvements as a result of the ISSG’s aid demands, because the government allowed the World Food Program (WFP) to begin regular aid airdrops to the city while continuing to deny access to other besieged areas. As a result of this continued obstruction, on 17 May the ISSG issued an unprecedented demand, that: “Starting June 1, if the UN is denied humanitarian access to any of the designated besieged areas, the ISSG calls on the WFP to immediately carry out a program for air bridges and air drops for all areas in need.”¹⁹ This ISSG statement

17 Michelle Nichols, “Exclusive: Syria warns U.N. - aid delivery without consent is an attack,” Reuters, 20 June 2014, <www.reuters.com>.

18 Michelle Nichols, “First U.N. aid convoy enters Syria without government consent,” 24 July 2014, <www.reuters.com>.

19 US Department of State, “Statement of the International Syria Support Group,” May 17, 2016, <www.state.gov>..

was the first by any actor, in over three years of sieges, to delineate a clear consequence for the government's refusal to allow aid to reach besieged civilians. As a result of the political pressure created by this statement, UN OCHA was able to negotiate the delivery of at least one aid convoy to each designated besieged community. Because UN OCHA's list of besieged communities was incomplete, half a million people in nearly 30 unrecognized besieged communities were left out of this push send in aid. The perceived inequity sparked resentment and anger towards the UN in undesigned besieged communities.

The ISSG's 1 June deadline provided a rare example of how international actors might more effectively pressure the Syrian government on the issue of its sieges. At the same time, it also demonstrated the folly of focusing on aid delivery without accompanying political action, and the need for political will to be maintained in order to be effective. The one-off partial aid deliveries precipitated by the 1 June deadline were lauded as a success despite the fact that subsequent deliveries were denied and access remained restricted. There were no consequences for the government for this continued obstruction, and no call for the WFP to initiate airdrops to any community besides Deir Ezzor.

The "de-escalation zone" initiative ultimately served to support the government's siege strategy by facilitating the sequential scorched earth campaigns and final forced surrender deals.

For one community in particular, the ISSG's singular emphasis delivering aid, detached from any accompanying political guarantees, proved deadly. When the Syrian government was forced to allow aid into Darayya for the first time ever on June 1 and 10, 2016, it responded by punishing the city. At the same time as the aid convoy to Darayya was being celebrated as a success by international actors the government launched a heavy wave of barrel bomb attacks that pinned residents underground and prevented distribution of the supplies. The aid convoy was ultimately the trigger for the government's final scorched earth offensive against Darayya, resulting in its decimation and complete depopulation. UNSG Ban Ki-moon noted that Darayya's

fate showed that: “the situation for people in besieged areas will not be resolved by delivering humanitarian aid... Besiegement is not a natural or necessary consequence of conflict; it is a deliberate policy of parties, and one that can be undone if the political will to do so can be mustered.”²⁰ Darayya represented an extreme example of the futility, and irresponsibility, of substituting aid for political action.

“De-escalation Zones” – In May 2017, Russia, Iran, and Turkey announced that they had reached an agreement to create four “de-escalation zones” in Syria, two of which would cover the besieged enclaves of Eastern Ghouta and northern Homs. This initiative, engineered by Russia, was actually a military strategy masquerading as a peace plan. The “de-escalation zones” allowed the government and its allies to put frontlines on hold while they concentrated their military assets in one area at a time, attacking each of the “de-escalation zones” in turn. Because it was branded as a peace plan and some of the zones initially appeared to hold, the initiative gave the government and its allies cover to proceed, with little international blowback. The “de-escalation zone” initiative supported the government’s siege strategy by facilitating the sequential scorched earth campaigns and final forced surrender deals. The fact that the Syrian government and its allies felt free to manipulate this multilateral agreement so boldly is an example of the danger of allowing actors to violate repeated international agreements with impunity.

Donor Support

Unlike the UN, some international humanitarian organizations, foreign government aid agencies, and Syrian Non-Governmental Organisations (NGOs) abroad were willing to defy the government’s prohibitions to get desperately needed support to besieged civilians. Much of their support entered in the form of smuggled goods and hawala financial transfers using middlemen. Anecdotal evidence gleaned during Siege Watch data collection efforts indicated that in the larger besieged enclaves of Eastern Ghouta and the northern Homs countryside, this critical support from private and foreign government donors declined over time, driven by both local and geopolitical factors. On the local end, there were instances where donors ended their support due to misuse of funds or interference by armed groups.²¹ On the international side, support faded due to donor fatigue, cuts in support to the Syrian opposition’s interim government, and realignments in donor priorities. Shifts in the political and military landscape led some donors to conclude that the Syrian government would inevitably reassert control over besieged areas, so their ongoing support to civil society organizations was pointless or would harm their ability to work in government controlled areas in the future. The declining support harmed civilians and hastened the violent capture of besieged areas by draining local council leaders of their capacity and legitimacy, depriving civilians of critically-needed care and services, and weakening civil actors relative to armed actors.

20 UNSC, S/2016/546, “Implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014) and 2258 (2015) Report of the Secretary General,” 17 June 2016. <undocs.org>.

21 Examples include Chemonics’ suspension of support for the Homs Provincial Council in June 2016 (Syria Direct, “After suspension of USAID project, 250,000 in north Homs without water subsidies,” <syriadirect.org>), and the end of MSF support for the primary hospital in Yelda in early 2017 (Siege Watch, “Eighth Quarterly Report on Besieged Areas in Syria August – October 2017,” p. 34 <siegewatch.org>).

3. Violations of International Law

The use of sieges against military adversaries is not necessarily prohibited under international law, but the way that sieges were conducted in Syria involved the violation of a range of international humanitarian law (IHL) rules, including prohibitions on restricting civilian access to essential items necessary for survival, blocking humanitarian assistance and medical care, and launching attacks on civilians. All besieging parties in Syria violated some or all of these rules. In the sieges conducted by the government and its allies, civilians were their primary targets, as demonstrated by tactics such as: refusing to allow supplies with no military value such as baby milk and treatments for chronic diseases onto humanitarian aid convoys, denying requests for civilian medical evacuations, the targeted destruction of non-militarized civilian structures, and the continued restrictions on civilians in post-siege areas after the end of the sieges. All of the above tactics used by the government against besieged civilians were part of a campaign of collective punishment, which is also forbidden under IHL, popularly known as the laws of war.²²

While Syria is not a party to Additional Protocol II of the Geneva Conventions that deals with the protection of victims of non-international conflicts, it is obligated to adhere to the limited list of protections in Common Article 3 of the Geneva Conventions and other relevant rules of customary IHL.²³ Many of the IHL violations committed against besieged populations in Syria amounted to war crimes, and – as part of a widespread and systematic strategy – some of the war crimes by the government and its allies rose to the level of crimes against humanity.²⁴

In addition to IHL, the sieges in Syria also violated several rules of international human rights law such as the rights to essential medicine, adequate food, and freedom of movement,²⁵ and prohibitions on cruel, inhumane, and degrading treatment.²⁶ Syria is party to a number of international human rights treaties which its sieges violated, including: the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child, International Convention on the Elimination of All Forms of Racial Discrimination, and Convention on the Elimination of all Forms of Discrimination Against Women.

22 Its prohibition is stated in the Hague Regulations and the Third and Fourth Geneva Conventions, and is recognized as a fundamental guarantee for civilians in the Additional Protocols II and I. For more information see International Committee of the Red Cross (ICRC), Customary IHL Database, Rules 103 and 53, Accessed: January 2019 <www.icrc.org>.

23 ICRC, Customary IHL Database, Geneva Convention (IV), Art. 3, Accessed: January 2019, <www.icrc.org>.

24 Amnesty International, "Syria: 'We Leave or we Die': Forced Displacement Under Syria's 'Reconciliation' Agreements," 13 November 2017, <www.amnesty.org>.

25 UN, "International Covenant on Civil and Political Rights," entry into force March 1976, Art. 12, <treaties.un.org>; UN, "International Covenant on Economic Social and Cultural Rights," entry into force January 1976, Art 11, <treaties.un.org>.

26 UN, "International Covenant on Civil and Political Rights," Art. 7.

Humanitarian Access

Blocking humanitarian aid – The denial or restrictions of food and medical supplies to civilians taking no part in the hostilities – a central component of the siege strategies employed in Syria – is a violation of customary IHL.²⁷ Under customary IHL, “parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need,” and they may not impede the provision of assistance or arbitrarily withhold consent.²⁸ There was rampant violation of these rules by all parties that imposed sieges in Syria, including the US and its Kurdish SDF allies, AOGs, ISIS, and Hayat Tahrir al-Sham (HTS), in addition to the government and its allies. The Syrian government and its allies still continue to violate these rules today through their ongoing restrictions on access to post-surrender communities.

Denial of medical care – Common Article 3 of the Geneva Conventions requires that the sick and wounded be cared for. The specific blocking of medical supplies, which the Syrian government did by denying requests to deliver medical supplies and repeatedly removing all or part of life-saving medical supplies when they were included in aid convoys, is also in and of itself a violation of IHL.²⁹ The right to primary health care and medicine is also enshrined in international human rights law.³⁰

Starvation – Hundreds of Syrian civilians died of malnutrition and thousands more of related maladies in areas besieged by the Syrian government and its allies.³¹ Nearly all documented cases of starvation were in areas besieged by the government. Starvation of civilians as a method of combat is prohibited under customary IHL.³² In addition to preventing the delivery of assistance, the Syrian government and its allies systematically attacked objects that enabled some local production of goods that were indispensable for the survival of besieged populations including crops, water sources, and food warehouses. The targeting of water wells and cars headed to collect river water was also documented during the final siege and scorched earth campaign conducted by the SDF and US-led Coalition forces against ISIS in al-Raqqah city.³³

Forced Population Transfers

Siege Watch documented the systematic, large-scale forced transfers of civilians from besieged areas as part of the Syrian government’s surrender conditions, in clear violation of international law. In the UN Col’s report on the destruction of eastern Aleppo, it confirmed that the forced displacements there constituted war crimes.³⁴ Such transfers are prohibited

27 ICRC, Customary IHL Database, Rule 53, <www.icrc.org>, and Rule 55, <www.icrc.org>.

28 ICRC, Customary International Humanitarian Law, Rule 55, Accessed: January 2019, <www.icrc.org>.

29 OHCHR legal note, “International Humanitarian Law and Human Rights Law Relevant to Siege Warfare.”

30 UN, “International Covenant on Economic Social and Cultural Rights,” Art. 12.

31 SAMS, “Slow Death: Life and Death in Syrian Communities Under Siege.”

32 Syria Legal Network-NL, “Ten Legal Questions: The war in Syria explained in the framework of international law,” May 2018, <www.syrialegalnetwork.nl>;

ICRC, Customary IHL database, Rule 53.

33 ICRC, Customary IHL database, Rule 54, Accessed: January 2019, <www.icrc.org>.

34 UNGA Human Rights Council, “Report of the Independent International Commission of Inquiry on the Syrian Arab Republic,” A/HRC/34/642, para. 93, February 2017, <www.ohchr.org>.

under customary IHL.³⁵ Additionally, the Rome Statute explicitly names “deportation or forcible transfer” of a civilian population as a crime against humanity when committed as part of a widespread or systematic manner,³⁶ a finding affirmed in practice in criminal tribunals for Yugoslavia, Rwanda, and Sierra Leone.³⁷

Under customary IHL, there is an exception to the prohibition on the forced transfer of civilians in cases where “the security of the civilians involved or imperative military reasons so demand.”³⁸ This exception is not applicable to the cases of forced transfer of besieged civilians in Syria, because it does not cover coerced population transfers where the persecution of the population is itself the goal.³⁹ Acts like bombardment, targeting of critical infrastructure, and other forms of duress and violence are all examples of coercive measures that render ‘voluntary’ displacement impossible, because civilians have no choice but to surrender to displacement or die.⁴⁰ IHL also states that when forced displacements are made, they must be temporary, families should not be separated, and the displaced population must be met with satisfactory humanitarian conditions upon their arrival.⁴¹ As demonstrated by the Siege Watch reporting, particularly the harrowing conditions of the forced displacements from Eastern Ghouta, these requirements were often unmet.

Attacks

Indiscriminate Attacks and the Use of Explosive Weapons in Populated Areas –

The distinction principle of IHL demands that parties to an armed conflict distinguish between civilians and combatants as well as between civilian objects and military objectives when launching attacks.⁴² Indiscriminate attacks include: attacks that are not directed at a specific military objective; that employ a method or means of combat which cannot be directed at a specific military objective; or those that employ a method or means of combat the effects of which cannot be limited as required by IHL.⁴³ These types of attacks breach the principle of distinction and are unlawful. IHL expressly prohibits two specific types of indiscriminate attacks: those that treat “a number of clearly separated and distinct objectives located in a concentration of civilians or civilian objects” as a single military target, and those that violate the principle of proportionality.⁴⁴ The International Committee of the Red Cross (ICRC) advocates that explosive weapons with a wide impact area should never be used in densely populated areas due to the indiscriminate effects, despite the absence of an express legal prohibition against specific types of weapons.⁴⁵

35 ICRC, Customary IHL Database, Rule 129, Accessed: January 2019 - https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule129 <www.icrc.org>.

36 Rome Statute of the International Criminal Court (Rome Statute), Art. 7, Entered into force: July 2002, <www.icc-cpi.int>.

37 OHCHR legal note, “Transfer of the Civilian Population in International Law - January 2017,” <www.humanitarianresponse.info>.

38 OHCHR legal note, “Transfer of the Civilian Population in International Law.”

39 ICRC, Customary IHL Database, Rule 129, Accessed: January 2019, <www.icrc.org>.

40 Syria Legal Network-NL, “Ten Legal Questions.”

41 OHCHR Legal Note, “Transfer of the Civilian Population in International Law.”

42 ICRC, Customary IHL Database, Rules 1 and 7, Accessed: January 2019, <www.icrc.org>.

43 ICRC, Customary International Humanitarian Law (IHL) Database, Rule 12, Accessed: January 2019, <www.icrc.org>.

44 The principle of proportionality dictates that any foreseeable civilian harm needs to be justified by the expected military advantage of the attack, see: ICRC, Customary IHL Database, Rule 14, <www.icrc.org>.

45 ICRC, “Protection of civilians in armed conflict,” Statement by Ms. Christine Beerli to the UN Security Council, 25 May 2017, <www.icrc.org>.

In every siege monitored by Siege Watch, the besieging parties carried out attacks in populated areas that appeared to be indiscriminate, and therefore in violation of IHL. The widespread use of indiscriminate weapons and explosive weapons with wide area effects during scorched earth campaigns against besieged areas - such as those carried out by the SDF and US-led Coalition against al-Raqqa city and the Syrian government and its allies against places like Eastern Aleppo - left large parts of these communities in ruins, some with upwards of 90% infrastructure destroyed. This high level of destruction of whole neighborhoods is indicative of the indiscriminate nature of the attacks.

Indiscriminate Weapons – As mentioned above, the use of certain weapons is also limited under IHL by rules of distinction and proportionality. Some weapons are considered indiscriminate by nature because their effects cannot be limited to specific military targets. The use of these weapons is prohibited under customary IHL.⁴⁶ Many weapons used against besieged communities fall into this category, notably chemical weapons, the use of which is clearly prohibited under customary IHL and the “Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.” Syria acceded to this convention in 2013 as part of the deal reached between Russia and the US to prevent US military retaliation following the Syrian government’s murder of nearly 1,500 people around Damascus in sarin gas attacks. Despite this, the Syrian government continued to use chemical weapons in its attacks on besieged communities.

Cluster munitions as well as anti-personnel landmines also generally considered to fall into the indiscriminate category and have therefore been internationally banned;⁴⁷ yet they have been used frequently against besieged communities by the Syrian government and also by Russia.⁴⁸ There are a number of other weapons used by the government and its allies that might conceivably be used in a discriminate manner if targeting isolated military installations, but which were intrinsically indiscriminate when deployed against populated besieged areas. These include: explosive weapons such as barrel bombs, vacuum bombs,⁴⁹ scud missiles and katyusha rockets,⁵⁰ and as incendiary munitions.⁵¹

Targeted Attacks – The intentional targeting of civilians and buildings dedicated to religion, education, art, medicine, science, as war crimes.⁵² The patterns and methods of the attacks against besieged communities by the government and its allies – particularly during scorched earth offensives – leave little doubt that civilians were intentionally targeted civilians. One example is the government’s use of surveillance drones to identify civilian targets to bomb in Eastern Ghouta.⁵³

46 OHCHR Legal Note, “Indiscriminate Attacks and Indiscriminate Weapons in International Humanitarian Law,” March 2016, <www.humanitarianresponse.info>.

47 See: “Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction,” Accessed: January 2019, <www.apminebanconvention.org>; “Convention on Cluster Munitions,” Accessed: January 2019, <www.clusterconvention.org>.

48 Eliot Higgins, “Cluster Bombs Used in Talbiseh, Homs, Match Type Seen at Russia’s Syrian Airbase,” Bellingcat, 8 February 2016, <www.bellingcat.com>; OHCHR Legal Note, “Indiscriminate Attacks and Indiscriminate Weapons in International Humanitarian Law.”

49 Torie Rose DeGhett “A New Kind of Bomb Is Being Used in Syria and It’s a Humanitarian Nightmare,” Vice News, 28 August 2015, <news.vice.com>.

50 ICRC, Customary IHL Database, Rule 71, Accessed: January 2019, <www.icrc.org>.

51 Evidence suggests that the US also used incendiary weapons, specifically white phosphorus, in attacks on al-Raqqa city, see: Anne Barnard, “U.S.-Led Forces Said to Have Used White Phosphorus in Syria,” New York Times, 10 June 2017, <www.nytimes.com>.

52 Rome Statute, Art. 8.

53 PAX, “Siege Watch Tenth Quarterly Report Part 1 – Eastern Ghouta, February – April 2018,” June 2018, <siegewatch.org>.

In other cases attacks were strategically timed, such as the bombardment of agricultural land with incendiary munitions just before crops were harvested,⁵⁴ and the bombing of mosques during prayer times or schools during exams. In smaller, urban besieged communities where the front lines were nearby, there were frequent documented cases where pro-government snipers targeted and killed civilians. For example, on 11 August 2016, a sniper killed a 70-year-old woman in Madaya. Later, snipers also targeted mourners at her funeral.⁵⁵

Another example where the government and its allies clearly targeted civilians is the extensive bombardment of civilian medical facilities including hospitals, field clinics, civil defense centers, and supply warehouses. Both of the final scorched earth offensives against Eastern Ghouta and Eastern Aleppo saw the government bomb almost all of the enclaves' medical centers in rapid succession within a matter of days. Intentional attacks on hospitals and other medical centers, including ambulances and first responders, are considered war crimes. Not only are they attacks on civilians, but also they also violate the rights of the sick and wounded to medical care, and the responsibilities of the conflict parties to facilitate access. This rule is well established in IHL and has been reaffirmed through UNSC Resolutions.⁵⁶ This rule does contain an exception for medical units that become legitimate military targets when they are being used "outside their humanitarian function."⁵⁷ The Syrian government and Russia tried to frame their attacks on medical centers as legitimate by falsely claiming they were terrorist sites, but this excuse was undermined in 2017 when the UN, US, and Russia agreed to "de-conflict" a number of medical centers, verifying their civilian status.⁵⁸ The government and its allies subsequently bombed several of these de-conflicted medical centers during final scorched earth offensives,⁵⁹ removing any doubts that these actions were war crimes.

Detention and Disappearance

The 'arbitrary deprivation of liberty' is prohibited under customary IHL and is incompatible with Common Article 3 of the Geneva Conventions, which requires that all civilians and *persons hors de combat* be treated humanely.⁶⁰ Arbitrary detention and enforced disappearances are both also prohibited under Article 9 of the ICCPR, of which Syria is a member.⁶¹

Arbitrary arrests and enforced disappearances were used as tactics against people from besieged areas throughout the conflict and at all stages of the sieges. During the sieges there were intermittent reports of the detention of civilians who were allowed to leave their besieged community for reasons like medical treatment. Siege Watch also documented mass detention campaigns by pro-government forces in the aftermath of its major scorched earth campaigns. In the cases of Eastern Ghouta and Darayya where a portion of the forcibly displaced civilians

54 PAX & TSI, "Siege Watch Third Quarterly Report on Besieged Areas in Syria May - July 2016,"

55 PAX & TSI, "Siege Watch Fourth Quarterly Report on Besieged Areas in Syria, August - October 2016," p. 34, December 2016, <siegewatch.org>.

56 OHCHR Legal Note, "Attacks on Medical Units in International Humanitarian and Human Rights Law."

57 ICRC, Customary IHL Database, Rule 28, Accessed: January 2019, <www.icrc.org>.

58 Tweet by Jan Egeland @NRC_Egeland, 22 March 2018, <http://bit.ly/2D8eOre>.

59 For examples see: PAX, "Siege Watch Tenth Quarterly Report Part 1 – Eastern Ghouta, February – April 2018," pp 33-34.

60 ICRC, Customary IHL Database, Rule 99, Accessed: January 2019, <www.icrc.org>.

61 "International Covenant on Civil and Political Rights," Accessed: January 2019, <www.ohchr.org>.

were taken to government-run holding centers around Damascus, and have remained in government custody ever since. Some men in these centers – including one Siege Watch contact – disappeared during questioning by Syrian intelligence services. Reports from all post-surrender communities under the control of pro-government forces indicate that detention campaigns are continuing long after the end of the sieges, even of people who signed individual “taswiyah” or reconciliation agreements with the government. There are also numerous recorded incidents from depopulated communities like Yarmouk and the Old City of Homs where civilians were arrested when they tried to return to check on their property.

The systematic detentions and enforced disappearances of young men, doctors, journalists, activists, the relatives of activists, and others from besieged areas perceived to be in any way hostile to the government, amount to a widespread campaign of civilian intimidation and punishment that rises to the level of crimes against humanity.⁶² In 2018 the government released a flurry of death notices for political detainees who had disappeared earlier in the conflict, many from communities that have been under siege.⁶³ This grim development raises the further possibility that the government is guilty of the crime of extermination, and that many detainees from besieged communities are among its victims.⁶⁴ Siege Watch also documented several reports of AOGs in besieged areas detaining political opponents and other civilians and subjecting them to torture or extrajudicial execution. These actions are also violations of customary IHL.

Post-Surrender Violations

In post-siege areas recaptured by the Syrian government and its allies, civilians have continued to be targeted by acts of collective punishment and retribution that violate international law. Incidents recorded by Siege Watch from the immediate aftermath of scorched earth campaigns indicate that human rights and IHL violations against civilians and surrendering opposition fighters were committed as pro-government forces entered communities, including cases of arbitrary arrests, field executions, and the humiliation of fleeing civilians. As described above, many of these violations have continued well into the post-siege era. All of these acts violate Common Article 3 of the Geneva Conventions, which prohibits subjecting civilians and surrendering fighters to violence, torture, humiliating and degrading treatment, or extrajudicial execution.

Looting and pillaging, which have been ubiquitous in almost every post-siege situation, are clearly prohibited and constitute war crimes under customary IHL.⁶⁵ This prohibition has been reaffirmed during the criminal tribunals for Yugoslavia, Rwanda, and Sierra Leone.⁶⁶ In post-siege communities in Syria the extreme looting – stripping out the very building materials of homes and rendering them uninhabitable – has served not only to enrich the perpetrators and further humiliate victims, it is also another method of ensuring that the displaced can never return.

62 OHCHR, “Without a trace: enforced disappearances in Syria,” 19 December 2013, p. 2, <www.ohchr.org>

63 Lewis Sanders IV & Emad Hassan, “In Syria, death notices for the missing bring unwelcome closure,” DW, 3 August 2018, <www.dw.com>.

64 OHCHR, “Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic,” A/HRC/31/CRP.1, 3 February 2016, <www.ohchr.org>.

65 ICRC, Customary IHL Database, Rule 122, Accessed: January 2019, <www.icrc.org>.

66 ICRC, Customary IHL Database, Rule 52, Accessed: January 2019, <www.icrc.org>.

Part 2: The Lasting Impacts of Sieges: Needs, Priorities, and Goals

The use of sieges as a collective punishment strategy in Syria has been devastating, with the intentional destruction and displacement of communities on a scale that will permanently alter the course of Syrian history. This has created a new set of complex and interlocking challenges that international stakeholders must address in the short, medium, and long term. The decisions that international stakeholders make now in their post-siege priorities will impact whether these communities and their displaced populations can stabilize, or whether the unaddressed civilian needs and ongoing human rights abuses metastasize, hindering progress towards peace and sowing the seeds of future conflict. This section will outline the key challenges and debates of the post-siege era, and make recommendations for international stakeholders moving forward.

4. Meeting Siege Victims' Needs

The first priorities of all stakeholders must be civilian protection and support for siege victims, more than a million of whom are still in desperate need in post-surrender communities, displaced in northern Syria, or living in exile in Turkey. Their needs range from immediate survival priorities such as food, shelter, and protection, to support with longer-term issues of access to education, healthcare, and psychosocial support. Siege victims also need assistance overcoming complex bureaucratic and legal challenges related to the loss of identification documents, denial of Housing, Land and Property (HLP) rights, and barriers to accessing the international asylum system. As long as these residual harms continue, the challenges of the post-siege era will worsen, with new grievances piling up on top of old.

General Needs

Sieges had a devastating impact on the physical and mental health of trapped civilians, and it disrupted the education of tens of thousands of students. This has an ongoing impact on the lives of siege victims, who still require medical, mental health, and educational support in the post siege era. These general needs will be briefly described here, while specific challenges that victims face in meeting these needs in their current places of residence will be discussed in the subsequent section.

Medical – The sieges left lasting health impacts on those trapped inside of them in terms of the developmental damage caused by extended nutritional deprivation, and the lingering harm of untreated war wounds and chronic conditions. Malnutrition during the sieges heavily impacted pregnant women and infants, leaving thousands of children with cognitive and physical impairment. As civilians under siege were often wounded in violent attacks, many siege victims still need surgery to remove shrapnel or treat injuries and have been unable to access the care they need months or even years after the end of the sieges. Siege victims, especially children, should be tracked by medical professionals and monitored to understand the impact of years of malnutrition and deprivation, and treat them to the extent possible. Urgent efforts should be made to get treatment for all who still require surgery or treatment for wounds acquired under siege.

Mental Health – More than a million people suffered extreme and extended periods of fear, depression, desperation, and stress while trapped under siege. Today, many of these victims continue to be re-traumatized by exposure to new physical violence, family separation, intimidation and threats, and hopelessness due to the lack of support and opportunity. This massive psychological trauma will have long-term impacts wherever these communities land in Syria, the region, and in international host countries. If left unaddressed, it will be an

intangible but very real barrier to social reintegration of siege victims and may undermine progress towards future reconciliation. Thus far, psychosocial support for siege victims has not received the attention it requires from international agencies and donors, and little if any such care is available to victims. Donors, UN agencies, and host countries must revisit their funding structures to prioritize mental health support for all siege victims.

Education – The sieges interrupted the education of a whole generation of students. Students from besieged communities who were attending universities in government-controlled areas had to cease their studies when they were brought under siege, or even earlier due to the government’s early crackdowns on protests by students. While under siege, most communities struggled to keep primary schools open due to the lack of supplies and salaries as well as the danger of being targeted by government attacks. Even when schools were open, many students were forced to drop out because they had to help their families in the struggle for survival or because of the security risks. As a result, students of all ages left the besieged communities with significant gaps in their education. The challenges they face in closing these gap and returning to their studies is compounded in the case of university students by the loss of their educational records and their inability to get pre-war education certificates from the government.

Post-Surrender Communities

The Challenge

The end of the sieges has not meant the end of the suffering for those who remain in post-surrender communities. These communities are traumatized, underserved, depleted of human and physical capital, and socially shattered. They are especially vulnerable to continuing human rights violations because they are under the complete control of the armed forces that sought their destruction. The dismantling of local institutions, restrictions on civilian movement, and intensive monitoring of communications by Syrian intelligence agencies has cloaked these communities in fear, and left their residents more isolated and invisible than ever. The reports of detention, harassment, and other civilian abuses that have trickled out of post-surrender communities strongly suggest that the Syrian government is carrying out a longer-term strategy of retribution, punishment, and repression against these areas. Even in northern Homs where the post-surrender situation seemed relatively hopeful in the immediate aftermath of the sieges, contacts report that pro-government forces have grown increasingly abusive over time as Russian protection guarantees have faded.

Because of the challenges of communicating with post-surrender communities and the lack of access even for assessment purposes, it is unclear whether victims in these areas have access to the sort of medical treatment, mental health care, or education that they require. It is likely that where these services do exist they are still effectively off-limits to many civilians – especially men, who are often wanted for military service – who have reason to fear interaction with government authorities.

The assessment that collective punishment continues is supported by the fact that most post-surrender communities remain partially or completely inaccessible to international humanitarian actors, despite the end of any military rationale for denying access to the targeted communities with the removal of all AOGs. The fact that access restrictions and civilian abuses

have persisted lays government-imposed sieges bare for what they were: political cleansing campaigns of which civilians were, and continue to be, the targets. The continuing persecution of vulnerable post-siege communities exacerbates the deep grievances created by the sieges and undermines the prospects for stability and reconciliation in the future.

Another invisible post-siege population at high risk is people who were detained by pro-government forces during the oftentimes chaotic surrender periods. In the case of Eastern Ghouta, some of the civilians who were taken to holding centers around Damascus are still in government custody, and some men in these centers have disappeared during questioning by Syrian intelligence services.

In addition to these ongoing protection concerns, civilians are also threatened by the lasting environmental health risks that the sieges and scorched earth campaigns created in many post-surrender communities. These risks include contamination of the environment due to the build up of sewage and waste, unexploded remnants of war such as landmines and cluster munitions, and health hazards from exposure to conflict-related pollutants, such as materials disbursed during attacks on industrial areas.

The Response

Civilian protection and the prevention of further violations against civilians should take top priority among UN agencies, donors, the UNSC, and other key stakeholders. These stakeholders must approach post-surrender communities with the knowledge that “post-surrender” does not necessarily mean “post-conflict.” International actors must significantly increase pressure on the Syrian government and its allies to gain access to post-surrender communities. They should make funding conditional on unrestricted access, create concrete benchmarks for civilian protection, and impose penalties for continued non-compliance. UN agencies must take a stronger approach to access negotiations with the Syrian government and must be willing to publicly condemn it for continuing to deny aid or access to siege victims. Donors must make it clear to the UN that this is a priority. To meet the needs of victims in post-surrender areas, access should include humanitarian aid and independent monitors.

Conflict-Sensitive Aid – During the sieges, the Syrian government had a military rationale for blocking aid and the UN frequently cited violence or security as reasons it could not proceed with aid convoys. Although these reasons all dissipated with the end of the sieges, access to formerly besieged areas is still frequently obstructed, raising questions as to why there is not a more visible public push by the UN to reach these areas. There is insufficient pressure from the international community to gain access to post-surrender communities in order to provide assistance in a way that is sustainable, unimpeded, and in line with UN humanitarian principles. There is also a continuing lack of political will to compel the Syrian government and its allies to comply with their obligations. The absence of aid to post-surrender communities controlled by the Syrian government stands in stark contrast to Deir Ezzor, where the steady stream of UN agency and SARc aid convoys that reached the city after the end of the siege by ISIS was widely publicized.

Senior UN figures in-country and in headquarters should be pushing for greater operational independence from the Syrian government in post-surrender areas where collective punishment continues to be a concern. All possible UN leverage should be put towards achieving a truly independent humanitarian response so that aid can reach people in need in these areas and can do so in a way that meets fundamental humanitarian principles.

Siege Watch reporting on post-surrender protection issues raises conflict sensitivity concerns, such as whom aid is distributed to and how aid is being targeted, as well as concerns around aid diversion. Conflict sensitivity principles require that aid organizations and donors conduct thorough analysis of local conflict dynamics and work with target communities to assess whether planned interventions may exacerbate conflict, and where possible, that they deliver assistance in ways that address root causes of conflict, not just its symptoms. Adopting a conflict sensitive approach to humanitarian assistance is closely associated with the “Do No Harm” principle of humanitarian action, and the conflict analysis required to operate in this manner helps ensure that aid agencies abide by the humanitarian principles of impartiality, neutrality, and independence.

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Proper conflict-sensitivity measures must be put in place to ensure that any aid in post-surrender communities does not inadvertently harm civilians, does not contribute to sectarian grievances and other conflict dynamics, and does not pay war crimes dividends to the Syrian government. Donors and aid agencies should collaborate to share conflict sensitivity best practice guidelines and conflict sensitivity measures should be embedded at all levels of funding and programming cycles. Donors should support a conflict sensitive approach and demand progress reports from both the UN Resident and Regional Humanitarian Coordinators. Aid distribution must be monitored and abnormalities must be investigated. Donors should demand transparency and accountability from UN agencies and other humanitarian actors for any work they are doing or plan to do in post-surrender communities, to ensure that funding intended to help Syrian civilians is not actually being used to support their dispossession, repression, and disenfranchisement. UN agencies and other humanitarian actors should also push to gain access to post-surrender communities in order to assess these risks and begin context-specific remediation and cleanup efforts.

Monitors – Independent monitoring is critically needed in the post-surrender communities. Even oversight by Russian forces helped deter abuses from Syrian military and affiliated militia forces in northern Homs and Yelda, Babbila, and Beit Sahm – demonstrating that monitoring can be effective. But this deterrent effect faded as Russia’s initial commitment to monitor these post-surrender communities faded, and in most post-surrender areas no such oversight was ever provided. International monitors should set up a permanent presence in post-surrender areas to

help deter human rights violations and provide dependable documentation of those that do occur.

A related issue is the government's continued denial of freedom of movement to civilians in post-surrender communities. Perimeter checkpoints have remained in place and new internal checkpoints have been set up, further inhibiting the movement of civilians who fear detention or harassment. These checkpoint abuses are a continuation of the government's collective punishment campaign against civilians. Stakeholders should bring pressure on the government and its allies to allow the free movement of civilians and monitors should be allowed in to ensure that civilians are free of persecution.

The lack of international attention given to these siege victims, some of whom are still being held by the government and others who disappeared out of these holding centers, is unacceptable. Prisoners detained during forced surrender scenarios and scorched earth campaigns must be accounted for. Similarly, people taken to government processing centers around Damascus after the end of the siege of Eastern Ghouta must be accounted for and international monitors must be given access to them. This detention and disappearance of civilian siege victims creates new grievances and deepens old ones, and all efforts should be made to pressure the government and its allies for their release. The UN Special Envoy and all relevant stakeholders must make the detainees and missing persons file central to their political efforts.

Internally Displaced Persons

The Challenge

The number of siege victims being forcibly displaced from surrendering communities to northern Syria increased over time, peaking in 2018 when international support to humanitarian efforts in the north was depleted. In the tenth and final quarter of Siege Watch monitoring alone, more than 100,000 people were forcibly displaced from besieged communities to northern Syria as part of surrender deals, following waves of earlier displacements. As they arrived in large groups in the north, they often overwhelmed humanitarian resources available at their point of arrival. Many forcibly displaced civilians had to leave their valuables behind and arrived without any way of supporting themselves.

After years of suffering under siege, these victims were thrust into a new world of volatility, uncertainty, neglect, and hopelessness. In 2018, northern Syria saw attacks by pro-government forces in Idlib, military maneuvers by Turkish-backed forces in northern Aleppo, and violent power struggles between armed groups including the extremist HTS. In addition to this volatility, levels of humanitarian support have been decreasing as a result of donor fatigue, shifting stakeholder priorities, and overwhelmed aid networks. This confluence of factors has had the practical effect of inflicting the highest harm on those who suffered under siege the longest, leaving tens of thousands of siege victims struggling to meet their basic needs, including desperately needed medical and psychosocial care. For example, in the severely under-serviced Deir Ballut IDP camp that holds people forcibly displaced from the Southern Damascus Suburbs in 2018,⁶⁷ civilians have died because they lack access to medical care. Even for those living outside of camps in Aleppo or Idlib, return to a normal life has also been impossible.

67 PAX, "Tenth Quarterly Report Part 2 – The culmination of 'Surrender or die,' February–May 2018," September 2018, <siegewatch.org>.

On top of the ongoing violence and lack of support, there are few employment or educational opportunities in the overcrowded north.

Unlike some other groups of displaced Syrians civilians, most siege victims can never go home as long as the current government remains in power due to the physical and legal barriers enacted to prevent them from doing so as well as the credible threat of persecution they face if they try to return.

The Response

Urgent action is needed to meet the current and future needs of displaced persons in northern Syria. While many donors, UN agencies, and international NGOs are ending or downsizing their programs in northwest Syria, they should be doing the opposite and increasing their support for humanitarian and civil society programming to these areas instead. Programs should be designed to meet the needs of siege victims, including immediate physical support such as food, medicine, and other basic services, as well as longer term initiatives aimed at generating employment opportunities, giving siege victims access to legal advice, and providing education, healthcare, psychosocial support. Additional programming that aims to strengthen the resilience of host communities, such as programs designed to support independent local councils, integrate IDPs, and increase social cohesion and civic awareness, will help create the conditions for displaced siege victims to remain in Syria. It will also fortify local civil society to help it withstand the ongoing threats from corrupt or extremist armed groups.

Refugees

The Challenge

The poor conditions for siege victims displaced to northern Syria have pushed many to attempt to reach Turkey as their only path to hopefully escaping violence and poverty. The closed Turkish border means that for most, the only option is to find the money to pay smugglers and attempt a dangerous illegal border crossing. Some of the desperate displaced siege victims who have tried to cross the border have been repeatedly caught and returned to Syria, others have been abused, or even shot and killed, by Turkish border guards.⁶⁸

Like northern Syria, Turkey has also become increasingly inhospitable to displaced Syrians over time, and siege victims that crossed the border in 2018 found that support provided to previous refugees was no longer available.⁶⁹ They face a lack of humanitarian support, discrimination in Turkish society, and barriers to getting legal status in the country and to accessing the international asylum system. In 2018, the Turkish government made it significantly more difficult for Syrian refugees to get registered and receive a residency/work permit, or 'kimlik.'⁷⁰ This means that these refugees are blocked from entering the international asylum system and cannot register with UNHCR for resettlement, and they are also left without legal status in Turkey.

68 Human Rights Watch (HRW), "Turkey/Syria: Border Guards Shoot, Block Fleeing Syrians," 3 February 2018, <www.hrw.org>; Siege Watch contact interviews conducted in Turkey in September 2018.

69 Interviews conducted with dozens of Siege Watch contacts in Turkey in September 2018.

70 HRW "Turkey Stops Registering Syrian Asylum Seekers," 16 July 2018, <www.hrw.org>.

Life in the shadows in Turkey is incredibly difficult for siege victims. The constant fear of being detained and deported – in violation of international law – and the adjustment to a new sort of struggle for survival exacerbate the untreated mental trauma of years under siege. Unregistered siege victims cannot seek medical treatment in hospitals, and with Turkish restrictions limiting the ability of NGOs to provide support, many still live with the untreated physical wounds. Displaced siege victims who cannot get registered in Turkey are similarly blocked from entering the educational system. Those lucky students who do have legal status in the country they often struggle because they are missing the stability to both support themselves in order to attend school, lack their pre-war educational records, and face significant language barriers. Because they cannot work legally, unregistered siege victims in Turkey are forced into dangerous situations. Siege Watch contacts in Turkey reported having to work in sweatshop conditions for long hours and very low pay, with no recourse if employers withhold pay altogether. For women, these challenges are all compounded, with the lack of legal status and absence of supporting organization trapping many in physically abusive living and work situations. Many of the displaced also struggle to find housing, as there has been an increase in anti-Syrian sentiment in Turkey, and landlords often refuse to rent to Syrian refugees.

Because of the poor conditions in Turkey, and knowing that returning home is not an option, some of these siege victims are taking desperate, dangerous steps to reach Europe or beyond.

The Response

The Turkish government, humanitarian agencies, and NGOs should significantly increase the number and scope of initiatives to support all Syrian refugees in Turkey, focusing on access to education and livelihoods. Dedicated programs should be created for siege victims to meet their special needs for psychosocial support, medical care for untreated wounds and conditions, education, legal advice, and resettlement. Donor countries should make funds available for these efforts. They should also place pressure on the Turkish government to make it easier for organizations to support the needs of Syrian refugees in Turkey, as the increasingly restrictive operating environment has pushed many of these groups to relocate or close projects in recent years.

Specialized programs focused on solving the issue of missing civil documentation records must be created and expanded to help ensure that this does not prevent siege victims from accessing education, medical care, and the asylum system. The Turkish government in particular must take steps to protect refugees and decrease the barriers that prevent them from registering in Turkey. UNHCR should advocate with the Turkish government to help facilitate to the international asylum system and should consider them as an especially vulnerable group when considering placement and support options. Third countries should facilitate the resettlement of siege victims by creating additional refugee acceptance spaces in 2019 specifically designated for this vulnerable group. Specialized programs to resettle siege victims will not only show solidarity with the victims of the atrocities, but can also help incentivize Turkey to speed up the registration of victims so that they may enter the asylum system for resettlement.

Turkey must treat Syrian civilians humanely at the border and all stakeholders with influence on Turkey should apply pressure towards this goal. This means that medical cases should be granted entry for treatment and should not be delayed unnecessarily at the border checkpoints, Turkish forces should halt the use of lethal force against border crossers, and refugees in Turkey should not be returned to Syria against their will.

5. Reconstruction

The debates over Syria's reconstruction thus far have been driven more by geopolitical and economic interests than by considerations of how reconstruction projects might affect the prospects for justice and the future of Syrian civilians.⁷¹ Only an approach that treats the needs of siege victims as central to the process can provide genuine long-term stability. As long as there is no political agreement to end the conflict in Syria, and against the backdrop of ongoing violence, repression, and impunity, internationally supported reconstruction in formerly besieged areas now under the control of the Syrian government is premature and potentially harmful. The risks and challenges facing international actors seeking to engage in reconstruction – but also in other interventions in post-surrender areas as part of “early recovery” or “resilience” – are enormous, and their decisions will have long-term consequences on the ground. Accordingly, such actors must thoroughly assess and understand the potential impacts of their plans and must establish clear guidelines for engagement before deciding to participate in any sort of reconstruction or early recovery efforts in formerly besieged areas.

The Challenge

As described in this report and documented throughout the Siege Watch project, many besieged areas were subjected to intensive attacks and scorched earth campaigns that left their physical infrastructure including hospitals, schools, markets, homes, roads, electrical grids, and water systems in ruins. Much of this destruction was caused intentionally as part of the Syrian government's long-term depopulation and demographic engineering strategy. Reconstruction will clearly be needed: UN assessments show that 70-90% of structures in some towns and cities were destroyed or damaged.⁷² Yet Siege Watch contacts that lived through the most physically devastating campaigns of the conflict such as the destruction of Darayya and Eastern Ghouta, are critical about the prospect of international support for reconstruction in the current context.⁷³ Many have expressed the view that, given the government's large-scale property expropriation, reconstruction efforts now will destroy any remaining hope they have for return in the future.

The current situation in formerly besieged areas of Syria poses serious risks to any potential international reconstruction efforts and other related interventions. These risks include:

71 Richard Salame, “The Syrian War is Still Raging, but the Battle Over Reconstruction has Already Begun”, The Nation, 5 September 2018, <www.thenation.com>; Council of the EU, “Council conclusions on Syria,” 17 October 2016, <www.consilium.europa.eu>; World Bank, “The Importance of Planning Syria's Eventual Reconstruction,” 24 May 2016, <www.worldbank.org>; Patrick Wintour, “Russia should foot Syria reconstruction bill, European leaders say,” The Guardian, 29 November 2016, <www.theguardian.com>.

72 Mark Lowcock, “Briefing to the UN Security Council on the humanitarian situation in Raqqa and Rukban,” UN OCHA, 17 April 2018, <reliefweb.int>; BBC, 29 March 2018, “Eastern Ghouta, Syria: The neighbourhoods below the bombs”, <www.bbc.com>.

73 Interviews with Siege Watch reporting contacts conducted in Turkey in September 2018.

1. First, there are clear risks that reconstruction will entrench unlawful expropriation of civilian property, thereby violating the rights of the displaced and contributing to permanent social and demographic engineering. The appropriation of displaced people's property is a significant obstacle to future refugee and IDP return. Recent changes in Syrian law give the government broad powers to assume control of private assets, providing a veneer of legality to collective punishment actions taken by the government against targeted civilian populations like those from formerly besieged communities.⁷⁴ Reconstruction or infrastructure-related early recovery projects in communities targeted by these government efforts would clearly cause harm by eliminating the possibility for siege victims to reclaim their property and by essentially paying the government "war crimes dividends," and incentivizing it to expropriate more property. Implementers involved in reconstruction may also face legal risk for complicity in war crimes if they participate in rebuilding properties acquired illegally.⁷⁵

2. A second, closely related risk, is that the Syrian government will manipulate early recovery and reconstruction programming on a discriminatory basis: approving reconstruction projects that reward its loyalists and rejecting projects that primarily benefit siege victims as a means of continued collective punishment. The pattern of behavior by the government has been so pervasive that – in the absence of meaningful political transition or reform – it stretches credulity for international stakeholders to believe that the Syrian government will be a good-faith partner in meeting the needs of those whom it has for so long sought to harm.⁷⁶

3. Additional risks are posed by the fact that post-surrender conditions including manipulated regulatory environment, ongoing acts of property expropriation, and continuing violations against civilians such as looting, vandalism, arbitrary detentions, remain unstable and are populated with unsavory actors. Given the Syrian government's – and increasingly Iran and Russia's – grip on the relevant economic sectors, it would be difficult to engage in reconstruction programming without doing business somewhere in the supply chain with companies or individuals that engage in corrupt practices, are under sanctions, or that stand accused of enabling or committing human rights violations and war crimes. To date, UN agencies in Syria have repeatedly shown themselves to be unwilling or unable to engage in the sort of vetting or adherence to strict protocols that would prevent the use of donor funds by sanctioned, government-linked entities.⁷⁷ Even if they and other implementers were able

74 HRW, "Q&A: Syria's New Property Law," 29 May 2018, <www.hrw.org>.

75 Syrian Legal Development Programme, "International Law and Reconstruction in Syria: A Cautionary note for Businesses," 1 September 2018, <www.hrbu.syrianldp.com>.

76 See also: Dr. Joseph Daher, "Reconstructing Syria: How the al-Assad Regime is Capitalizing on Destruction," in *Reconstructing Syria: Risks and Side Effects, Adopt a Revolution*, January 2019, <www.adoptrevolution.org>.

77 Annie Sparrow, "How UN Humanitarian Aid Has Propped Up Assad," *Foreign Affairs*, 20 September 2018, <www.foreignaffairs.com>; Nick Hopkins & Emma Beals, "UN pays tens of millions to Assad regime under Syria aid programme," *The Guardian*, 29 August 2016, <www.theguardian.com>.

to put in place and adhere to the necessary protocols, the ubiquitous corruption of Syria's war economy makes it likely that some reconstruction funds and resources would be diverted or stolen. Additionally, rubble removal and construction projects undertaken in areas that were recently subjected to intense violence may destroy undocumented evidence of war crimes if investigators are not allowed in first. Investments in reconstruction could also lead to capital loss if new violence erupts.

4. Finally, a premature rush to reconstruction programming could create the false impression that post-surrender communities are safe. This could create pull factors that convince refugees to return to a situation where they will be persecuted, or provide refugee host countries with justifications for refoulement that would put civilian lives in danger. Moreover, it could provide third countries with excuses to continue with short-term, inadequate approaches to handling refugee issues.

As things currently stand, Russian and Iranian support have allowed the Syrian government to recapture besieged communities without making political concessions in Geneva, making it unlikely that the coming period in Syria will bring meaningful transition or any sort of inclusive, democratic reform that could address the root causes of the conflict or enable transitional justice and reconciliation. Without a meaningful political transition, international actors engaging in reconstruction in post-surrender areas under government control run a high risk of further harming affected civilian populations, supporting war crimes and human rights violations, and entrenching or creating grievances.

The Response

Under the current conditions, support for reconstruction in formerly besieged communities may serve as “war crimes dividends” that validate the Syrian government’s strategy of destroying these communities to punish and displace civilians, and allow it to continue its ongoing human rights violations unimpeded. Premature reconstruction in these areas is likely to permanently entrench the disenfranchisement of the displaced and make it harder for them to seek justice and return in the future. International actors who fail to grasp and account for these central dynamics run the risk of prolonging civilian suffering, reinforcing injustices, deepening sectarian schisms, and creating new grievances that will undermine progress towards a stability and lay the groundwork for future conflict.

Reconstruction efforts in places that were intentionally destroyed under siege should be undertaken in the future only as part of a holistic, conflict-sensitive recovery strategy that combines conditional reconstruction support with steps to safeguard the rights, concerns, and priorities of the displaced, to foster transitional justice processes, and to protect the civilians who remain. In order to meet these requirements, UN agencies, aid organizations, and donors should develop context-specific risk indicators and conduct thorough analysis of local dynamics, working closely with both local communities and displaced populations to mitigate unintended negative consequences of any planned programming. Government restrictions on access to formerly besieged communities should not be allowed to subvert these critical prerequisites. If these conditions cannot be met, international backing for reconstruction and

Premature reconstruction in these areas is likely to permanently entrench the disenfranchisement of the displaced and make it harder for them to seek justice and return in the future.

early recovery efforts should not proceed. This understanding was one of the foundations for the EU's "no reconstruction without transition" policy, and the "No Assistance for Assad Act" bill currently under Senate committee review in the US.⁷⁸

Some reconstruction activities have already been undertaken by the United Nations Development Program (UNDP) and other UN agencies in close cooperation with the Assad government in devastated post-surrender communities including the Old City of Homs and Eastern Aleppo.⁷⁹ Such projects are in violation of conflict sensitivity principles and existing international standards regarding property rights for displaced persons.⁸⁰ They underline the importance of the EU position on reconstruction, which was reiterated by the co-chairs of the 2018 Brussels II Conference.⁸¹ These projects, which are being carried out with little transparency and accountability, appear to be reinforcing the government's strategy in ways that trample on the rights of the displaced and without regard to continuing protection concerns, potentially put remaining civilians in greater danger of further victimization.

Donors like the EU and the US should demand greater transparency from UN agencies and other implementers that they fund as part of the Syria humanitarian response and should exercise greater oversight to ensure that funds are being spent appropriately. They should insist that UN agencies and NGOs already working with the Syrian government develop clear definitions to differentiate between emergency aid, early recovery, and reconstruction

78 US Congress, House, "H.R.4681 - No Assistance for Assad Act," Accessed: January 2019, <www.congress.gov>; Council of the EU, "Council adopts EU strategy on Syria," 3 April 2017, <www.consilium.europa.eu>.

79 See examples in: PAX & TSI, "No Return to Homs: A Case Study on Demographic Engineering in Syria"; Noor Nanji, "UN allowing Assad regime to lead Aleppo reconstruction," *The National*, 18 November 2017, <www.thenational.ae>.

80 UN Sub-Commission on the Promotion and Protection of Human Rights, "Principles on Housing and Property Restitution for Refugees and Displaced Persons," E/CN.4/Sub.2/2005/17, 28 June 2005, <undocs.org>; and the report addendum, E/CN.4/Sub.2/2005/17/Add.1, 11 July 2005, <undocs.org>.

81 "Brussels II Conference on 'Supporting the future of Syria and the region': co-chairs declaration," 25 April 2018, <www.consilium.europa.eu>.

programming. The same conflict sensitivity principles described earlier in regards to the provision of humanitarian aid to post-surrender communities must also be applied to any early recovery, resilience, and reconstruction efforts. The views of forcibly displaced residents must be included in the process, since they are the ones who will be most directly impacted by developments that create insurmountable barriers to return and redress and reinforce the loss of their HLP rights. Donors and implementers should do more “listening to” rather than “talking about” local Syrian communities.

6. Accountability and Justice

Justice for the Victims of War Crimes Committed Under Siege

The Challenge

As described in Chapter 3, perpetrators of sieges in Syria committed a range of war crimes against targeted civilian populations, some of which amounted to crimes against humanity. Holding the perpetrators accountable for these crimes will be essential not only to achieving peace and stability in Syria, but also to the healing of siege victims. Currently, there are few avenues through which siege victims might hold perpetrators accountable or seek redress, and the perspective of siege victims is not being sufficiently included in the discussions around accountability. A major obstacle to moving towards justice and accountability for siege victims is the fact that many are being subjected to ongoing human rights violations by siege perpetrators, as described earlier in the report. There are also active efforts by the Syrian government to destroy evidence of earlier crimes: displaced Siege Watch contacts still in touch with relatives in post-surrender communities have described government efforts to silence and intimidate potential witnesses – particularly of deadly chemical attacks – and destroy photos and video evidence.

The Syrian government has denied the CoI access to the country for years and now does the same to IJMM investigators. Syria is not a party to the International Criminal Court (ICC), and in the absence of a UNSC referral to the ICC or the establishment of an ad hoc tribunal, options for prosecution of those responsible for war crimes and crimes against humanity committed as part of the sieges are limited to prosecutions in third countries under the framework of universal jurisdiction.

The Response

Accountability and justice are the building blocks of peace. As the UN Office on Genocide Prevention notes, “accountability for atrocity crimes can serve not only as a strong deterrent, it is also key to successful reconciliation processes and the consolidation of peace in post-conflict societies.”⁸² It is therefore critical that international actors prioritize efforts aimed at halting the commission of further crimes against siege victims, collecting and protecting evidence, and paving the way for those who committed these crimes to be brought to justice. Only an end to impunity and a credible prospect of accountability for war crimes can give siege victims remaining in Syria a modicum of protection moving forward. A bottom-up, victim-centered approach to transitional justice will help restore dignity to the more than two million civilian victims of sieges in Syria and prevent them from becoming further disenfranchised.

82 UN Office on Genocide Prevention and the Responsibility to Protect, “Accountability,” Accessed: January 2019, <www.un.org>.

Real pressure must be brought to bear on the Syrian government and its backers to let Col and IIM investigators into post-surrender communities immediately. Witnesses and their families must be offered protection from government persecution in the form of relocation so that they may give honest testimony. The UN HRC should instruct the Col to open new investigations into crimes committed during the sieges and forced population transfers because, with the exceptions of the most prominent cases like Eastern Ghouta and Eastern Aleppo, most of these sieges have never been the subject of dedicated investigations. All incidents where there is clear evidence of war crimes or crimes against humanity – not only mass casualty chemical attacks – should be investigated so that the perpetrators can be held accountable.

In recent years, a handful of interesting universal jurisdiction cases have been raised for war crimes and crimes against humanity committed during the Syrian conflict in European countries including Sweden, Germany, and France. For example, in June 2018 Germany issued an arrest warrant against senior Syrian official Jamil Hassan, head of the Air Force Intelligence, related to a criminal complaint filed by a group of alleged victims and the European Centre for Constitutional and Human Rights (ECCHR).⁸³ In another case in October 2018, France also issued an arrest warrant against Jamil Hassan in addition to two other high-ranking Syrian security officials: Ali Mamluk, director of the National Security Bureau, and Abdel Salam Mahmoud, who headed the notorious Air Force Intelligence branch at Mezzeh airbase.⁸⁴ These cases should be used as precedents for future prosecutions of those responsible for siege-related war crimes by states with universal jurisdiction over war crimes and crimes against humanity committed. Such states should investigate war crimes perpetrated as part of the sieges, strengthen the legal basis for universal jurisdiction, and increase cooperation and information sharing with other states and investigative mechanisms. Support and funding should be provided to victims filing complaints and NGOs supporting them.

An approach to transitional justice is needed that focuses on addressing the needs of the victims, not just the punishment of perpetrators. At the core of this victim-centered approach are four basic victims' rights: the right to know, the right to justice, the right to reparation, and the right to guarantees of non-recurrence.⁸⁵ International actors should develop transitional justice programming around these victims' rights. Siege victims must be engaged in transitional justice activities and the design of transitional justice processes. In addition to improving the quality of the process, such participation can be an important step in restoring victims' political agency and giving them a way to process their experiences. International actors working for justice and accountability should work closely with Syrian victims' organizations and civil society to facilitate such a bottom-up approach. More truth-finding and memorialization efforts will be needed in the near future. Room should also be made in such initiatives for creative expressions and storytelling of siege victims.

83 ECCHR, "German Authorities Issue Arrest Warrant Against Jamil Hassan, Head of the Syrian Air Force Intelligence," Accessed: January 2019, <www.ecchr.eu>.

84 FIDH, "French judges issue international arrest warrants against three high-level Syrian regime officials," 5 November 2018, <www.fidh.org>.

85 These rights were explicitly defined in: UN Sub-Commission on the Promotion and Protection of Human Rights, "The Human Rights of Detainees," E/CN.4/Sub.2/1997/20/REV.1, 2 October 1997, <undocs.org>.

Housing, Land, and Property Rights and the Issue of Return

The Challenge

The nature of the Syrian government's demographic engineering strategy against the communities it besieged means that siege victims face particularly complex challenges related to their HLP rights. These challenges include the destruction and expropriation of civilian property, the invalidation of years of civil records, mass displacement, and the creation of new laws that have the effect of preventing return and formalizing property grabs. The size of the population displaced from formerly besieged areas is massive, far greater than just the hundreds of thousands trucked northwards in final forced population transfers. For example, when the siege of Darayya ended in August 2016, all of the remaining 8,300 people were forcibly transferred out of the city.⁸⁶ But this final number was itself a small percentage of Darayya's estimated 200,000 pre-war residents, the majority of whom fled after an August 2012 massacre by government forces.⁸⁷

The level of destruction of many formerly besieged areas is very high, in some neighborhoods like Darayya and Jobar in excess of 90%. In addition to destruction, forced displacement has also meant the loss of property for many siege victims. The January 2017 "No Return to Homs" report detailed how, after decimating and depopulating the besieged Old City of Homs in 2014, the Syrian government erected physical and administrative barriers to discourage and prevent return.⁸⁸ These barriers included the threat of violence, detention, or other physical harm; the occupation of homes by sectarian militias or other government supporters; the destruction and looting of property and infrastructure; the forced sale of property under intimidation; the targeted destruction and falsification of property records; and the creation new administrative and legal rules to help formalize these changes and create an aura of legality around them. Since then, Siege Watch and others have observed similar tactics being used against dozens of post-surrender communities such as Zabadani, Madaya, and al-Waer.⁸⁹

Since 2011, the Syrian government has put in place a number of laws and administrative decisions that make it more difficult for displaced siege victims to return or claim their property. The most well known of these is Law no. 10 of 2018, which allows the government to declare formerly besieged areas as "redevelopment zones," and enables its demographic engineering efforts. In addition to Law 10, at least ten other laws and decrees have been introduced since 2011 that enable the Syrian government to expropriate the property of those opposing it and to make their displacement permanent, including Administrative Decree 63 (2012) dealing with anti-terrorism law, Law 33 (2017) on the reconstruction of damaged or lost land registry records, Law 35 (2017) on military service, and Law 3 (2018) on rubble removal.⁹⁰ These efforts adversely impact more than a million civilians, who, in addition to suffering years of atrocity and being permanently exiled, are also being robbed of their resources and wealth.

86 PAX & TSI, "Siege Watch Fourth Quarterly Report on Besieged Areas in Syria," p 26.

87 Syrian American Council, "No Going Back: Forced Displacement in the Syrian Conflict," February 2017, <www.sacouncil.com>.

88 PAX & TSI, "No Return to Homs: A Case Study on Demographic Engineering in Syria."

89 Unpublished research made available to PAX.

90 A forthcoming PAX policy brief will describe these legal obstacles to HLP rights and return and will be published on www.paxforpeace.nl.

Displacement is a defining feature of the entire Syrian conflict, not just the besieged communities. What is different about the mass displacements from formerly besieged areas is that they were deliberate and largely intended to be permanent. In practice, this means that for displaced siege victims, returning home or reclaiming their property is essentially impossible as long as the Assad government remains in power.

The Response

The Syrian government's legislative and administrative efforts to dispossess siege victims and prevent their potential future return cannot be ignored by the international community. Siege victims deserve reparation for these crimes as part of the victim-centered approach to transitional justice. To ensure that this is possible, an independent international mechanism must be developed, preferably by the UN, to document property claims of the forcibly displaced, to collect and preserve proof of ownership, and to prepare for justice including property restitution and reparations. Member States and UN bodies must raise pressure on the Syrian government and its backers to immediately halt all further property expropriations, and should institute strict measures to ensure that UN aid and other international funding is not entangled in these efforts through "early recovery" or similar work.

Stakeholders must consider the entire context of the government's social and demographic engineering efforts when contemplating any sort of plan for returning displaced civilians to formerly besieged areas. Safe return cannot happen without either a constant international monitoring and protection presence, or a genuine change in the government. Any such effort should begin with thorough consultation with displaced civilians themselves, and they should be included in all steps of the decision-making and planning processes around return. Because the conditions for the safe return of siege victims are not likely to be met in the foreseeable future, host and donor countries – particularly in Europe – need to expand and accelerate support for the long-term settlement and integration of these refugees, or their resettlement in an acceptable third country. Greater pressure should be brought on donor countries to accept siege victims or increase their financial support to targeted initiatives in countries hosting the largest refugee burdens.

7. The International Response to Atrocities

Sieges in Syria have exacted immense physical and human costs on the targeted communities and populations, and have played a decisive role in the direction of the entire conflict. They have also laid bare fundamental deficiencies in the UN system's ability to respond to modern atrocities and have contributed to the erosion of long-standing international norms and laws of warfare. The fact that hundreds of thousands of innocent civilians starved and suffered at the hands of the Syrian government for more than five years within mere kilometers of UN offices in Damascus, while those same offices cooperated with the government on rehabilitation projects and aid to areas it controlled, paints a striking and indelible picture. It is a picture of a catastrophic failure of leadership and a system in urgent need of critical reforms. Global and UN leaders must learn the lessons of Syria's sieges and start immediately both on addressing their aftermath and taking the initial steps on the difficult path to systemic and organizational reform.

Lessons from Sri Lanka

An internal review of the UN's response to the final stages of the Sri Lankan government's war against the Tamils in the 2000s provides important insight that is directly applicable to Syria's sieges and other modern conflicts. Then UNSG Kofi Annan ordered the review of UN actions in Sri Lanka as a result of the failure of UN agencies, leaders, and member states to adequately respond to the challenges presented by the final stages of the assault in which the Sri Lankan government blocked aid from around 350,000 trapped civilians – approximately the size of the besieged population trapped in Eastern Ghouta. The similarities between the UN response to the Sri Lankan saga and the Syrian government's sieges are striking: Sri Lanka also involved a host government that killed, detained, and punished civilian populations; obstructed humanitarian aid; distorted population data; committed extrajudicial executions of surrendering fighters; and continued committing human rights violations against

returning IDP populations after achieving its military goals.⁹¹ The report of the Sri Lanka Internal Review Panel found that, just like in Syria, “agencies and individuals had failed in their mandates to protect people, had under-reported Government violations, and suppressed reporting efforts by their field staff.” It described scenarios in which UN responses were co-opted by State authorities,⁹² and protection responses were weakened by agencies’ willingness to engage with the government on projects in order to access donor funding.⁹³ The report stated that the UN agencies’ unwillingness to confront the host government “collectively amounted to a failure by the UN to act within the scope of institutional mandates to meet protection responsibilities,”⁹⁴ and that the UN response in Sri Lanka represented a grave and systemic failure “to adequately respond to early warnings and to the evolving situation during the final stages of the conflict and its aftermath, to the detriment of hundreds of thousands of civilians and in contradiction with the principles and responsibilities of the UN.”⁹⁵

The Sri Lanka report, which was published in November 2012 just as the first long-term sieges in Syria were starting, concluded with these fateful words: “The UN’s failure to adequately respond to events like those that occurred in Sri Lanka should not happen again. When confronted by similar situations, the UN must be able to meet a much higher standard in fulfilling its protection and humanitarian responsibilities.”⁹⁶ Although the report presented guidance, recommendations, and lessons learned from the UN’s grave and systemic failures in Sri Lanka, many of those same failures – particularly concerning the interactions between the UN agencies and the host government – were repeated in Syria.

Given the systemic failures of the response to sieges in Syria, Secretary-General António Guterres should order a thorough independent review of UN operations in Syria, with terms of reference that direct reviewers to measure the Syria response against the recommendations made in the Sri Lanka report and identify UN agency failures to implement prior recommendations. The terms must also include specific mechanisms to operationalize recommendations. It is even more critical that the international community and UN member states understand the nature of the failure in Syria because of its much larger scope and wider global impacts. Considering the impunity with which the sieges were carried out in Syria, and the fact that they ultimately were successful for the perpetrators in achieving their goals of recapturing the territory and displacing much of the population, it is likely that other actors will draw lessons from this “success” and use Syria’s sieges as a blueprint for future collective punishment campaigns. Any review into UN action in response to Syria’s sieges would therefore have wider, practical implications for the conduct of humanitarian operations in current and future conflicts around the world, and would help to advance plans to more effectively respond to operational issues in situations involving arbitrary denial of access. In the interim, the UN system should undertake the implementation of unheeded recommendations from the Sri Lanka review aimed at reforming and strengthening the UN’s response to situations involving human rights violations and large-scale risk to civilians, particularly as they relate to issues of information management, oversight, and prioritizing human rights.

91 UN, “Report of the Secretary-General’s Internal Review Panel on United Nations Action in Sri Lanka,” November 2012, <www.un.org>.

92 *Ibid.*, p. 19.

93 *Ibid.*, pp. 80, 110, 21.

94 *Ibid.*, p. 27.

95 *Ibid.*, p. 28.

96 *Ibid.*, p. 35.

Coping with UNSC Deadlock

The impasse at the UNSC and the lack of political will were the central stumbling blocks that prevented an effective UN-led response to the sieges in Syria. In a scenario where an active participant in the sieges like Russia did not hold a UNSC veto, measures to protect besieged civilians might have included Chapter VII enforcement action including a robust program of sanctions and other diplomatic, military, and economic tools; the deployment of human rights monitors; and referrals to the ICC. For this reason, member states should take initiatives like France's 2013 proposal to regulate the use of the veto power seriously,⁹⁷ and put effort into identifying bold new options for UNSC reform. When the highest body in the world's principle international venue for cooperation – the body mandated to maintain international peace and security – is unable to respond to blatant atrocities like Syria's sieges, it sets up the whole system for failure.

In addition to desperately needed reform of the UNSC veto power, states must also seek alternative options through other UN organs as well as unilateral and multilateral state efforts to protect civilians from atrocity. This includes pushes for greater transparency and accountability from UN agencies and multilateral organs by member states, using funding as leverage to ensure these agencies act in accordance with basic UN principles and their humanitarian and protection mandates.

Reinforcing International Norms

The popularity of the notion that states have a collective responsibility to prevent and deter the mass murder of civilian populations by their own governments has changed over the decades, with peaks in global consensus in the aftermath of atrocities like the Rwandan genocide and ethnic cleansing in the former Yugoslavia. The Syrian sieges, particularly those committed as part of the government's widespread and systematic strategy, represent a low point for this global norm. The lack of willingness of UN representatives on the ground to confront host governments that interfere in their institutionally mandated responsibilities regarding protection and humanitarian support, and otherwise commit violations against civilian populations, has implications that extend far beyond Syria.

The unconstrained use of siege warfare and the specific tactics employed in sieges in Syria, including the intentional starvation of civilians, have set dangerous global precedents. Today in places such as Myanmar and South Sudan, governments are using misery as a strategy for collective punishment against targeted civilian populations.⁹⁸ In Yemen, the Saudi-led coalition has attacked critical infrastructure and blockaded ports, sparking widespread famine and outbreaks that have already killed tens of thousands of civilians through starvation and disease.

One clear legacy of the sieges in Syria is the increased international awareness of starvation as a war crime. The adoption of UNSC Resolution 2417 (2018),⁹⁹ is an important step towards

97 France Diplomatie, "Why France wishes to regulate use of the veto in the United Nations Security Council," Accessed: January 2019, <www.diplomatie.gouv.fr>.

98 Caroline Flintoft, "Misery as Strategy: The Human Cost of Conflict," International Crisis Group, 31 May 2018, <www.crisisgroup.org>.

99 UNSC, "Resolution 2417 (2018)," S/RES/2417, 24 May 2018, <undocs.org>.

strengthen this global norm, but it must be accompanied by actions to address the ongoing use of starvation and denial of aid access in current conflicts in order to be meaningful. The string of unenforced UNSC resolutions calling for humanitarian access in Syria demonstrated the futility, even the danger, of passing resolutions without any expectation of compliance. Individual countries can support and strengthen the prohibition on starvation as a tactic of war by explicitly incorporating it into domestic laws regarding universal jurisdiction, as the Netherlands did in January 2018.¹⁰⁰

Similarly, the frequent use of chemical weapons against besieged areas in Syria has contributed to the degradation of global prohibitions against them. While a handful of mass casualty chemical attacks have drawn international attention and have been investigated by the Organization for the Prohibition of Chemical Weapons (OPCW), dozens of additional attacks documented by Siege Watch have been ignored. The contained nature of the sieges made the collection and preservation of evidence from these attacks difficult, and the use of less deadly choking agents like chlorine left relatively little evidence behind. But the same factors that made these attacks less attractive to investigators and dampened international outrage also increase the likelihood that similar attacks will be carried out in the future. Preventing the weaponization of a widely available dual-use chemical like chlorine will be impossible moving forward unless the UN, the OPCW, and UN member states take them seriously as major violations of international law.

At the broadest level, the key lesson that international stakeholders should learn from Syria's sieges and the insights of the Siege Watch reporting project, is the importance of taking action now to prevent a global rise in the use of forced displacement, chemical weapons, and starvation as tactics of repression. As the world has learned before: prevention is less costly than response.¹⁰¹ Towards this end, impunity must be swiftly brought to an end, political instruments must be created and exercised at both the UN and state levels to enforce international norms and laws, and concrete tools and protocols must be developed to guide the UN agency response to atrocities on the ground in such a way that they uphold core humanitarian principles. For the sake of global peace and security, the international community must work to prevent such horrors in the future, and to effectively respond when they arise.

100 Kamerstuk "34737: Wijziging van de Wet internationale misdrijven in verband met de strafbaarstelling van het belemmeren van humanitaire hulp in een niet-internationaal gewapend conflict," 10 January 2018, <zoek.officielebekendmakingen.nl>.

101 UN, "No Justification for Atrocity Crimes, Prevention Less Costly than Crisis Response, Speakers Tell General Assembly at Opening of Debate on Responsibility to Protect," 25 June 2018, <www.un.org>.

Recommendations

Addressing Health Needs of Siege Victims

- ◆ Donors, UN agencies, and host countries should ensure that mental health support for siege survivors is included in their funding plans.
- ◆ Siege victims, especially children, should be tracked by medical professionals and monitored to understand the impact of years of malnutrition and deprivation, and treat them to the extent possible.
- ◆ Urgent efforts should be made to get treatment for all who still require surgery or treatment for wounds acquired under siege.

Access to Education for Siege Victims

- ◆ Special programming must be developed to allow siege victims to finish their education, including scholarships and easy entry procedures to education in the diaspora.

Protection Concerns in Post-Surrender Areas

- ◆ Independent third-party monitors must be deployed to the post-surrender communities to ensure that vulnerable civilians are not being subjected to continuing human rights violations.
- ◆ The UN Security Council and its member states must back the Human Rights Council's efforts, and strongly advocate for its demands that the government of Syria give the Independent International Commission of Inquiry on the Syrian Arab Republic full access to the country, including to post-surrender areas.

Aid Policies in Post-Surrender Areas

- ◆ Proper conflict-sensitivity measures must be put in place to ensure that any aid in post-surrender communities does not inadvertently harm civilians, does not contribute to sectarian grievances and other conflict dynamics, and does not pay war crimes dividends to the Syrian government. Donors and aid agencies should develop context-specific risk indicators and conduct thorough analysis of local dynamics, working closely with both local communities and displaced populations, to mitigate unintended negative consequences of any planned programming. They should collaborate to share conflict sensitivity best practice guidelines and conflict sensitivity measures should be embedded at all levels of funding and programming cycles.

- ◆ Humanitarian aid distribution must be monitored and abnormalities must be investigated. Donors should demand transparency and accountability from UN agencies and other humanitarian actors for any work they are doing or plan to do in post-surrender communities, to ensure that funding intended to help Syrian civilians is not actually being used to support their dispossession, repression, and disenfranchisement.
- ◆ UN agencies must take a stronger approach to access negotiations with the Syrian government and must be willing to publicly condemn it for continuing to deny aid or access to siege victims.
- ◆ Humanitarian agencies with access to post-surrender communities should also aim to assess environmental and health risks resulting from the conflict, and begin context-specific remediation and cleanup efforts.
- ◆ Donors like the EU and the US should demand greater transparency from UN agencies and other implementers that they fund as part of the Syria humanitarian response and should exercise much greater oversight to ensure that funds are being spent appropriately and that implementers are held more accountable. They should insist that UN agencies and NGOs already working with the Syrian government develop clear definitions to differentiate between emergency aid, early recovery, and reconstruction programming.

Access to Those Detained During Forced Surrender

- ◆ The international community should make all efforts to pressure the Syrian government to account for prisoners detained or taken to so-called processing centers during forced surrender scenarios and scorched earth campaigns. That should lead to access of international monitors such as ICRC, information on the whereabouts and safety of prisoners, and pressure for the release of prisoners.
- ◆ Funding and support should be made available for local civil society organisations working to support detained people, to identify the whereabouts of disappeared people, and supporting the families of disappeared and detained people.

Support to Internally Displaced Siege Victims

- ◆ Urgent action is needed to meet the current and future needs of displaced persons in northern Syria. Donors, UN agencies, and international NGOs should be increasing their support for humanitarian and civil society programming to northern areas instead of downsizing and ending programs. Programs should be designed to meet the needs of siege victims, including immediate physical support such as food, medicine, and other basic services, as well as longer term initiatives aimed at generating employment opportunities, giving siege victims access to legal advice, and providing education, healthcare, psychosocial support.

Support to Siege Victims Displaced Outside Syria

- ◆ Host countries, donor countries, and international institutions should recognize the long-term nature of displacement that many Syrians – including Siege Survivors - are facing, and increase planning and funding to support refugees in the region long-term, support increased resettlement, and support safe, legal pathways to Europe and elsewhere.
- ◆ Because the conditions for the safe return of siege victims are not likely to be met in the foreseeable future, host and donor countries – particularly in Europe – need to expand and accelerate support for the long-term settlement and integration of these refugees, or their resettlement in an acceptable third country.
- ◆ The UNHCR should advocate with neighboring hosting countries to help facilitate the access of siege victims to the international asylum system and should consider them as an especially vulnerable group when considering placement and support options.
- ◆ Specialized programs focused on solving the issue of missing civil documentation records must be created and expanded to help ensure that this does not prevent siege victims from accessing education, medical care, and access to asylum.

Support to Siege Victims in Turkey

- ◆ The Turkish government, humanitarian agencies, and NGOs should significantly increase the number and scope of initiatives to support Syrian refugees in Turkey, focusing on access to education, medical care, and livelihoods.
- ◆ The Turkish authorities must treat Syrian civilians humanely at the border and all stakeholders with influence on Turkey should apply pressure towards this goal.
- ◆ The Turkish government in particular must take additional steps to protect refugees and decrease the barriers that prevent them from acquiring legal status in Turkey.

Accountability & Justice

- ◆ Accountability and justice efforts must focus on the victims' rights to know, to justice, to reparation and to guarantee of non-recurrence. As part of this approach, funding and other support should be allocated to Syrian civil society organizations, including victim-led organizations, working on the issues of justice, accountability, and support to victims.
- ◆ Pressure must be brought to bear on the Syrian government and its backers to let the CoI and IIIM investigators into post-surrender communities immediately. Witnesses and their families must be offered protection from government persecution in the form of relocation so that they may give honest testimony.

- ◆ The UN HRC should instruct the CoI to open new investigations into crimes committed during the sieges and forced population transfers and ensure that the CoI has the political and financial backing to do so. With the exceptions for the most prominent cases like Eastern Ghouta and Eastern Aleppo, most of the sieges have never been the subject of dedicated investigations. All incidents where there is clear evidence of war crimes or crimes against humanity should be investigated and responsibility attributed.
- ◆ An independent international mechanism must be developed to document property claims of forcibly displaced, to collect and preserve proof of property, to prepare for justice including property restitution and reparations.
- ◆ European countries should expand the options for persecution of war crimes in Syria under the principle of universal jurisdiction through strengthening the legal basis for universal jurisdiction, enhancing the capacity of relevant authorities, and increasing cooperation and information sharing with other states and investigative mechanisms.

Lessons Learned for the International Community

- ◆ UN member states must end impunity for the war crime of starvation, as stipulated in UNSC Resolution 2417 (2018), which calls on them “to conduct, in an independent manner, full, prompt, impartial and effective investigations within their jurisdiction into violations of international humanitarian law related to the use of starvation of civilians as a method of warfare, including the unlawful denial of humanitarian assistance to the civilian population in armed conflict, and, where appropriate, to take action against those responsible in accordance with domestic and international law, with a view to reinforcing preventive measures, ensuring accountability and addressing the grievances of victims.”
- ◆ Secretary-General António Guterres should order a Syria Internal Review Panel, with terms of reference that direct reviewers to measure the Syria response against the recommendations made by the Sri Lanka Internal Review Panel and identify UN agency failures to implement prior recommendations. The terms must also include specific mechanisms to operationalize recommendations.



Scroll through the story of
Syria's sieges in this multi-
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