

TRUTH BEYOND PROSECUTION

Reassessing Documentation and Truth-Seeking in the Syrian Conflict

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Syria Justice and
Accountability Centre



About the Syria Justice and Accountability Centre

The Syria Justice and Accountability Centre (SJAC) strives to prevent impunity, promote redress, and facilitate principled reform. SJAC works to ensure that human rights violations in Syria are comprehensively documented and preserved for use in transitional justice and peace-building. SJAC collects documentation of violations from all available sources, stores it in a secure database, catalogues it according to human rights standards, and analyzes it using legal expertise and big data methodologies. SJAC also supports documenters inside Syria, providing them with resources and technical guidance, and coordinates with other actors working toward similar aims: a Syria defined by justice, respect for human rights, and rule of law. Learn more at SyriaAccountability.org

Truth Beyond Prosecution: Reassessing Documentation and Truth-Seeking in the Syrian Conflict

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Cover Photo —A man rides his bike through the Eastern Ghouta, 2017 © Lens Young Dimashqi

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Bombing over Eastern Ghouta on November 17, 2017
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SECTION I

SECTION I

INTRODUCTION

The process of post-conflict reconciliation is generally understood to go hand-in-hand with truth-seeking and remembrance of human rights abuses. In Syria however, the process the government calls “reconciliation” is actually one of forgetting. Former opposition fighters are compelled to state they prefer to fight alongside the Syrian army than their old factions. Meanwhile, Syrians returning from refugee host countries or living in areas recaptured by government forces must complete a “status settlement” form before they can hope to secure basic social and economic rights. As the scholar Samer Abboud explains in his analysis of the Syrian government’s official reconciliation process, this form effectively requires a declaration of loyalty from Syrian citizens, who must swear that they have never engaged in acts of subversion that would harm the Syrian people.¹ Returnees must also divulge any information they have about “terrorist, non-Syrian elements,” including among their relatives. Reintegration into Syrian politics and society therefore now requires that the past be disavowed and denounced—not remembered in a way that prevents the recurrence of past crimes. Under these conditions, will Syrians ever be able to grapple with the events of the past ten years

and come to a shared understanding of the conflict?



One of the Refugee Memory Conversatorios that Surviving Memory in Postwar El Salvador organized in Copapayo. The conversatorios employ new kinds of participatory documentation methods, being comprised of community-based photo exhibitions, workshops, testimonies, musical performances, and community curation projects that document experiences of displacement during the civil war. © Moses Monterroza, 2018.

Research Problem: How Documentation Can Support Truth-Seeking

A decade after mass civil uprising provoked violent state repression and deteriorated into civil war and international proxy conflicts, justice remains elusive for Syrian victims. Throughout this period, Syrians have gone to incredible lengths to document human rights and international law violations committed by all parties to the conflict and to advance alternative visions of a society that respects human rights in which all Syrians can live in peace. It is important to recognize the strategic gains that have been made in accountability efforts outside of Syria, most notably in the universal jurisdiction cases ongoing in Europe. However exciting

these cases may be for symbolic and strategic reasons, they represent just one pillar of transitional justice.² Ultimately, Syrians will need holistic justice, inclusive of truth-seeking processes, in order to recover and reconcile. While findings in criminal cases may shine a light on violations in Syria, they are no substitute for robust and inclusive truth mechanisms in light of the rules about admissibility of information and evidence that are often not transparent and participatory with regard to victims.

While SJAC's efforts have always been focused on holistic justice, it has often measured the quality of its documentation in reference to legal standards regarding admissibility for a criminal trial. This is done in part because clear legal rules govern the

types of evidence that are admissible and persuasive in a legal setting, and since these standards are extremely high, they set an appropriately high bar for all documentation collected. While SJAC has developed unique standards when documenting other specific processes, such as missing persons investigations or property restitution mechanisms, no specific methodology exists to assist in collecting documentation that will be well-suited for truth-telling.

At initial glance, it may seem that documentation for truth-telling and criminal accountability need not differ. In both cases, documentation that clearly elucidates the facts of a particular event is needed. However, experience from settings such as post-conflict Serbia has demonstrated that factual knowledge of accusations of abuse does not necessarily mean that people accept that the event in question occurred. In Syria, perhaps the most documented conflict in history, the issue is not a lack of access to facts and records but rather systematic disinformation and polarization that leads people to question these facts. While SJAC hopes that one day a version of its database could be made available to a Syrian truth and reconciliation commission, there is little guidance as to what specific qualities would make the documentation more or less persuasive for the general public.

This realization has left SJAC exploring how its documentation may one day be used as part of reconciliation processes, including truth-seeking. Will Syrians, despite their deep divides, be willing to accept evidence collected during the conflict that is in contradiction to their preconceived narratives? In other words, will documentation be an effective countermeasure to the current divisions in Syrian society?

In order to address this question, SJAC sought to recreate a truth-telling process on a small scale. In partnership with Syrians for Truth and Justice (STJ), SJAC conducted a survey that presented documentation of the conflict to forty Syrians and asked questions about their reactions and thoughts regarding each individual piece of evidence. In refining the survey, SJAC and STJ developed a number of additional questions to further elucidate the initial one. Are certain modes (photos, testimonies, reports, etc.) of documentation more likely to lead people to change their minds? And are there other particular qualities of a piece of documentation that can make it more or less likely to sway an individual who is predisposed to disagree with the evidence presented? These follow-up questions may help documentation organizations develop more precise methodologies concerning how to effectively collect documentation for truth-seeking purposes. Ultimately, SJAC and STJ sought to assess whether documentation can help people come to a shared understanding of the conflict (on an individual and eventually collective level) and if so, what types of documentation would be most effective toward that end.

The Impact of Truth-seeking

There remains limited research on how to effectively document for truth-telling purposes.³ Comparative studies of the impact of truth mechanisms like truth commissions have focused on whether they contribute to the protection of human rights and processes of democratization. These studies suggest varied conclusions, with some authors arguing that truth mechanisms further human rights and democratization only when paired with criminal trials.⁴ Regardless, most adopt a macro-level perspective that highlights national or societal patterns rather

than explores what kinds of documentation (e.g. testimonies, archival analysis, forensic evidence) resonate on the individual level and might support the larger goals of a truth-telling process. These comparative studies of the impact of truth mechanisms have often only discussed individual responses to documentation in anecdotal terms, for instance by noting the fierce resistance to truth commissions among perpetrators or the importance of truth commissions for the progress of criminal prosecutions.⁵

Scholarship on the relationship of truth to reconciliation is a partial exception to this trend insofar as it has foregrounded individual attitudes through survey interviews and ethnographic research.⁶ Yet while these works provide valuable critiques of certain assumptions in transitional justice discourse—for instance, that the presentation of “the truth” inherently facilitates reconciliation—they do not address documentation. They, rather, examine individual responses to information when it is presented as objective fact (e.g. “the apartheid regime in South Africa was a crime against humanity”) and whether acceptance of said fact correlates to their willingness to reconcile with other members of society. Importantly, this scholarship acknowledges that truth-seeking does not occur in a vacuum. It qualifies claims about the effectiveness of truth mechanisms with reference to the many other factors that can impact reconciliation (to say nothing of human rights protections and democratization), such as political pluralism, offers of amnesty, the rule of law, and so on.⁷

As discussed further in the next section, it has often been truth mechanisms and memory projects originating outside official governmental apparatuses that have centered individuals in the documentation process. They have exhibited the more local, bottom-

up, and holistic qualities that transitional justice scholars are increasingly recognizing as important for the success of mechanisms like truth commissions—which have sometimes prioritized the quantitative enumeration of certain human rights violations rather than the descriptive and contextual explanation of the long-term causes and multifaceted experiences of abuse.⁸

If transitional justice scholars are increasingly recognizing the importance of local initiatives in documentation efforts, Syrians themselves have been at the forefront of documentation since the beginning of the conflict. A recent report on the topic explicitly stated that the leadership of Syrian civil society in documentation efforts was itself a victory given the disappointing results in other transitional justice processes around the Syrian conflict: “the active participation of this diverse group of Syrian actors in documenting and in serving as an indispensable resource for international bodies helps foreground local perceptions and local desires regarding accountability, which are often overlooked by an overly internationalized transitional justice process.”⁹ The leadership role of Syrian civil society organizations in documentation efforts is indeed admirable, but the attitudes of individual Syrians towards these efforts remain opaque as do understandings of whether specific forms of documentation can address the deep divisions in Syrian society. This report, and the survey data on which it is based, aims to address that gap and open a conversation aimed at reassessing documentation practices.

Truth-seeking and Memorialization Across Narrative Divides

The survey, discussed in Section II of this

report, showed that Syrians, like survivors of many conflicts, still profoundly disagree on what has taken place in their country, and differ drastically in how willing they are to revise their personal understanding of the events that transpired. While individual respondents found particular kinds of documentation more persuasive than others, these preferences were not consistent across respondents; rather, they depended on how respondents preferred to evaluate the documentation presented. Moreover, whereas the survey was intended to measure whether respondents accepted the facts presented by documentation, respondents often had a more complex reaction than simple acceptance or rejection of those facts. Many individuals were not open to changing their preconceived understanding of factual events, but still had emotional and meaningful reactions to the documentation, leading them to reflect on their experiences of the conflict.

Understanding such dynamic responses requires taking a broader view of truth-seeking than the binary “acceptance or rejection” model that the survey originally utilized. Here it is instructive to look toward civil society initiatives that have merged activities that transitional justice practitioners sometimes unnecessarily divide into “either” truth-seeking or memorialization. Local, community-driven projects that simultaneously do fact-finding and memory work have helped facilitate broad public engagement and education even when their communities are unable to agree to a single factual understanding or historical interpretation. They have tried to both develop more robust historical records of conflicts and human rights abuses and accommodate the kinds of narrative divisions that characterize societies that have faced prolonged civil conflict. These initiatives have accomplished truth-seeking and

memorialization work by engaging in creative methods of documentation that support holistic visions of justice in divided post-conflict societies.

In El Salvador, for example, the organization Surviving Memory of El Salvador employs participatory methodologies to accomplish fact-finding and truth-seeking, sometimes with participants who sharply disagree about the nature of the 1980-1992 Salvadoran Civil War.¹⁰ Through methods such as live performances of oral histories and place-based inter-generational conversation groups, Surviving Memory has excavated stigmatized experiences of rights abuses that traditional truth mechanisms and criminal prosecutions have typically struggled to accommodate (like gender and sexually-based violence). These memories of abuse are also serving as the basis for new legal actions by Salvadoran legal advocacy organizations like Tutela Legal that pursue accountability for those abuses and justice for the victims who shared their memories. Furthermore, Surviving Memory has had success facilitating discussion between younger and older Salvadorans who typically disagree about the abuses carried out by the left-wing guerilla forces; these were rarely acknowledged because of the political popularity of these forces, especially among older Salvadorans. These results bolster the claim of some transitional justice scholars that for some people mutual contact (and the pragmatic negotiation of everyday problems) may be more important for facilitating reconciliation than the ultimate shared acceptance of a single truth.¹¹

Elsewhere, in Lebanon, the UMAM Center for Documentation and Research is attempting to address the absence of any national archive or truth mechanism relating to the country’s 1975-1990 civil war.¹² It



Yarmouk Camp, Damascus 2018 © Lens Young Dimashqi

SECTION II

SECTION II

SURVEY ANALYSIS

does so by preserving primary documentary sources that span the entire chronology of the war, publicly exhibiting artistic representation of the war's legacy, and holding community discussions on the collective responsibility for the crimes that all parties to the conflict perpetrated. It explicitly seeks to counter sectarian explanations for the outbreak and conduct of the war. Finally, in Indonesia, the organization Asia Justice and Rights (AJAR) also employs participatory methods in its work documenting the experiences of women survivors of torture from historically marginalized communities like the Karen of Myanmar. Their creative forms of participatory documentation—such as community and body mapping of the long-term economic and bodily damages caused by rights abuses—have helped victims make demands for more holistic justice processes (e.g. restitution for decades of state-sanctioned land theft).¹³

None of these civil society initiatives explicitly address the questions that this report originally posed about why and how individuals might accept documentation of the historical record. They remain relevant, however, as examples of how creative forms of documentation can involve polarized individuals in efforts of truth-seeking and memorialization, to ultimately support visions of transitional justice beyond the limits of criminal prosecutions. As indicated in the survey analysis and recommendations, the

Syrian context is well-suited to such creative, community-driven efforts at deriving deeper understandings of conflict through participatory methods of remembering and disseminating diverse experiences. Since many of these initiatives employ techniques of remembrance drawn from victims groups themselves and develop new justice demands based on the experiences that victims have shared, they are also consistent with SJAC's victim-centered approach to transitional justice.

The above civil society initiatives complement traditional truth-seeking strategies in ways that are useful to this report. While many Syrians are indeed interested in traditional kinds of truth-seeking (e.g. documenting for a future truth commission), many are not and nonetheless find value in documentation which contradicts their understanding of the conflict. Thus, the report reassesses how documentation could support truth-seeking and memorialization processes that engage with individuals across this divide. It ultimately proposes new strategies for collecting and staging documentation that could support visions of truth and justice for Syrian victims that are more expansive than what prosecutions currently offer. This also creates spaces for reconciliation—one based as much on shared experiences as on a single, shared interpretation of the facts of the Syrian conflict.



The al-Bayda Massacre: Screenshot from footage from al-Manar TV channel that aired on May 2, 2013 shows corpses lying in the main village square of al-Bayda. *via Human Rights Watch*

Methodology of Survey Collection and Analysis

In order to understand how documentation may play a role in future truth-telling efforts in Syria, SJAC and STJ sought to conduct a survey to understand whether Syrians are open to changing their preconceived beliefs about the facts of the conflict as a result of viewing specific pieces of documentation. Field researchers from STJ conducted qualitative surveys from September to November 2020 with 40 adult Syrian men and women residing in Northwest Syria. STJ provided the written survey ahead of each interview for review by the interviewee and then delivered the survey questions via video call, transcribing respondents' answers. SJAC staff subsequently analyzed the interview transcripts.

Due to the difficulty of working inside Syria as well as the small sample size of the study, SJAC and STJ were unable to select a random sample of survey respondents. STJ's researchers relied on their networks to identify potential interviewees. For security reasons, the sample was limited to areas of Northwest Syria outside of government control. While the results cannot be responsibly extrapolated to Syrians as a whole, STJ and SJAC sought to select a group of both men and women representative of a diversity of ages, educational backgrounds, and self-identified political affiliations.

Each survey began with a series of questions regarding the interviewee's geographic location, age, and education. Each interviewee was then asked whether they were aware of two violations committed in Syria in mid-2013: the government massacre in al-Bayda and the non-state massacre in al-Hiffa. These two violations were selected because

they were committed by different perpetrators and because of the availability of open-source, high-quality documentation by both local activists and international organizations. Interviewees were asked whether they agreed with the survey-provided description of each attack, including the type of violation committed and the identity of the perpetrator.

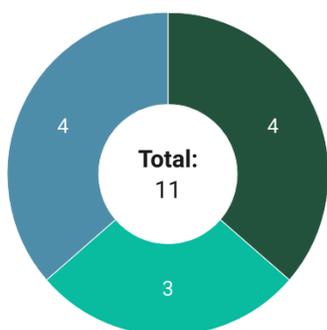
Each interviewee then viewed a series of documentation pieces—first regarding the events at al-Bayda, and then again regarding al-Hiffa—in multiple formats. The modes of documentation displayed to the interviewees included photos or video of the attacks' aftermath, first-person witness-survivor testimonies collected by Human Rights Watch (HRW), and excerpts of reports prepared by the Independent International Commission of Inquiry (COI). For each mode of documentation, the interviewer asked respondents a series of questions on whether and why they found the content and claims to be accurate.

In cases where respondents believed a given piece of documentation to be accurate, the interviewer asked if it changed their perception of the atrocity in question. In cases where respondents doubted its accuracy, they were asked to explain their skepticism. After presenting all of the documentation related to each atrocity, the interviewer asked respondents if their overall understanding of the atrocity had changed as a result of viewing these materials.

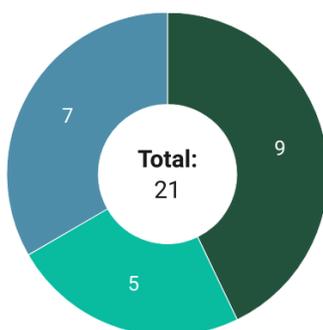
To conclude, the interviewer then asked a series of questions regarding where respondents receive their information on the conflict. These questions also addressed whether they often see news reported that they believe to be false. The full survey can be found in the annex of this report.

Respondent Political Affiliations

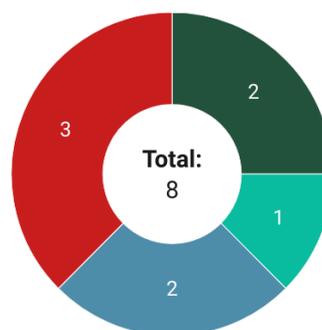
- Strongly Pro-Opposition
- Somewhat Pro-opposition
- Neutral
- Somewhat Pro-Government*
- Strongly Pro-Government



Group 1



Group 2



Group 3

*"Somewhat Pro-Government" was an option on the survey, however, no respondents selected this category

Source: SJAC • Created with Datawrapper

It is important to note that the simplistic framing of the documentation presented in the survey—with one crime committed by government forces and one by opposition forces—was deemed necessary due to time and resource limitations. It is not intended to imply that the conflict is binary, nor that the scale of crimes committed by the opposition is equivalent to crimes committed by the government.

Additionally, due to the over-sampling of those aligned with the opposition, a result of surveys being collected in opposition-controlled areas, many of the interviewee quotes highlighted in the report focus on pro-opposition individuals grappling with crimes committed by the opposition. While acknowledging these crimes is of course important, again, this is not intended as a

reflection of the scale of crimes committed by any particular actor. Moreover, SJAC chose the highlighted quotes to depict the manner and extent to which respondents were reassessing their beliefs based on documentation, not because the new stances they reached may or may not align with SJAC's understanding of the conflict. Additionally, because of the small sample size, it would be irresponsible to draw broad conclusions about how individuals of different political affiliations may react to documentation differently. Nonetheless, some important patterns did emerge from the survey results

Survey Results

Did respondents change their mind when presented with documentation that counters their beliefs?

To understand the survey results, SJAC organized the 40 surveys into three groups according to whether respondents altered their opinion of the violations based on the documentation presented. About one-third of respondents (eleven individuals) fell into group one, meaning they were willing to accept documentation that factually contradicted their previously held beliefs and adjust their narrative accordingly. Half of the respondents (21 individuals), fell into Group 2, neither accepting nor rejecting documentation outright. They may have been open to some types of documentation but not others, or expressed skepticism of specific pieces of documentation, while also showing some willingness to adjust their narratives in response to new information contained within it, such as accepting a violation took place but questioning the extent of the violence. About twenty percent (eight individuals) fell into Group 3. These interviewees rejected documentation that contradicted their beliefs and refused to reassess in light of new information.

The large number of individuals falling into either Group 1 or 2 is, in and of itself, promising. In the aftermath of such a complex conflict, it would be naive to believe that large numbers of individuals would be willing to drastically change their beliefs through such limited exposure to new information. However, those in Group 2 still exhibited an openness to discussing their beliefs and, to differing extents, reassessing their stance. Presumably sustained efforts by civil society or a truth mechanism to engage Syrians with documentation could ultimately be effective in shifting their beliefs.

What follows is a short analysis of the extent to which individuals in each group accepted the evidence presented, including

examples of what types of evidence were and were not accepted by respondents.

Group 1

In Group 1, those who described themselves as strong supporters of the opposition were strikingly receptive to changing their minds when shown evidence of the al-Hiffa atrocities. One respondent, aged 26, admitted that he had not heard about al-Hiffa and “did not think it was possible for a massacre like this to have occurred in 2013, especially given the positive reputation that the Free Syrian Army enjoyed among demonstrators. However, after reading the [COI] report and the survivor’s testimony, I’m completely convinced that it really did happen.” He furthermore expressed that he felt that the photos, in particular, served to “confirm and document an event for which there has to be accountability.” This sentiment was echoed by a 30-year-old respondent who also self-identified as strongly pro-opposition and was unaware of the events in al-Hiffa, despite feeling well-informed about the conflict. “Having followed events since the beginning of the revolution I thought that there were only a few of these massacres, but now I know that what happened was in fact even more monstrous and cruel. The regime and the opposition both bear responsibility for what happened in Syria.” He explicitly described the attacks in al-Hiffa as “war crimes” that demand punishment for the perpetrators.

In some cases, the evidence presented compelled people in this group to change their beliefs regarding the conflict as a whole, beyond the specific violations depicted in the documentation. One 27-year-old, self-identifying as strongly pro-opposition, expressed that they had not known about the

attacks in al-Hiffa and that “these sources challenged my impression of the conflict in Syria, and I realize now that this conflict is not just political but also sectarian.” Similarly, a 26-year-old, somewhat pro-opposition respondent said that the material from al-Hiffa made him realize that while some groups may have been fiercely opposed to the government, “they shared the same mentality, the same cruelty, and they have to be held accountable; this is just like the war crimes that the regime committed.” These statements all represent a willingness to drastically revise preexisting views as a result of viewing documentation.

Group 2

Respondents in Group 2 attempted to situate documentation relative to their own prior narratives, rather than shifting their narratives to match the documentation. Their analysis often focused on particular details of the documentation they believed to be inaccurate. Interviewees would then “correct” for these details and incorporate the documentation into a narrative that they already had established in their minds. A 26-year-old respondent, self-identifying as somewhat pro-opposition, explained that he neither believed the survivor from al-Hiffa nor accepted the COI report completely. Rather, he instead maintained that the groups accused of the attacks were actually government-aligned. He speculated that the survivor may have been pressured by the government to narrate things as he did, and while “I trust the COI, I don’t think it had access to all the facts.”

Other respondents gave similar answers in which they claimed to agree with the subject matter of the documentation in general terms but then offered contradictory interpretations. For pro-opposition respondents, these alternative accounts included the belief

that the perpetrators at al-Hiffa were being controlled by actors external to Syria, or that it was a confrontation between fighters rather than a massacre of civilians.

Group 3

Respondents in Group 3 reacted to documentation in a hostile manner and rejected the documentation when it contradicted their previously held beliefs. Notably, however, this response was rarely based on skepticism toward particular aspects of a given piece of evidence such as the blurriness of a photo or the accents in a video. Rather, it arose from a broad rejection of claims that did not align with their preexisting beliefs about the violation and the role of documenting organizations. For example, those who rejected documentation of al-Bayda, explained that they did not trust the documenting organization, rather than providing any empirical assessment of the material itself. In the words of one 55-year-old, strongly pro-government respondent, “it was probably forces aligned with the opposition [that fabricated this video] ... [so as to] distort the facts and add to the chaos in Syria.” For others, the claims of the documentation were simply “illogical”—for instance, that agents of the state would kill civilians whom they had sworn to protect. In these cases, they characterized documentation as “inaccurate” because the basic premise was impossible in their eyes, whether this was the absence of opposition forces in al-Bayda or the involvement of the opposition in war crimes as early as 2013. Unlike those in Group 2, Group 3 respondents did not attempt to accept certain aspects of documentation or explain contradictions.

How did respondents assess the credibility of documentation? Were some



A destroyed house in Damascus. © Lens Young Dimashqi

types of documentation deemed more credible than others?

The form (photo/video, survivor interview, or report) and source (individual civilian, Human Rights Watch, or COI) of documentation were influential in whether respondents accepted the documentation, with many respondents rejecting some types of documentation but accepting others regarding the same violation. Different groups found different forms of documentation convincing. Respondents consistently referred to the documentation they found most influential as “objective,” but respondents disagreed about what mode of documentation is inherently “objective.”

Some respondents were drawn to the details and perceived impartiality of the COI reports while others valued testimonies, videos, and photos because they were captured at the scene of a crime or directly by survivors. Respondents also had strong reactions to the documenters’ apparent credibility or perceived political associations. Beyond the identity

of the documenter, some respondents noted that the context in which documentation is presented could also affect their willingness to believe it. For example, two respondents stated that the COI report excerpt would be more convincing if it was presented in the context of an international tribunal.

The results suggest that documentation for truth-telling should rely on a variety of documentation types, as different individuals assess the validity and ‘objectivity’ of documentation differently, and come to different conclusions about what is or is not convincing.

The following is an analysis of how individuals in each group assessed the validity of the presented evidence and what types of evidence they deemed most credible or “objective.”

Group 1

For respondents in Group 1, objectivity and credibility were often assessed

by close analysis of specific details within the documentation, and often how the details across different types of documentation aligned. COI reports were most likely to be deemed “objective” and convincing by this cohort, which valued the rich detail they provided. A 24-year-old, strongly pro-opposition respondent, for example, said that it was critical that the COI reports on both al-Bayda and al-Hiffa provided the names of specific groups involved in the attacks and were also transparent about their process of documentation: “the report [on al-Bayda] explains the documentation process very precisely and contains a lot of details, like the fact that the NDF [National Defense Forces] was involved [in the attack].” In the case of al-Hiffa, the respondent also noted the COI’s reference to names of opposition-aligned groups “from Sunni villages, [the participation of which] was something I hadn’t been aware of previously.”

Group 1 respondents also valued the reputation of the COI. Many said that they believed the COI to be an international body with the technical capacity to carry out what they deemed to be objective, credible documentation unaffiliated with any of the governments that intervened in the Syrian conflict. The fact that the COI investigated atrocities committed by both government and opposition-aligned forces added to its credibility in the view of these respondents. Others had seen the COI’s reports before and found the organization credible.

Even when respondents in Group 1 favored other sources, such as the witness testimony, it was for the same reason: the survivors had credibility in their eyes because they spoke in great detail about the sequence of events, conveyed knowledge to which respondents felt only survivors would have had access, and had been verified by Human

Rights Watch, a group which respondents trusted.

Group 1 respondents were less swayed by photos and videos. While a few Group 1 respondents appreciated the video of al-Bayda—as it contained accents that they associated with pro-government regions of Syria—many questioned its authenticity, clarity, or provenance. A 27-year-old, politically neutral respondent, for instance, speculated that although the photos from al-Hiffa “might not have been fabricated, they were not [taken] in Syria.” Other respondents in this category were dissatisfied that the photos from al-Hiffa were blurry and, in their view, not clearly attributed to a distinct and credible authority.

Respondents in Group 1 did not evaluate each piece of documentation in isolation, however. A given piece of documentation often worked to change respondents’ understanding of the events in question specifically because it was presented alongside others, with the total of the documentation proving persuasive. For example, one 26-year-old, strongly pro-opposition respondent said that the COI report on al-Hiffa had “confirmed things for me, especially as I had already read the survivor’s testimony before it, which this report complemented.” Whereas the extremely graphic photos from al-Hiffa moved him on an affective level, “no thinking or feeling human could do this, or even imagine doing this,” he stressed that the survivor testimony and COI report provided key details about the groups that participated in the attack and the civilians who were killed as a result. In another example, one 40-year-old, who self-identified as a somewhat pro-opposition respondent, was neither aware nor certain that the attacks in al-Hiffa had occurred and doubted the veracity of photos of the atrocities. Nevertheless, he appeared to revise his stance after seeing that the survivor

and COI report affirmed one another, stating that “materials which contain the same information and overlap with one another make you rethink things.” The willingness to critically engage with and compare the claims of various pieces of documentation to each other, rather than in reference to one’s prior knowledge or assumptions, distinguished respondents in this category.

Group 2

Respondents in Group 2 found visual sources the most convincing, followed by the survivor testimonies. However, Group 2 respondents assessed the credibility of this documentation differently, often describing them in terms of their emotional impact rather than factual details. A 35-year-old, politically neutral respondent stated this explicitly when she described how hearing from victims “always makes you feel things more [deeply].” Many respondents in this category pointed to the visual sources and survivor testimonies as confirmation of what they believed to be true. For example, a 27-year-old respondent who described himself as somewhat pro-opposition accepted the documentation around al-Bayda because he had already heard about the massacre: “the video confirmed my impression [of the attack], especially the fact that there weren’t any armed fighters among the victims; they were all civilians. The regime killed many people simply because they were opposed to it... [while the survivor testimony] was convincing because the regime always dealt with the opposition with this kind of barbarity.” The video was likewise convincing to a 40-year-old, strongly pro-opposition respondent because “the way they are talking down to people here is how the regime acted.”

When it came to violations by groups aligned with an opposition that many

Group 2 respondents supported to varying degrees, visual sources could be more easily internalized as examples of the generalized violence that had been committed by all parties to the Syrian conflict—if not decisive evidence of specific actions that would discredit particular opposition groups. The photos from al-Hiffa illustrated for one 35-year-old, somewhat pro-opposition respondent “how trivial such killing became in Syria.” Multiple others stressed that the photos conveyed “levels of cruelty” in the Syrian conflict which they hadn’t imagined possible. A 30-year-old, politically neutral respondent preferred visual sources and even criticized the COI report for not including documentation of this kind, but did not suggest that his understanding of the violations was radically altered. The photos and testimony from al-Hiffa had demonstrated to him that the attack was “hideous, saddening, and utterly inhuman. Like the victim Bashir said, no religion would permit this.” Such commentary was typical of respondents in Group 2 who framed their responses in affective terms.

When respondents in Group 2 took issue with particular forms of evidence, they highlighted what they considered to be subjective documentation. In particular, this “subjective documentation” usually referred to COI reports. A 40-year-old, politically neutral respondent, for example, doubted the precise number of fighters and victims cited in the COI report on al-Bayda, but did not attribute this to an intentional deception on the part of the COI. Instead, he explained that the COI ultimately relied on the testimony of individuals whose knowledge was inherently limited. This piece of documentation was not totally accurate in his eyes because although “it gave many facts and figures, these aren’t necessarily totally correct as [the COI] ultimately relies on people estimating.”

Some, like one 27-year-old, politically neutral respondent, believed the COI report on al-Bayda because they had already heard about events there from other people, but not when it came to al-Hiffa because it did not include visual evidence.

Group 2 respondents, however, did not completely rule out changing their mind based on documentation and often suggested the kinds of evidence that would have convinced them of claims that challenged their beliefs. In one instance, a 25-year-old, politically neutral respondent was generally unconvinced by the documentation from al-Hiffa which implicated opposition groups in the killing of civilians. He speculated that the survivor testimony had been produced under government pressure and held that the events only involved “revolutionaries and regime forces.” Nevertheless, (as was the case with several other respondents in Group 2) he took the pictures to be credible as they showed a kind of stone which he associated with the geography of al-Hiffa. He furthermore said he would have been convinced of the COI’s claims had there been a “verified video” as in the case of al-Bayda documentation. Interestingly, in one case, a 40-year-old, strongly pro-opposition respondent initially expressed skepticism toward all documentation whether it implicated the government or the opposition. It was the COI—and her trust in this body—that eventually convinced her that the al-Bayda attacks did indeed happen as was suggested. While she did not immediately accept the report on al-Hiffa, she stressed “the need for more research... [I would want to see] at least fifty individual interviews.”

Some respondents in Group 2 expressed doubts about the COI reports which stemmed from skepticism about the political utility of international documentation efforts

generally. As one 46-year-old, politically neutral respondent put it, international actors like the COI were “useless in Syria. They did not lift a finger to stop what was happening, and for this reason, I can’t be convinced [by their documentation] ... The international organizations helped inflame the situation in Syria.” This sentiment was echoed even by opposition supporters, who reacted to the COI report accusing government forces of violations in al-Bayda by saying that “all of the international authorities are politicized and have an agenda in conducting investigations in Syria. Of course the regime is cruel, but the report is clearly trying to depict it as criminal regardless of the facts, by exaggerating things.” Notably, however, the self-identified neutral respondent did affirm documentation efforts if they could directly support accountability processes. Hence, documentation efforts were, in her eyes, more valuable in the context of international tribunals and criminal prosecutions than general truth-seeking and advocacy efforts at establishing a factual record of abuse.

Group 3

Few respondents in Group 3 expressed strong preference for one source of documentation over another. Most were opposed to the majority of documentation regardless of its form, particularly if it challenged their preconceived notions. When there was a preference for one type of documentation over another, there was an interest in documentation that respondents perceived as direct or unmediated, such as survivor testimony or visual sources. However, this preference only held when documentation aligned with their previously held understandings of the events. Notably, not a single respondent in this category endorsed the COI reports.

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Beyond Truth-Seeking

The survey was specifically designed to measure the value of documentation for truth-telling, defined as the establishment of factual events of the conflict. However, another, unanticipated theme emerged. Respondents frequently described the documentation not as a way to understand the details of specific events, but rather as representative of the larger devastation of the Syrian conflict, which all respondents lamented. Photos from al-Hiffa demonstrated for some “how trivial this kind of slaughter became in Syria,” while testimony from al-Bayda provoked grief for how the survivor would “be able to live the rest of her life having seen things like this. How will she be able to sleep and even look toward the future?” A 35-year-old, politically neutral respondent felt that the most important aspect of the documentation was that it “made you understand better the destruction that we have gone through. It was not just the country physically that was destroyed, but also ourselves as people. We are not like we used to be.” This was particularly common in Group 2, with respondents sometimes rejecting the premise of a survivor’s testimony while still expressing sympathy for and relating to their experience. Many of these respondents found a way to believe in the experience of the victims, even if they disagreed with key details such as the identity of the perpetrator. Even some Group 3 respondents who went so far as to rationalize the violations as a necessary political cost still expressed sympathy for the victims. The 49-year-old, strongly pro-government supporter who thought the al-Bayda massacre was evidence of positive political sacrifices nevertheless sympathized with the victim’s experience coping with loss (“may her husband rest in peace”).

Such reactions suggest an important role for documentation beyond establishing the facts of the conflict, perhaps through memorialization efforts. In deeply divided societies, a shared language of loss and devastation is sometimes the first step to healing, even if division continues regarding the identity of specific perpetrators. The ability to offer empathy to victims across political lines can pave the way towards reconciliation, and create willingness for other justice processes, such as reparations programs for those most affected.



A man casts his ballot in the Syria's presidential elections on May 26, 2021. ©--- Hamada Elrasam for VOA

SECTION III

SECTION III

CONCLUSIONS AND RECOMMENDATIONS

Their preference for unmediated documentation seems to be rooted in a marked distrust toward “outsider” sources of information. One 39-year-old, strongly pro-government respondent repeatedly contested documentation on the al-Bayda attack and only took documentation of opposition atrocities as confirmation of what she had already heard from family members employed in the government security services. She said that of all the different kinds of documentation from al-Hiffa the most convincing was “the testimony, because I trust what my father and brothers have told us about how things really are on the ground, and this person Bashir was actually there where the event took place.” This kind of reaction was also apparent among strongly pro-opposition respondents, such as one 53-year-old man who denied the validity of documentation from al-Hiffa but said that the video from al-Bayda was naturally the most convincing because “sadly, we saw massacres like this one with our own eyes and so [the video] is extremely moving... it’s live footage and not just described in words.”

However, such unmediated documentation was not accepted when it opposed the preexisting views of the respondents. A 53-year-old, strongly pro-opposition respondent did not accept testimony from the survivor of al-Hiffa because “I can’t trust

anyone who supports the regime, as they always lie. It’s easy to accuse opposition groups... perhaps the regime paid him or pressured him [to say this].” It is important to note that the HRW report which presented the testimony of the al-Hiffa survivor did not identify this person as a supporter of the Syrian government, and in fact, the survivor explicitly describes himself as a civilian, making no mention of his political beliefs.

Some respondents within this group were skeptical of sources even when they affirmed their perspective, expressing a general suspicion toward those whom they viewed as outsiders to the Syrian conflict. For example, one pro-government respondent rejected the COI report on opposition war crimes in al-Hiffa as he felt it was an instance of “the COI trying to demonstrate that it’s neutral, by documenting a massacre by the opposition; but we know what its real intent is.” He further stated that “I am not convinced by outside sources. I assess the situation as it really is on the ground.” In several cases, however, respondents in Group 3 expressed gratitude that attacks attributed to the factions they supported had been documented. They felt that the documentation affirmed their perception of the conflict and their belief that the atrocities which had been committed were a necessary price to be paid to resolve the conflict.



Civil war survivor José Zamora leads the Surviving Memory in Postwar El Salvador documentation team to the site of the 1982 Los Raudas Massacre. After several attempts, the team finally located the site of mass graves and added it to an interactive digital map; this tool represents one of the new methods of participatory, victim-led documentation that advances both truth-seeking and reconciliation goals in the face of diverse experiences of conflict. © Amanda Grzyb, 2018.

The responses to the survey suggest that some Syrians are prepared to engage in traditional truth-seeking processes through learning and accepting new information about the conflict (e.g. via public hearings, the publication of official reports, prosecutions, and so on). However, documentation efforts for truth-seeking purposes also need to be equipped to engage with individuals who may not be prepared to reject their personal narrative of the conflict. Such individuals may still be willing to engage with, and develop empathy for, those with whom they

disagree. While such engagement may not lead to acceptance of one universal narrative of factual events, it can help individuals recognize that the traumas of the conflict were shared across society and the need to support victims across the political spectrum.

As a result, in anticipation of more formal truth-seeking and memorialization processes, Syrian documentation organizations should not only plan to utilize existing evidence but should also collect and stage additional documentation in new and creative ways that

resonate as credible with individuals who possess extremely different understandings of the conflict. Doing so can simultaneously address the divergent experiences and polarized narratives among Syrians and help establish a more robust factual record of the conflict. In this way, documentation would both allow individuals to feel that their varied experiences of the past are validated, and provide a record to support material justice efforts in the present.

Documentation, which can serve these multiple purposes, should seek to register as both neutral and authoritative, on the one hand, and participatory and informed by community and individual experiences on the other. Because achieving these goals will take significant amounts of time, SJAC proposes two sets of strategies for collecting and staging documentation that is respectively intended for the short and long term. The short-term strategies focus on the immediate fact-finding imperatives and practical possibilities of truth-seeking. SJAC has formulated these in light of both the political and material conditions that currently characterize the Syrian conflict and the elements of documentation that survey responses suggest may prove important in the future. The long-term strategies focus on creative ways of collecting and staging documentation to facilitate contact between Syrians of different generations and social and political backgrounds, as well as to communicate multiple experiences of the conflict (without necessarily producing the acceptance of a single shared truth). These long-term strategies will likely only be feasible once the humanitarian crises confronting Syrians have abated and some measure of distance from the conflict has emerged. In both cases, these strategies should account for the fact that, while many Syrians have eagerly taken the lead in documenting the facts and experiences of the conflict, many others may

prefer not to participate in truth-seeking and memorialization for a host of reasons (including the fear of reprisal among low-level perpetrators and even victims themselves). Taken together, these strategies can help inform documentation for the purpose of truth-seeking beyond criminal prosecutions:

Over the short term, documentation organizations should:

- Expand documentation training to Syrian CSOs and individuals. Syrians themselves must continue to lead documentation efforts, with support from international bodies like the UN Commission of Inquiry. SJAC's online training materials already provide a foundation for this effort, but could be made more robust and accessible. This kind of resource will add to the legitimacy of justice processes that proceed based on documentation and center the interests of Syrian victims, while still respecting the positive associations that many expressed about neutral bodies like the COI. However, there remains a need to strengthen the basic principles of documentation necessary for subsequent truth-seeking, memorialization, and accountability efforts. Clear documentation labeling reinforces the admissibility of evidence in legal settings and addresses the frequent skepticism among respondents about the provenance of particular pieces of documentation. To enhance credibility, documentation training should stress the value of detail and transparency in addressing concerns about the methodology by which sources were collected and the intended conclusions (e.g. that a very particular party to the conflict was responsible for a given violation), as well as in identifying

geographic landscape or accents.

- Collect testimony that speaks to the holistic impact of human rights violations, especially its subjective and emotional dimensions. Documentation organizations should ask questions of victims that inquire into the long-term material and emotional impact of violations. Often left out of criminal accountability processes, a focus on these facets of experience can help support a broader range of transitional justice mechanisms beyond accountability. Survivor testimony describing the long-term subjective and emotional impacts of violations could amplify calls for justice and reparations for a range of victims, including the families of the missing for whom the disappearance of loved ones also had economic and social ramifications, as well as individuals who continue to suffer from debilitating psychosocial effects of conflict-related trauma. As Asia for Justice and Rights has illustrated in its documentation work: individual reflections on both the positive and negative impacts of the conflict on peoples' life trajectories; the tracing of the physical impact of past experiences on individual bodies; and group mapping of sites of communal and economic significance that were targeted during periods of conflict. Delivering this kind of testimony may itself constitute a kind of healing for victims. Finally, as suggested by how often survey respondents sympathized with victims giving testimony regardless of their political affiliation, the emotional appeal of this kind of documentation may also help facilitate reconciliation among Syrians—even if individuals continue to disagree about the identity of the perpetrator of a given violation. Documentation organizations

should always carefully consider the risks that can come with collecting this kind of testimony, which can include re-traumatizing victims and occluding the structural dynamics of rights violations.¹⁴

Over the long-term, documentation organizations should:

- Strive to collect and stage documentation in a participatory, bottom-up fashion that foregrounds the experiences and demands of Syrian victims. While SJAC and other documentation organizations already involve victims when collecting interviews with survivors of violations or collaborating with families of the missing on investigations, more could be done to make the presentation of documentation meaningful to Syrians. This is especially critical when it comes to highly polarizing or stigmatized experiences, such as violations committed by parties to the conflict that may still enjoy popular support (such as the Free Syrian Army) or gender and sexual-based violence. Working with survivor groups and CSOs, as Surviving Memory in Postwar El Salvador and its partners have done, documentation organizations could support the development of live performances and soundscapes of survivor testimony, forensic architecture-informed VR tours of sites of massacres, the exhibition of songs and artwork narrating abuse and displacement, and inter-generational conversation groups among residents of specific localities. The precise form of these exercises could depend on pre-existing customs of remembrance and reconciliation specific to different regions and segments of Syrian society, as well as regional contexts. Many could likely only

be implemented among Syrians living in the refugee and diaspora community and should be accompanied by the necessary psychosocial support. Yet these methods of staging documentation may speak to respondents' clear interest in direct and/or unmediated evidence, especially sources "from where the event actually took place" (as so many individuals reiterated). They may even appeal to respondents who rejected documentation outright but expressed sympathy for the victims they saw. Furthermore, such participatory conversation groups techniques may provide a way for individuals to work through the feelings of disbelief and confusion that respondents frequently expressed (such as with regard to why civilians would be subject to armed assault). These participatory forms of staging documentation must of course be done carefully, so as to avoid compromising the credibility and neutrality of truth-seeking efforts - a clear priority for many respondents.

- Illustrate the connections and complementarity between different pieces of documentation being presented alongside each other. One way to achieve both complementary and detailed forms of documentation is through the production of interactive digital maps of violations that can display such sources simultaneously and in connection to specific events/abuses. Another way, inspired by the work of artist Unda Lara in collaboration with Surviving Memory, would be to hold physical and digital multi-media exhibits that feature both oral and visual material. The exhibits could entail playing recorded survivor testimony about their life stories and the long-term impact of violations, alongside historical series of photos from violation sites that

illustrate landscapes as they have changed before, during, and after the conflict. Ideally, the very act of sharing and viewing experiences of conflict and abuse in this way facilitates a kind of reconciliation through mutual contact, if not through agreement on the facts.

SECTION IV:

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SURVEY QUESTIONS

Select 40 respondents based on the below pre-survey questions.

Selection Criteria

- On a scale of 1-5, 1 being strongly anti-the Assad government and 5 being strongly in favor of the Assad government, how would you describe yourself?
- [Try to select a group that falls roughly equally across this political spectrum]
- Would you be comfortable watching video footage, reading victim testimonies of or discussing in depth, killings that took place in Syria as part of a research study on political opinion? Footage and images will be graphic and include images of dead bodies.

Background questions

Male or female?

Age?

Education level?

Baseline questions:

- Are you aware of allegations that the Syrian government killed over 100 civilians in Al-Bayda in 2013?
Or
- Are you aware of allegations that non-state armed groups killed over 100 civilians in Al Hiffa in 2013?
- Do you believe that [event being discussed] took place?

The order of the following three areas of questioning should be randomized across the 40 participants. Each participant will go through this process twice, once for each of the two events.

I. Video depicting the event:

Provide a video of the event, including information regarding the source of the video.

- ⇒ Describe the video that you just saw.
- ⇒ Do you believe that this video is authentic?
 - If yes:

- Why?
- Did the video change your understanding of [the event]?

→ If no:

- Why not?
- By whom do you think this video was fabricated?
- For what purpose do you think this video was fabricated?

II. Written testimony of victim or witness:

Provide information (possibly in writing on the document) on the source of the information. I.e. this is a victim testimonial provided by Amnesty International.

⇒ Describe the document that you just read.

⇒ Do you think this person reported the events as they unfolded?

→ If yes:

- Why?
- Did the statement change your understanding of the event?

→ If no:

- Do you think this person is lying?
- What elements of the testimony do you believe to be false?
- For what reason are you suspicious of the accuracy of the testimony?
- Why do you think the person decided to lie?

III. A statement by the COI acknowledging the event

Provide short explanation of the COI.

“The Independent International Commission of Inquiry on the Syrian Arab Republic was established on 22 August 2011 by the Human Rights Council . . . with a mandate to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic.” Provide a report by the COI on the violation in question.

⇒ Describe the document you just read.

⇒ Do you think this statement was written by the Commission of Inquiry?

→ If no:

- Why do you believe the document was not written by the COI?
- For what purpose do you think this statement was forged?

→ If yes:

- Do you think this statement depicts facts as they unfolded?
 - If yes:
 - Did the statement change your understanding of the event?
 - If no:
 - On what elements do you think this statement does not reflect the facts as they unfolded?
 - What makes you think the statement departs from the reality?
 - Do you think the statement is purposefully not truthful?
 - If yes: For what purpose do you think the COI's statement is not truthful?
 - Do you think the COI is an independent body investigating the violations that occurred in Syria?

Follow up

After reviewing all these materials, have you changed your opinion on [the event]?

If no: Is there anything that would make you change your mind regarding this event? What is it?

Which of the above sources of information did you find most convincing? Least? Why?

Conclusion

How do you normally receive your news about events in Syria? (social media, television, radio, somewhere else?)

Do you often see news reported that you believe to be false?

How do you determine whether a news report is true or false?



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