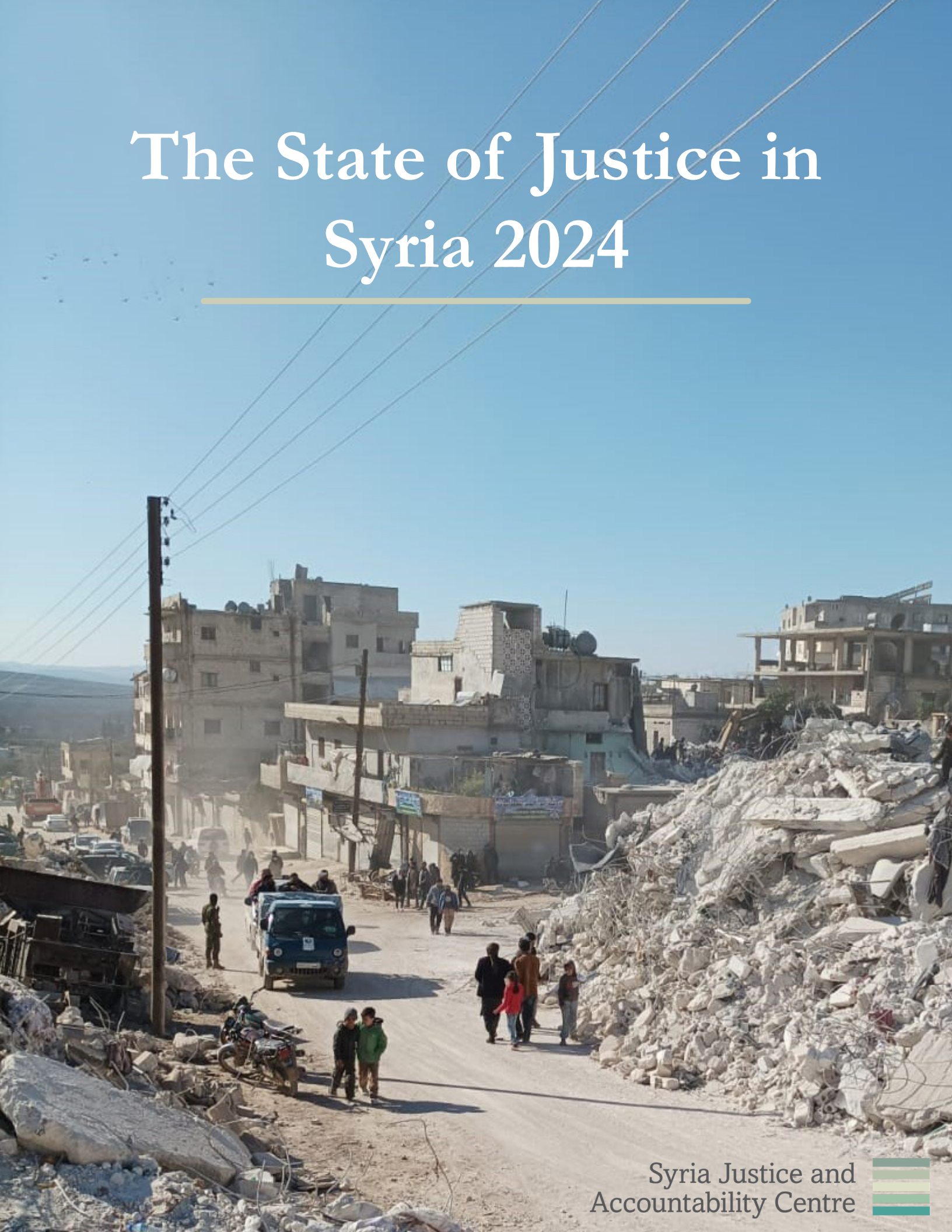


# The State of Justice in Syria 2024

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# The State of Justice in Syria

March 2024



The 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](https://syriaaccountability.org)*

*The State of Justice in Syria, 2024*

*March 2024, Washington, D.C.*

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*Cover: Aftermath of the 2023 Earthquake in Idlib*

*Credit: SJAC's Documentation Team*

# Table of Contents

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<b>Introduction</b>	<b>1</b>
<b>Violations</b>	<b>5</b>
Airstrikes	6
Al-Hol	7
SDF/AANES Violations	8
Türkiye and its SNA Proxies	8
Housing, Land, and Property Violations	9
Captagon	10
Arbitrary Detention & Enforced Disappearances	11
Refugees and Forced Returns	12
<b>Justice Efforts</b>	<b>14</b>
Universal Jurisdiction Updates	15
The Alaa M. Trial	16
Prosecuting Foreign Fighters/ISIS Affiliates	17
Missing Persons Investigations	19
Sanctions	19
Technology and Human Rights	21
Documentation	24
Investigations: Open-Source Documentation	24
Field Documentation	25
<b>Conclusion and Recommendations</b>	<b>27</b>
<b>Annex I: Charts</b>	<b>32</b>
<b>Annex II: Universal Jurisdiction Cases</b>	<b>34</b>
<b>Annex III: Endnotes</b>	<b>36</b>

## Acronyms

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<b>AANES</b>	Autonomous Administration of North and East Syria
<b>EU</b>	European Union
<b>FAFG</b>	Guatemalan Forensic Anthropology Foundation
<b>GCDI</b>	The Global Coalition To Defeat ISIS
<b>HLP</b>	Housing, land, and property
<b>HTS</b>	Hay'at Tahrir al-Sham
<b>ICJ</b>	International Court of Justice
<b>IDP</b>	Internally displaced person
<b>IHL</b>	International humanitarian law
<b>IIMP</b>	Independent Institution on Missing Persons in the Syrian Arab Republic
<b>IRGC</b>	Islamic Revolutionary Guard Corps
<b>ISIS</b>	Islamic State of Iraq and Syria
<b>OFAC</b>	Office of Foreign Assets Control
<b>OSINT</b>	Open-source intelligence
<b>PKK</b>	Kurdistan Workers' Party
<b>PYD</b>	Democratic Union Party
<b>SDF</b>	Syrian Democratic Forces
<b>SGBV</b>	Sexual and gender-based violence
<b>SJAC</b>	Syria Justice and Accountability Center
<b>SMFT</b>	Syrian Missing Persons and Forensic Team
<b>SNA</b>	Syrian National Army
<b>TOR</b>	Terms of reference
<b>UK</b>	United Kingdom
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>U.S.</b>	United States
<b>YPG</b>	People's Defense Units



Earthquake survivors at Sardam Camp, Aleppo - SJAC's Documentation Team

# Introduction

The “State of Justice in Syria, 2024” is the Syria Justice and Accountability Centre’s (SJAC’s) fifth annual report, focusing on human rights violations and justice efforts in Syria in 2023. This year, Syrians suffered a worsening economic collapse, a result of years of conflict and Syrian government mismanagement aggravated by international sanctions. This situation was dramatically worsened by the devastating earthquake that struck northwest Syria and southern Türkiye in February, causing massive destruction and loss of life throughout opposition-held and Turkish-occupied areas. As of May 2023, 15.3 million Syrians across every district of Syria needed humanitarian assistance and an estimated 90 percent of the Syrian population was living below the poverty line.<sup>1</sup> Aid efforts were further complicated when, in July, Russia vetoed the renewal of the UN cross-border aid mechanism at Bab al-Hawa, preventing access to northwest Syria and leading to protracted negotiations between the UN and Syrian government that delayed the delivery of vital assistance to the region.<sup>2</sup>

In the months following the earthquake, the Syrian government took advantage of the need for international humanitarian aid to accelerate diplomatic initiatives aimed at normalization of relations with Arab countries, including Saudi Arabia, Oman, and Jordan.<sup>3</sup> In May, despite the government’s continued repression and targeting of civilians, Syria was welcomed back into the Arab League.<sup>4</sup>

Amid these crises, large-scale protests spread across the country in August at a scale not seen since the early days of the conflict. The outrage was a response to the Syrian government increasing public salaries while slashing subsidies for heating and cooking fuel, thereby risking higher inflation and further limiting the ability of households to procure needed goods.<sup>5</sup> Syrians led demonstrations in Suwayda governorate that spread to the neighboring governorate of Daraa and other parts of the country, including Idlib governorate in the northwest, with protestors calling for the ouster of Syrian president Bashar al-Assad.<sup>6</sup> The protests continued in Suwayda governorate through December.<sup>7</sup>

Nonetheless, on the global stage, Syrians face increasing international fatigue. This only increased after the outbreak of the conflict in Gaza in October, which diverted even more international attention from Syria. In the face of this apathy, the “State of Justice in Syria, 2024” strives to raise awareness of the continued violations committed against Syrians and ensure that burgeoning justice efforts are supported.

This year’s report highlights airstrikes by the Syrian government and Russia, which targeted civilians in Idlib, and the Turkish targeting of civilians and critical public infrastructure in northeast Syria. The report also highlights violations committed by the Syrian Democratic Forces (SDF), including the detention of tens of thousands of Syrians and foreign nationals held without charge in Al-Hol camp and other camps as well as the recruitment of minors. Violations by Turkish-backed armed groups, including widespread property crimes, are covered alongside ongoing property violations committed by the Syrian government and other parties to the conflict. The report provides background on the growing production and trade in captagon, which provides the government with a source of financing beyond the reach of international sanctions, as well as on the detention and enforced disappearance of tens of thousands of Syrians at the hands of the Syrian government and other actors. This report also highlights the need for reform of the existing sanctions regime to address the worsening humanitarian crisis in Syria, particularly in the aftermath of February’s earthquake. Finally, the report documents the dangers Syrian refugees face, including an increase in forced returns despite dire consequences for returnees.

Opportunities for justice and accountability are nonetheless emerging. On June 8, 2023, the Netherlands and Canada took Syria to the International Court of Justice (ICJ) alleging that Syria is violating the International Convention Against Torture, to which all three states are parties.<sup>8</sup> European states are also increasingly prosecuting cases relevant to Syria via universal jurisdiction, and SJAC has identified over 300 relevant trials. SJAC’s

trial monitors have attended every session of the trial against Syrian doctor Alaa M., and their reports highlight the challenges of providing sufficient protection to witnesses. Along with trials of Syrians in Europe, an increasing number of foreign fighters are facing accountability in their home countries.

The search for Syria's missing also saw substantial progress this year. In June, the UN voted to establish a mechanism to discover the fates and whereabouts of missing persons in Syria, the result of extensive advocacy by Syrian families. However, it remains

unclear how a mechanism with limited access within Syria will make substantial progress in investigations. In the meantime, Syrian organizations continue to document and investigate the missing.

Finally, even when the future opportunities for justice are not yet clear, Syrians continue to document the conflict and develop new technological tools to allow for the preservation and analysis of vast stores of evidence. This report highlights some of the most recent technological innovations as well as the challenges facing documenters in the field.

## Memorialization and Truth-Seeking

Throughout this report, SJAC will be sharing art from Syrian artists around the world who work to preserve the experience of the Syrian war through visual storytelling. This process can be a therapeutic means to share not just the artist's story with the world, but that of thousands of Syrians whose experiences risk being erased after over a decade of conflict. Artwork helps build a collective memory of the Syrian conflict which will be essential for future transitional justice. Through art and community engagement, Syrians create a narrative that will help current and future generations understand the history of their country and their people.





## Untitled

**Artist: Sarah Khayat**

In February, a 7.8 magnitude earthquake hit northwest Syria and southern Türkiye. Many became homeless, and over 7,000 people in Syria perished. Roads and infrastructure critical to aid delivery were destroyed, and the emotional toll on survivors was immense. In this painting, Sarah Khayat depicts a girl hunched over, her hands on her head, in an attempt to protect herself from the effects of the earthquake. Behind her, a wall filled with cracks displays several askew portraits of family members and loved ones. Waves crash below her, and on the lefthand side, a small house floats with a red balloon attached to it. Khayat painted this to represent that families of the victims will need significant time to recover from both the physical and emotional damage of the earthquake, and that the international community must commit to long-term support of earthquake survivors.



Destroyed bus in Harasta, Rif Dimashq ©Damascus Voice

# Violations

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## Airstrikes

Airstrikes continued to be a prominent feature of the Syrian conflict during 2023. In October, airstrikes intensified among escalating regional tensions due to the conflict in Gaza. Parties central to the Syrian conflict, including Türkiye, have exploited the current regional tensions to further engage in indiscriminate airstrikes, while other states continue to pursue low-intensity airstrikes as part of larger, regional conflicts.



### Untitled

**Artist: Aziz al-Asmar**

Description: On October 5, 2023, Syrian government forces shelled towns in Idlib, Aleppo, Latakia, and Hama. Government forces, according to Human Rights Watch, used internationally prohibited weapons, and targeted public facilities, hospitals, refugee camps, and medical centers. The four-day attack resulted in the death of an estimated 52 civilians, including 22 children, and displaced thousands of people. Aziz al-Asmar painted this mural to show that the targeting of hospitals is the epitome of criminality committed by, in his words, “the terrorist Assad regime.” The mural condemns the targeting of hospitals, both in Arabic and in English. It also includes a painting of an exploding hospital, alongside tanks waving the Syrian flag.

Syria and Russia continued to launch airstrikes throughout 2023, with a spike after the drone attack on Homs military academy in October. In June, Russian warplanes carried out several strikes in Idlib, including, allegedly, a strike on a market that caused at least nine civilian casualties. Syrian forces, supported by Russia, also shelled the outskirts of Sarjah and al-Rawihah in southern Idlib.<sup>9</sup> In July and August, Russian airstrikes continued to hit Idlib, killing civilians, and the Syrian government launched airstrikes against HTS.<sup>10</sup> Starting on October 5, the Syrian government and Russia launched a larger military campaign against northwest Syria, targeting Idlib and western Aleppo governorates. Claiming that “armed terrorist groups” in Idlib governorate were responsible for a deadly drone attack on a cadet graduation ceremony at a military academy in Homs, Syria’s Ministry of Defense retaliated by increasing indiscriminate attacks across the area which targeted residential neighborhoods, internally displaced person (IDP) camps, and civilian infrastructure, including Idlib University and national hospitals. These attacks reportedly killed over 70 people, one-third of whom were children, injured over 338, and displaced over 120,000.<sup>11</sup> Additionally, Syrian government forces used widely banned cluster munitions, as well as incendiary rockets, in an attack on civilians in Termanin, Idlib, reportedly killing two civilians and injuring nine others.<sup>12</sup>

Turkish bombardments and airstrikes on northern Syria also continued throughout 2023, accelerating after the October 1 suicide bombing in Ankara that Türkiye alleges was carried out by Kurdistan Workers’ Party (PKK) personnel from Syria. In retaliation, the Turkish government struck targets in northern Syria, primarily Qamishli and Hasakah, using airstrikes and drone attacks. They targeted military installations and infrastructure in Hasakah Governorate and Aleppo Governorate,<sup>13</sup> as well as water and electricity infrastructure, increasing water scarcity in Northeast Syria.<sup>14</sup>

Israeli forces continued to launch airstrikes against targets in Syria, mainly in government-controlled areas. In April, they repeatedly struck the Damascus and Aleppo airports, rendering them inoperable.<sup>15</sup> In

November, amid the regional fallout of the conflict in Gaza, they again targeted the Damascus airport and carried out an aerial attack on military sites in southern Syria (according to Syrian state media).<sup>16</sup>

The U.S. also launched airstrikes in government-controlled areas of Syria during 2023, targeting Iranian-backed groups suspected of attacking U.S. forces to ostensibly deter them from launching similar attacks in the future.<sup>17</sup> In March, a strike by an Iranian-made drone killed a U.S. contractor and wounded five other U.S. contractors in northeast Syria. U.S. forces responded with “precision airstrikes” in Syria that targeted Islamic Revolutionary Guard Corps (IRGC) facilities.<sup>18</sup> In October, U.S. military bases in eastern Syria were hit by rockets and drones launched by militant groups, several of which belong to the Islamic Resistance in Iraq; in retaliation, the U.S. conducted airstrikes in October and November in areas that, according to the Pentagon, are linked to the IRGC.<sup>19</sup>

## Al-Hol

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Al-Hol and Roj camps in northeast Syria host around 51,000 people, two-thirds of whom are children, who were detained by the SDF after they were displaced by the U.S.-led Global Coalition to Defeat ISIS’s (GCDI) campaign against the Islamic State of Iraq and Syria (ISIS) in 2014. At the end of 2023, an estimated 18,000 Syrians, 21,000 Iraqis and some 9,000 other foreigners hailing from 50-60 countries were held at al-Hol camp,<sup>20</sup> while in Roj camp, an additional 2,500 individuals are estimated to be held.<sup>21</sup> While those in the camp are suspected of ISIS affiliation, they are being held indefinitely without charges or judicial proceedings. Residents within the camp have limited or no access to family members outside of the camp. The SDF’s conduct towards the detainees may amount to unlawful deprivation of liberty, cruel or inhuman treatment, the war crime of committing outrages upon personal dignity, and violations of respect for family life of the detainees.<sup>22</sup>

In 2023, detainees continued to face many of the same challenges that plagued the camps in prior

years, including poor living conditions, inadequate medical care, a limited amount of humanitarian assistance, extreme heat in the summer, and floods in the winter.<sup>23</sup> On a visit in July, a UN special rapporteur reported that authorities engaged in the mass arbitrary detention of children, instances of solitary confinement, disappearances of detainees, and discrimination targeting detained persons of specific nationalities. In particular, the UN special rapporteur drew attention to the systematic practice of separating boys from their mothers, which AANES (Autonomous Administration of North and East Syria) and SDF authorities justify by citing the boys’ alleged susceptibility to extremism when they approach the age of 12.<sup>24</sup> The security situation in al-Hol also remains unstable, with reports of destruction of personal property, night raids, and kidnappings committed by both security forces and ISIS-affiliated individuals from within the camp.<sup>25</sup>

Governments around the world have stated their support for repatriating individuals detained in al-Hol and other camps, but progress is slow.<sup>26</sup> In 2023, an estimated 3,500 foreigners were repatriated to their home countries, an increase from 3,100 in 2022, with countries such as Iraq, the UK, France, Canada, Russia, and Tajikistan renewing efforts to repatriate individuals held in the camp.<sup>27</sup> In addition to the repatriated foreigners, around 150 Syrian families being held in al-Hol were allowed to return to Al-Raqqa and Aleppo governates after successful mediation with local tribes.<sup>28</sup> However, these mediation processes are being done on an ad hoc basis and there is no clear plan to scale them up to meet the enormous need for repatriation, trials, and possible releases. Individuals who are repatriated abroad face re-integration challenges because of the stigma that comes with alleged association with ISIS and the trauma of their years in Al Hol and the preceding conflict. Many require reintegration support, including psychosocial support and job training, for which little funding exists.<sup>29</sup> In addition to those challenges, Syrians who leave the camps face inadequate housing, lack of basic services, and difficulties obtaining identification papers for them and their children.<sup>30</sup>

## SDF/AANES Violations

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SDF is the official military of AANES and is responsible for the safety and security of the regions of Afrin, Jazira, Euphrates (Al-Furat), Manbij, Al-Tabqa, Raqqa, and Deir Ez-Zor.<sup>31</sup> In 2023, the SDF committed a variety of international humanitarian law (IHL) violations, including extrajudicial killings, enforced disappearances, torture, child recruitment, and attacks on civilian facilities.<sup>32</sup>

The SDF and affiliated forces continue to [recruit children](#) to fill combat and support roles, contradicting a 2019 pledge by the SDF to cease child recruitment, and a 2021 resolution that promised to include international humanitarian law in the training curricula of SDF fighters.<sup>33</sup> SJAC, along with other human rights organizations,<sup>34</sup> documented several instances of child recruitment in 2023 by the Revolutionary Youth, an SDF-affiliated organization that prepares children for military service in the People's Defense Units (YPG) and the Asayish, the AANES security and intelligence branch. SJAC observed that the Revolutionary Youth recruited children without the consent of their parents, with some parents reporting that they lost contact with their children. Furthermore, children were subjected to physical and mental violence and ill-treatment during military trainings.

In August and September, violent clashes erupted between the Kurdish-led SDF and the local Arab tribes of Deir Ez-Zor after the SDF's arrest of Ahmed al-Khubayl (a.k.a Abu Khawla), the commander of the Deir Ez-Zor Military Council, which is allied with the SDF.<sup>35</sup> SDF forces were accused of killing a family of four during the clashes,<sup>36</sup> as well as indiscriminately shelling civilian areas. In total, the clashes killed at least 10 civilians.<sup>37</sup> The UN Office of the High Commissioner for Human Rights documented the killings of at least 23 civilians and dozens of arrests by the SDF of people accused of involvement in the clashes.<sup>38</sup>

## Türkiye and its SNA Proxies

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Türkiye and associated proxy forces grouped under the SNA routinely carried out abuses in territory under direct Turkish control. In 2023, these abuses expanded related to key developments, including the deepening economic crisis in Türkiye, the fallout from the February earthquake, and renewed hostilities with the SDF.

Arbitrary detention, torture, and extortion were central to Turkish and SNA rule in Syria in 2023. Racketeering was particularly common in Ras al-Ayn and Tell Abyad, where people who sought to return to their homes after being displaced by Turkish military campaigns were forced to pay “protection fees” to local SNA factions.<sup>39</sup> Although such abuses often target Kurdish communities, including those refugees recently deported from Türkiye, they also affected vulnerable Arab populations. In March 2023, SNA factions in Afrin evicted dozens of Arab families who had been displaced during the February earthquake and seized the houses in which they had been residing (even if on an informal squatting basis). Türkiye has pursued only half-hearted accountability measures in response to such incidents, systematically abrogating its legal responsibilities as the occupying power.<sup>40</sup> In this context, it is notable that SNA abuses increased after salary payments from Turkish-backed authorities were delayed or reduced in early 2023. This was ostensibly a result of Türkiye redirecting funding toward relief efforts after the earthquake.<sup>41</sup> For several years, the reduction of SNA salaries has corresponded with upticks in abuses by the factions, as individual fighters seek to make up for lost income by extorting local farmers or imposing higher rents on IDP occupants. One new indicator of this phenomenon in 2023 was the sharp increase in illegal logging in Turkish-occupied Syria, a new economic sector for SNA factions, as local fuel costs rose and the value of the Turkish Lira continued to

diminish. In doing so, SNA factions have not only violated Syrian laws protecting forest cover but have also degraded wider ecological resilience in a Syrian landscape already highly vulnerable to the effects of the climate crisis.<sup>42</sup>

Türkiye and its SNA proxies carried out perhaps their most brazen abuses in the wake of the February earthquake. SNA factions repeatedly seized relief aid or distributed it in a discriminatory manner that echoed practices undertaken by local authorities in other areas within the impact zone.<sup>43</sup> In Afrin, for example, the Suleiman Shah Brigade under the control of Muhammad al-Jasim forced local humanitarian organizations to turn over all aid and then staged fake presentations of aid distribution.<sup>44</sup> Kurdish residents in Jindires, meanwhile, faced major obstacles to accessing relief aid that Arab beneficiaries and families of SNA fighters did not encounter.<sup>45</sup>

Finally, in the context of its air campaigns against SDF forces, Türkiye continued to leverage its control over key water stations by threatening to, and in some cases, actively reducing water access across northern Syria; this contributed to the deepening problem of water scarcity in the country.<sup>46</sup>

## Housing, Land, and Property Violations

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In 2023, groups in Syria, including the Syrian government, HTS, SNA, and SDF, committed violations of Syrians' housing, land, and property (HLP) rights under international law. As the main perpetrator of HLP violations in Syria, the Syrian government used multiple laws passed since 2011 to target opposition areas for seizure, demolition, redevelopment, and redistribution to government allies.<sup>47</sup>

Following the earthquake on February 6, the Syrian government issued Decree No. 3 on March 12 to provide financial relief and loan assistance to owners who suffered destruction of housing and

property. However, this legislation did not apply to areas outside of government control; gave Syrian government entities sole authority to select recipients of the assistance; and excluded displaced persons unable to access adequate legal representation and prove ownership for the purpose of rehabilitating their damaged property.<sup>48</sup> Additionally, Law No. 3, which was passed in 2018 to regulate the removal of rubble from damaged buildings or buildings slated for demolition, was utilized in 2023 by Syrian government authorities to demolish buildings in formerly opposition-held areas damaged by war-related activities, including Yarmouk Camp in Damascus Governorate in January<sup>49</sup> and al-Hajar al-Aswad in Rif-Dimashq Governorate in March.<sup>50</sup> In al-Hajar al-Aswad, scrap metal was resold for profit to government-business cronies such as Muhammad Saber Hamsho, owner of the Hamsho iron factory in Adra.<sup>51</sup> Given a 30-day window to appeal the decision, displaced residents are often unable to find adequate legal representation or file for an appeal in such a short time frame due to security concerns and challenges in accessing and providing documentation of ownership. Such actions prevent the return of displaced Syrians to their homes and property in areas around Damascus that were once opposition strongholds. In the above cases, residents and owners were not given notice of the demolitions and were unable to appeal the decision.<sup>52</sup>

In 2023, the Turkish-backed SNA and affiliated armed groups violated HLP rights of civilians by forcibly seizing private property.<sup>53</sup> In 2018, the SNA and its affiliates captured parts of northern Aleppo governorate during Operation Olive Branch and sold the homes of displaced residents to willing buyers with no legal representation or compensation given to the original owners. Similar HLP violations occurred in Afrin throughout 2023. These properties (termed “cost houses”) were often advertised as vacant or “party houses,” insinuating that the houses belonged to members of the Democratic Union Party (PYD) or PKK who governed Afrin before 2018, and were sold informally via platforms such as Facebook and WhatsApp. If the original owner returned to Afrin, they were obligated to cover the costs of repairing

the house or sign a rental agreement with the current occupant that deducts repair costs.<sup>54</sup>

In September, Hay'at Tahrir al-Sham (HTS) authorities in Idlib governorate began to return confiscated homes to Christian owners to encourage displaced minority groups to return to the region and encourage the international community to lift international sanctions upon the armed group. However, this policy was not applied uniformly throughout the region, and HTS authorities withheld confiscated property from Druze owners. Additionally, the original owners were not compensated for the confiscation and looting of their property and faced barriers in returning to their homes and villages, with residents from Christian and Druze villages facing severe restrictions in accessing basic services in comparison to other villages in the region.<sup>55</sup>

HLP violations also remained prevalent throughout northeast Syria, where significant proportions of the population lack proper documentation to access adequate housing. Displaced persons and women with links to male members of armed groups in the region faced particular challenges in accessing HLP rights.<sup>56</sup>

## Captagon

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In 2023, a variety of actions taken by the international community aimed to break the Syrian government's addiction to the multibillion-dollar captagon trade in Syria, which accounts for 80% of world production.<sup>57</sup> Unfortunately, the massive amounts of wealth generated by this trade, conservatively valued at between \$5 to \$10 billion, means the Syrian government has little incentive to reform its actions.<sup>58</sup>

In 2023, the following critical events shaped efforts by international actors to disrupt the captagon trade:

In March, the U.S. and UK announced the joint sanctioning of twelve Syrian and Lebanese individuals, including two relatives of Bashar Al-

Assad, involved in the production and distribution of captagon.<sup>59</sup> These individuals maintained close ties to the Syrian government as well as Hezbollah, which controls a sizeable portion of the captagon market.

In May, the Syrian government was welcomed back into the Arab League. It was generally speculated by international observers that reintegration into the Arab League could be traded for concessions by the government to crack down on captagon production in the country. However, Syria's foreign minister, Faisal Mekdad, made it clear that any actions taken by the government to curb the captagon trade are dependent on the reduction of U.S. sanctions, which the government holds responsible for Syria's economic woes.<sup>60</sup> Since the Arab League summit, Jordanian authorities have complained that the Syrian government has done little to address the flow of captagon into Jordan. Additionally in September, an Arab League ministerial committee in Damascus was canceled, partially due to the Syrian government's lack of action on fulfilling its commitments to stem the captagon trade.<sup>61</sup>

In June 2023, just weeks after the Arab League summit, the State Department and other U.S. agencies released a joint plan to degrade captagon networks connected to the Syrian government. The plan, mandated in the National Defense Authorization Act for Fiscal Year 2023,<sup>62</sup> outlined four 'lines of effort' that sought to increase intelligence gathering, employ sanctions, strengthen international counter-narcotics capacity, and exert diplomatic pressure on Arab states to systematically degrade the Syrian government's drug network.<sup>63</sup>

While anti-captagon efforts in 2023 promised to cut future revenues for the Syrian government, the momentum and complexity of trade networks means progress will be incremental and measured in years. In the meantime, the growth of Syria's drug network is increasing steadily, with one intercepted captagon shipment this year worth over \$1 billion.<sup>64</sup> The use of drones by smugglers to transport captagon, guns, and explosives, and other narcotics such as methamphetamine out of Syria for sale in Jordan

and the wider Middle East and North Africa region, highlights the increasingly sophisticated means and products deployed by Syrian smugglers.<sup>65</sup>

While the Syrian government is often broadly cited as responsible for large-scale trafficking in captagon, production is more akin to a family business run by the Assads who directly profit from the captagon trade.<sup>66</sup> From Maher Al-Assad and his massive smuggling network,<sup>67</sup> to the two members of the Assad family sanctioned this year, and likely Bashar Al-Assad himself, the billions of dollars generated by captagon help the Syrian government maintain networks of patronage and armed militias, including Hezbollah, that are essential to the Assad family's hold on power.<sup>68</sup> Some reports even suggest that factions within the SNA and SDF are now producing and trading in captagon, a development that would disrupt fragile regional alliances and further subject civilians to new rounds of violence and human rights abuses.<sup>69</sup> While progress is slow, international efforts in 2023 have indicated a promising shift that the Syrian government's ability to act with impunity in facilitating the captagon trade will face considerable pressure in the years to come.

## Arbitrary Detention & Enforced Disappearances

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In 2023, all parties to the Syrian conflict arbitrarily detained and forcibly disappeared people living under their control.

In government-held Syria, these crimes remained routine despite the introduction of an amnesty ostensibly reducing the practice. In November 2023, the Syrian government announced a decree that pardoned or commuted the sentences of people whom it had convicted of certain crimes and misdemeanors.<sup>70</sup> Notably, however, the government provided exclusions for crimes against state security, a charge typically used against political activists.<sup>71</sup> Additionally, exceptions were made for individuals with civil litigation against them, and the government

duly encouraged loyalists (particularly in Daraa) to file cases against political detainees.<sup>72</sup>

In other areas of Syria, local authorities often replicated government practices of arbitrary detention and enforced disappearances. In Idlib, HTS detained civilians and deprived them of legal representation and medical attention, while also overseeing extrajudicial killings.<sup>73</sup> HTS especially targeted activists who had criticized the organization's morality code, as well as journalists reporting critically on HTS rule.<sup>74</sup> The Turkish-backed SNA perpetrated similar abuses in northern Syria. Survivors of detention at the hands of SNA militias, as well as local military and civil police, sometimes in the presence of Turkish officials, were subjected to torture, deprivation of medical attention, and sexual violence.<sup>75</sup> Although local military and judicial authorities, as well as individual SNA factions, have reportedly pursued accountability in certain cases, and the presence of Turkish officials at SNA facilities sometimes mitigated the abuses that detainees suffered, such ad hoc measures do not meet the obligation to prevent torture that Türkiye bears under international law.<sup>76</sup>

In northeast Syria, the SDF relied on the extensive financial support of the GCDI to jail about 10,000 men and boys accused of ISIS affiliation. About half of these detainees are Syrian, and most are held incommunicado—potentially implicating the SDF in the crime of enforced disappearances.<sup>77</sup> The SDF, again with Coalition support, also continues to detain about 51,000 women and children in camps such as Al-Hol and Roj.<sup>78</sup> Repatriation efforts remain inadequate and there is no comprehensive plan to prosecute, process, and, when appropriate, reintegrate detainees. SDF's repeated promises to begin prosecuting foreign ISIS fighters have yet to lead to concrete action.<sup>79</sup> Finally, in northeast Syria, AANES internal security forces continued to jail its civilian opponents and critical media outlets, albeit at a lower rate than in years past.<sup>80</sup> However, the threat of detention increased for journalists in particular as the AANES issued new media sector regulations amid the fallout surrounding armed challenges to SDF authority in Deir Ez-Zur.<sup>81</sup>



# Refugees and Forced Returns

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In 2023, Syrian refugees faced obstacles in both Europe and the Arab world that further restricted their rights and put them at threat for forced return. These efforts are linked to the ongoing campaign to normalize relations with the Syrian government, including Syria's rejoining of the Arab League in May 2023.

In Lebanon, armed forces deported thousands of Syrians, including unaccompanied children, between April and May 2023. Although Lebanon has an estimated 1.5 million Syrian refugees, constituting a quarter of the country's total population, only 17 percent of Syrian refugees hold legal residency in Lebanon.<sup>82</sup> Moreover, in January, almost 200 Syrian refugees were rescued from a sinking boat off the coast of Lebanon. After being transferred to the Lebanese port of Tripoli, the army allegedly loaded the refugees, some of whom were registered with the United Nations High Commissioner for Refugees (UNHCR), into trucks and transported them to the Syrian side of an unofficial border crossing in Wadi Khaled, which is located between northern Lebanon and southern Syria. After being taken across the border, the Syrians were allegedly held by men wearing Syrian Army uniforms until family members who could afford to do so paid for them to be freed.<sup>83</sup>

In Türkiye, while President Erdogan promised to return one million Syrians to northwest Syria, Turkish authorities cracked down on Syrian refugees and reports of deportation and discrimination increased, particularly in Istanbul. There were as many as 20,000 deportations of Syrians from Türkiye to Syria in 2023.<sup>84</sup> This is in clear violation of the 1951 Refugee Convention, of which Türkiye is a signatory, which prohibits forced returns and requires that signatories adhere to the principle of non-refoulement.<sup>85</sup> February's earthquake, which devastated Turkish and Syrian communities along

Türkiye's southern border, resulted in a strain on Turkish public services and inflamed hate speech, scapegoating, and violent attacks on Syrian refugees.<sup>86</sup> Türkiye's aid response was highly discriminatory towards Syrians residing in Türkiye, with widespread [reports](#) of denial and confiscation of aid.

This year also saw an increase in the number of Syrians who attempted to reach Europe through formal and informal channels. In the first half of the year, 67,000 Syrians applied for asylum in the European Union (EU), the largest number since 2015-2016.<sup>87</sup> However, European states are increasingly reluctant to fulfill their responsibilities to protect refugees.<sup>88</sup> For example, Denmark added Tartus and Latakia to its list of government-held areas deemed safe for return (Damascus and Rif-Dimashq have been classified as safe since 2019). This decision places Syrian refugees in Denmark from these areas at risk of losing their temporary protection status.<sup>89</sup>

In June 2023, a migrant ship sank off the coast of Greece, marking the second deadliest migrant shipwreck recorded in the Mediterranean Sea. It was carrying roughly 750 passengers, only 104 of whom were rescued. The Greek coastguard neglected its obligations under international law by failing to render proper assistance to a vessel in distress, and later restricted journalist access to survivors. Moreover, survivors [reported](#) that the Greek coastguard deliberately caused the vessel to capsize.



## Untitled

**Artist: Mohammad Amari**

On June 14, 2023, the second deadliest migrant shipwreck in the Mediterranean Sea occurred. The ship, en route from Libya, was carrying 750 passengers, approximately 150 of which were Syrians. Only 35 Syrians are said to have survived. Syrians forced to flee often have no option other than to take dangerous routes as there is a serious lack of safe paths to asylum for Syrians. One common route is to travel to Libya and attempt to cross the Mediterranean by sea to reach Europe. These sea crossings are highly dangerous, and according to the IOM, have resulted in more than 27,000 deaths or disappearances in the Mediterranean Sea since 2014. Mohammad Amari in 'Untitled' depicts a young girl against a swirling canvas of colors. Painted above her head are the words “Oh sea... why did you not let my mother know that I will not return,” referencing the perilous border crossings via the Mediterranean Sea that take many Syrian lives.



The poster above which depicts Syrian President Bashar Al-Assad, reads "Peace be upon you, Assad. May you be well and may the country be safe." ©Damascus Voice

# Justice Efforts

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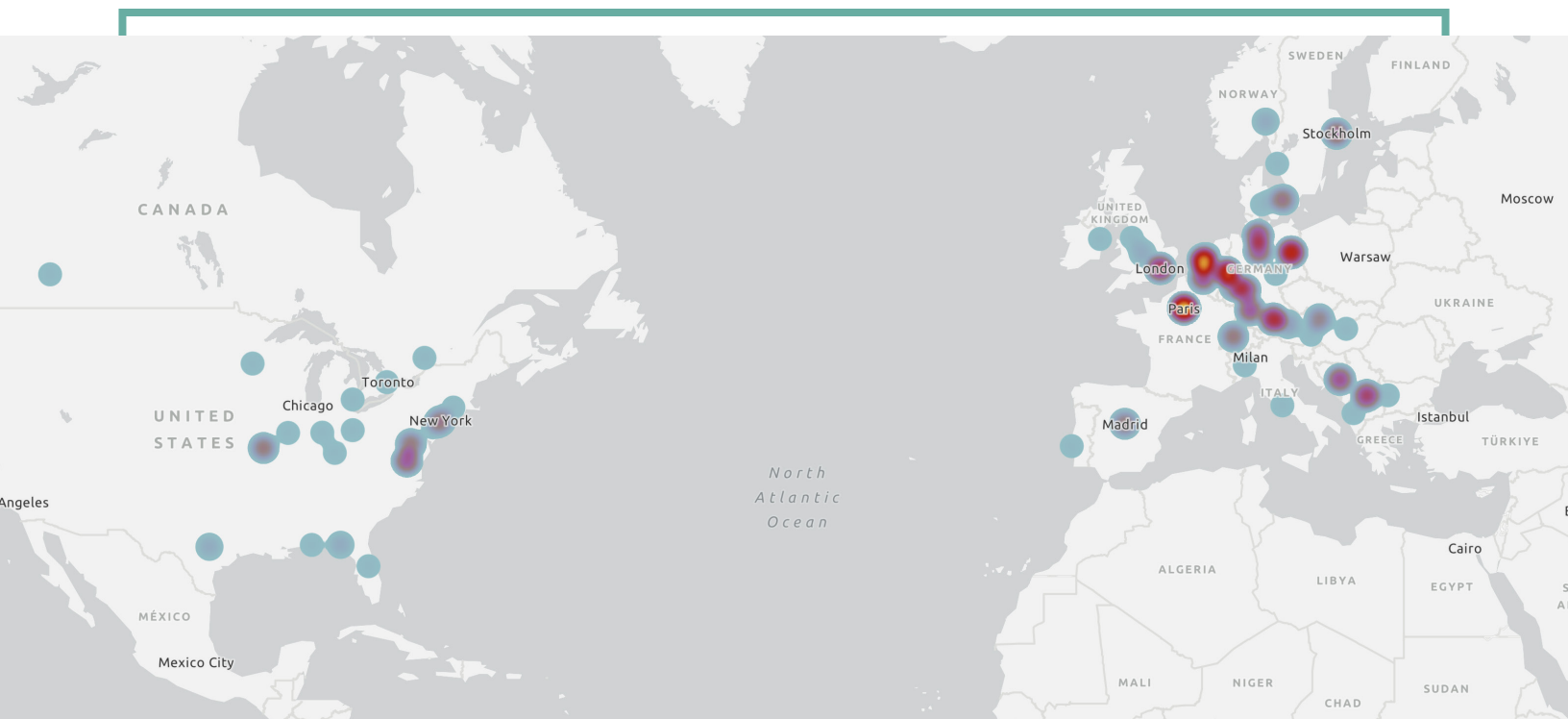
# Universal Jurisdiction Updates

Dozens of Syria-related criminal trials saw movement in 2023, involving a variety of actors, including Syrian government officials, pro-government militias, and ISIS fighters. Among those setting important precedents were the following:

On August 4, 2023, German police arrested Ahmad H., charging him with leading a pro-government militia in Tadamon and allegedly torturing and extorting labor from civilians in the Damascus neighborhood.<sup>90</sup> The case was of particular interest given the release of videos from Tadamon showing the summary executions of unarmed men, as well as [other reporting by SJAC](#) that shed further light on the Syrian government practice of extrajudicial killing. The case should move to trial in 2024.

On November 15, 2023, the French judiciary confirmed that an investigating judge had issued an arrest warrant for Bashar Al-Assad, Maher Al-Assad, Gen. Ghassan Abbas, and Gen. Bassam Al-Hassan for the August 2013 chemical attacks in Douma and eastern Ghouta said to have killed over 1,400 people.<sup>91</sup> Victim lawyers in the case stated that it was a “positive evolution.”<sup>92</sup> However, Assad was unlikely to stand trial in France given the immunity he enjoys as head of state.<sup>93</sup>

In November, the Netherlands prosecuted Mustafa A., the former head of the Liwa Al Quds militia which worked closely with the Syrian intelligence services.<sup>94</sup> It was alleged that, in 2013, Mustafa A. arrested a civilian in his home in the Al-Nayrab camp and took him to a Syrian Air Force intelligence prison where he was tortured.<sup>95</sup> The case could create an important legal precedent that would facilitate the prosecution of other militia members for the



**UJ Case Database** – In 2023, SJAC released the first-of-its-kind [tracker of Syria-related criminal cases](#) being prosecuted by national authorities. Launched in April 2023 with over 250 cases, it is searchable by suspect name, country, and relevant charges. Cases are included in the database if the underlying conduct had a direct impact on Syrian victims regardless of whether the charges are for atrocity crimes or terrorism. The Database will be updated twice-yearly. Notably, an additional 50 cases were added in December 2023.

crime of membership in a criminal organization aimed at committing international crimes. He was subsequently sentenced to a 12-year prison term in January 2024.

## The Alaa M. Trial

Since January 2022, the Higher Regional Court in Frankfurt am Main, Germany, has heard the case against the Syrian doctor Alaa M. The defendant is charged with several counts of crimes against humanity for allegedly mistreating patients in a Homs Military Hospital. More than [120 trial sessions](#) have been held at the Court, with several witnesses, experts, and police officers providing testimony. The survivor witnesses, as well as former colleagues and friends of Alaa M., gave moving testimony both for and against his innocence, while the forensic analysis of the Caesar Files provided horrific evidence of the systemic brutality of the Syrian government. However, several testimonies led to more confusion than clarification. Discrepancies have been common; there was concern about the origin and authenticity of certain documents, and a Defense Counsel was even

called as a witness. Witness protection remained a major challenge of the trial, especially after protected information about a witness was leaked by an unknown party. The court immediately imposed strict measures to prevent further leaks, but witness intimidation remains an ongoing concern.

Several witnesses or their relatives in Syria have been threatened before or during testimony. A [recent investigation by SJAC](#) only further confirmed concerns that the Syrian government surveilles its citizens abroad. While witness protection is available for individuals and their families present in Germany, the national authorities are unable to protect family members living outside the country. Repeated threats resulted in the reluctance of witnesses to freely testify in court and caused significant delays and insecurity for the witnesses and the Court.

While the Defense Team continues to deny all charges, the Court indicated a shift towards possible conviction and notified the parties that it is considering ordering the placement of Alaa M. in preventive detention.<sup>96</sup> Based on testimonies by the plaintiffs and former colleagues, the Court found

### Mustafa A. at Court Artist: Alan Haji



On November 30, 2023, former leading member of the pro-Syrian government's 'Jerusalem Brigade' Mustafa A. appeared in the District Court of the Hague. He was charged with multiple counts, including war crimes and crimes against humanity, related to the violent arrest of an individual who was later tortured and killed by Syrian Air Force Intelligence. In January 2024, Mustafa was found guilty of committing several of these crimes and sentenced to 12 years in prison. SJAC's Legal Advisor, Alan Haji, was able to attend several court sessions. Although no cameras were allowed in the courtroom, he was able to document Mustafa A. during the opening proceedings.

that it is reasonably probable that Alaa M. will be convicted on at least three counts resulting in a sentence of no less than three years for crimes against life and international law. However, the Court is not anticipating a conviction, nor a judgment, any time soon and hearings are scheduled until September, well past the trial's two-year anniversary.<sup>97</sup>

## Prosecuting Foreign Fighters/ISIS Affiliates

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Throughout the conflict, thousands of foreigners traveled to Syria and participated in hostilities. Many of these fighters now find themselves imprisoned in Syria and held without charge. Repatriation of these fighters creates an opportunity for trials in their home countries, however, investigating and prosecuting those suspected of (international) crimes in Syria continues to pose a challenge for foreign states.

In total, SJAC [recorded](#) over 52 prosecutions of foreign fighters by states worldwide in 2023, with most trials taking place in the EU, and to a lesser extent Canada, Australia, and the U.S. In addition to terrorism charges, foreign fighters are increasingly charged with the core international crimes of genocide, crimes against humanity and war crimes, resulting in higher prison sentences. In Germany, a female ISIS member, Nadine K.,

was convicted of charges of terrorism, war crimes, crimes against humanity, and genocide committed against a Yazidi woman,<sup>98</sup> and sentenced to nine years and three months of imprisonment.<sup>99</sup> Aine Davis, a member and close associate of the ISIS Beatles, was sentenced to eight years imprisonment in the United Kingdom after his deportation from Türkiye, where he was previously imprisoned for terrorism offenses.<sup>100</sup> Due to his previous convictions in Türkiye, including membership in a terrorist organization, UK prosecutors charged Davis with possessing a weapon for terrorist purposes and terrorist fundraising, all offenses under the UK Terrorism Act.<sup>101</sup> Additionally, in the United States, Allison Fluke-Ekren was sentenced by a federal court in Virginia to twenty years imprisonment for 'providing military support to a foreign terrorist organization.'<sup>102</sup> Fluke-Ekren, a Kansas native, was convicted of leading an all-female battalion of ISIS known as 'Khatiba Nusaybah' teaching girls as young as ten years old how to use AK-47 rifles, grenades, and suicide belts.<sup>103</sup>

As the repatriation of ISIS members continues, states should increase the repatriation of men, who make up most perpetrators held in Syria and often committed the most serious crimes. States should also scrutinize the background history of previously repatriated women, who are sometimes assumed to be helpless bystanders, rather than active participants in ISIS atrocities.

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**The ICJ Case Against Syria:** In June 2023, the Dutch and Canadian governments initiated proceedings against the Syrian government for violations of the UN Convention Against Torture at the ICJ in the Hague. The former also sought provisional measures from the ICJ, which in November 2023 ordered the Syrian government to cease acts of torture and arbitrary detention and to preserve evidence of such acts. The ICJ is the highest international court and adjudicates conflicts between states and determines state responsibility. It will not determine the guilt of any individuals of atrocity crimes, including the international crime of torture. Nonetheless, a judgement against the Syrian government would be important as recognition of the responsibility of the government for systems of abuse and could serve as the basis for international isolation, sanctions, and other diplomatic measures. Dutch authorities have reached out to Syrian civil society to incorporate their views and evidence into submissions to the ICJ. The substance of the case will be ruled on after complete briefing by the parties which is expected to take several years.<sup>104</sup>

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# International Court of Justice



[International Court of Justice](#)

Artist: Hossam Saadi

On June 8, 2023, Canada and the Netherlands submitted a request to the International Court of Justice to file a lawsuit against the Syrian government. They cited the Syrian government's use of torture and human rights violations and requested that the ICJ impose provisional measures for the Syrian government to cease these practices until the final judgement. Hossam Saadi's caricature pictures Bashar al-Assad being hung from the weight of the scales of justice—showing that the evidence is stacked against him.

# Missing Persons Investigations

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In June 2023, the UN General Assembly voted<sup>105</sup> to establish a new mechanism, the Independent Institution on Missing Persons in the Syrian Arab Republic (IIMP), with a mandate to reveal the fates of missing persons in Syria and provide support to victims and families. The terms of reference (TOR)<sup>106</sup> for the new institution, which is set to begin work on April 1, 2024, were released in December.

However, many questions about the future operations of the IIMP remain unanswered, including how the IIMP will prioritize investigations. The terms of reference (TOR) lay out an expansive mandate that encompasses those who went missing due to enforced disappearance, military operations, displacement, or in circumstances unconnected to the armed conflict or specific human rights abuses.

The IIMP's initial efforts in 2024 will likely focus on further clarifying its role and investigative priorities as well as onboarding of initial staff. It should also communicate with Syrian organizations to ensure that it integrates existing documentation and expertise into its work. However, the biggest challenge facing the IIMP is its lack of access inside Syria, which may prevent it from making meaningful progress on investigations. Ideally, the IIMP will play both an investigative and a diplomatic role, working directly with the Syrian government to ensure cooperation on the missing persons file. In this regard, the requirement included in the TOR that the Head of the institution be a UN Assistant Secretary General is a step in the right direction.

Meanwhile, SJAC and its partner, the Syrian Missing Persons and Forensic Team (SMFT), continued investigations into those who went missing in Syria in areas under ISIS control. SJAC began a new partnership with the Guatemalan Forensic Anthropology Foundation (FAFG). Together, SJAC and the FAFG aim to adapt methodologies developed in Guatemala, including DNA analysis, to identify

human remains recovered in northeast Syria. SJAC and the SMFT have documented over 600 cases of missing persons, 200 ISIS detention centers, and 40 gravesites, all of which are analyzed and searchable [within SJAC's database](#). SJAC's work relies on interviews with families, survivors, and insider witnesses, satellite imagery, open-source information, and field visits to gravesites and former prisons. SJAC's small collection of ISIS administrative documents has also proven valuable. SJAC has also sought to leverage the Freedom of Information Act to obtain ISIS administrative documents collected by the U.S., which may contain vital information regarding the fates of those missing.

One recent [investigation](#), published in early 2024, traced a group of detained civilians across northeast Syria to the ISIS prison at Mansura Dam where they were last seen. SJAC then succeeded in connecting the prison to multiple grave sites believed to hold the remains of victims executed at the Mansura Dam prison. These efforts are laying the groundwork for targeted DNA analysis of human remains.

## Sanctions

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In February 2023, in response to the Syria-Türkiye earthquake, the U.S., EU, UK, and Switzerland carved out sanctions exemptions to facilitate the transfer of financial and in-kind assistance to areas of northwest Syria destroyed by the earthquake.<sup>107</sup> Exemptions were broad ranging, with U.S. General License #23 suspending all sanctions that would impact recovery and allowing financial institutions to transfer money to parties within Syria, even to the Syrian government, if it could be proven that the aid was going to earthquake relief efforts.<sup>108</sup>

Despite these efforts, pre-existing sanctions ultimately hindered effective earthquake relief in Syria. Sanctions in place prior to the earthquake resulted in a critical lack of medical and humanitarian supplies needed for an effective humanitarian response. X-rays, MRIs, ventilators, and other essential medical equipment lacked parts or were absent entirely.<sup>109</sup>





SJAC visits the FAFG to learn about how the group preserves remains and uses DNA to identify victims from the Guatemalan Civil War - ©FAFG

While medical and humanitarian aid have never been sanctioned in Syria,<sup>110</sup> companies fearing steep penalties for violating sanctions have erred towards overcompliance – a situation wherein companies refuse to engage in any transactions touching on Syria rather than determine whether the conduct is actually sanctionable.<sup>111</sup>

Even after the EU, U.S., and other leading economies opened 6-month sanctions exemptions and issued clear instructions that would allow the influx of money and aid, the atrophy of supply chains from Western countries to Syria did not have time to recover since breaking down at the outset of the Syrian conflict. Additionally, the U.S. failed to loosen export controls that prevented the import of heavy equipment for rescue and reconstruction operations.<sup>112</sup> Although some exemptions are in place until early 2024, notably from the EU, the suspension of U.S. General License #23 in August likely prevented a full recovery in the northwest.<sup>113</sup> While it is important to acknowledge the role of sanctions in the slow earthquake response, and consider how to mitigate such effects in the future, other factors, including aid diversion by the Syrian government and other parties to the conflict as well as the limited border crossings for UN aid, also severely hindered earthquake recovery.

Lastly, the sanctioning of two opposition militia groups, the Suleiman Shah Brigade and Hamza Division, by the Office of Foreign Assets Control (OFAC), was a notable development, yet largely overshadowed by earthquake recovery efforts.<sup>114</sup> These two militias maintain sizeable, yet nebulous, control over portions of northwest Syria and are accused of committing serious human rights abuses, including sexual and gender-based violence (SGBV), extrajudicial killings, torture, and the abduction of civilians with the aim to extort large sums of money from their families. Leader of the Hamza Division, Sayf Boulad Abu Bakr, was also sanctioned, along with three members of the Suleiman Shah Brigade; Walid Hussein al-Jasim, Al-Safir Oto, and the leader of the brigade, Mohammad Hussein al-Jasim, popularly known as Abu Amsha. SJAC [called](#) for

the sanctioning of Abu Amsha in 2022 after its open-source investigation revealed his multi-million dollar illicit business empire that stretched across Syria and Türkiye and his involvement in severe human rights abuses. The sanctioning of these parties, whose business dealings in Türkiye might expose them to Western sanctions, will send a tangible signal across militias in Syria that committing human rights abuses is not just economically risky, but diminishes what political capital they have to claim they are fighting against an “unjust” Syrian government.

**-For information about sanctions related to captagon, see SJAC’s captagon section on page 10-**

## Technology and Human Rights

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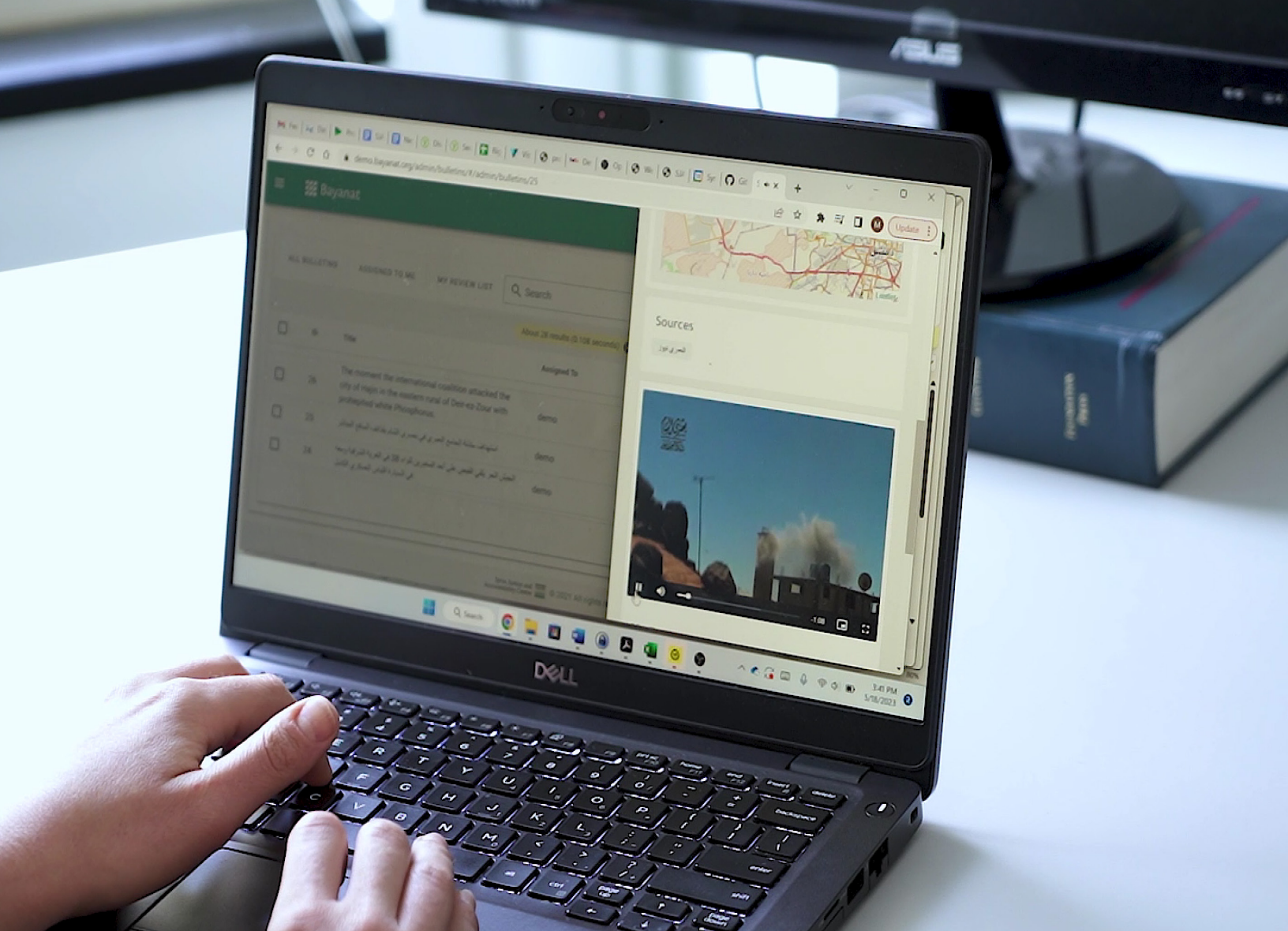
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In 2023, Syria-focused organizations continued to utilize technology and data to drive their documentation, accountability, and casualty-recording efforts in Syria. Preserving and analyzing open-source evidence of violations in Syria – and the tech tools required to perform this work accurately and safely – continues to be a primary feature of justice and accountability processes for Syria.

SJAC and other Syria-focused organizations recognize the risks involved in storing information online and the importance of adequate security for any tool used to store and analyze data. For these reasons, SJAC prioritized security-related improvements to Bayanat in 2023. SJAC worked with a cybersecurity consultant to develop a threat model for Bayanat, which is publicly available on GitHub. SJAC’s IT Lead and Full Stack Developer released a feature<sup>115</sup> that allows users to use FIDO2 Security Keys to login to Bayanat. This form of two-factor authentication with a physical security key gives user organizations an additional layer of data security in using Bayanat.



Syrians line up for gas alongside a man carrying firewood on his bike - ©Damascus Voice



**Bayanat** - At its inception, SJAC recognized the need for a sophisticated documentation system that could be used to preserve and analyze the huge volume of open-source documentation on the Syrian conflict while also supporting international efforts to hold perpetrators accountable. In response, SJAC created an open-source data management tool, Bayanat,<sup>121</sup> which it has used to preserve and store evidence related to the Syrian conflict, including more than 1.4 million videos scraped from online sources. Bayanat is also designed to assist documenters in analyzing evidence. Bayanat focuses on linkages between evidence and intuitive search functions to assist documenters and analysts in connecting different documents, videos, and/or photos to examine instances of violations.

SJAC has also made Bayanat open-source to allow other groups to organize and analyze their own data. In 2023, SJAC made several usability and security-related improvements to Bayanat to enhance the user experience. Both [Bayanat](#) and SJAC's [open-source analysis methodology](#) are publicly available, and SJAC has made Bayanat's user interface available in Spanish, French, and Ukrainian, in addition to the original English and Arabic. SJAC currently provides support and training on Bayanat to partner organizations conducting documentation work in Burundi, Iraq, Sri Lanka, Syria, Sudan, Türkiye, and Ukraine.

In 2023, SJAC's IT team further developed Bayanat to improve user experience and enable groups with more limited technical expertise to access the software. One such feature is a new administrative dashboard, which allows users to change Bayanat settings (default map locations, user permissions, etc.) with one click in the system settings instead of requiring an IT specialist to change these settings in the code itself. To further ensure that these new features benefit users, SJAC contracted Superbloom,<sup>116</sup> a usability testing expert organization, to work with five Bayanat user organizations and obtain their feedback as new features are rolled out. SJAC continues to view Bayanat as a long-term investment for justice and accountability in Syria and is engaged in code optimization to ensure that Bayanat's code becomes more efficient, as well as code maintenance to prevent future problems that may occur with the existing code.

## Documentation

Since 2012, Syrians have meticulously archived millions of videos, witness testimonies, and documents, rendering the Syrian conflict one of the most extensively recorded events in human history. As of 2023, Syrian organizations continue to grapple with the ongoing task of documenting human rights violations, including conducting interviews with survivors, while striving to safeguard existing evidence. Documenters are now increasingly tasked with seeking specific pieces of evidence to bolster ongoing criminal investigations.

### Investigations: Open-Source Documentation

SJAC's Open-Source Intelligence (OSINT) team published five reports this year documenting human rights violations against Syrians. The first report of 2023 highlighted the Syrian government's intentional [use of mine clearing ordinances](#) to target civilians and critical infrastructure. Four incidents were detailed, showcasing deliberate actions to inflict maximum damage and terrorize the civilian populace. Throughout the year, SJAC's OSINT

worked on investigations which [exposed a global surveillance network](#) run through Syria's embassies, revealed tactics used by the Syrian government to [attack IDP camps](#), and highlighted the Syrian government's [strikes on educational facilities](#), often while classes were in session. The findings underscore the urgent need for international action and avenues for accountability.

In revealing the Syrian government's use of a widespread surveillance network targeting Syrians living abroad, SJAC's OSINT team analyzed over 14,000 documents and uncovered a global surveillance operation coordinated and implemented through Syrian embassies in various countries. They discovered that the Syrian government gathered intelligence on 'opposition' members, journalists, and activists, and actively used this information to intimidate and threaten families of witnesses participating in ongoing Universal Jurisdiction cases in Europe. SJAC has documented several instances where intimidation and threats directed at witnesses led to the withdrawal of a key witness testimony. The reopening of Syrian embassies in certain countries is expected to increase state surveillance, endangering Syrians abroad and jeopardizing future universal jurisdiction cases.

In July, SJAC published an investigation that focused on the targeting of IDP camps by armed groups in Syria. Investigators identified and verified seventeen attacks on 4 separate IDP camps in Latakia and Idlib, and all but one of these camps were attacked by Syrian government forces and its allies. In some instances, military aircraft circled the area numerous times, scouting the camps before dropping ordinances. This investigation established that the Syrian government and its allies knew that civilians resided in the IDP camps and, nevertheless, decided to strike. In some instances, Syrian and Russian forces deployed cluster munitions against IDP camps, the use of which is banned under international law, insofar as they are used against civilians.<sup>117</sup> In every analyzed incident, Syrian or Russian forces held information or publicly acknowledged that IDP camps were present in the targeted areas, yet the camps were still scouted, identified, and bombed.

SJAC's final investigation of the year analyzed the Syrian government's deliberate targeting of educational facilities. The report and [short video](#) produced by SJAC's investigation team details four attacks on schools across Syria, unmasking a systematic targeting regime that recklessly endangered the lives of children. Syrian government documents recovered by SJAC revealed that the government was fully aware that it was targeting schools, even going so far as to bomb the same schools multiple times within the same month. The documents also revealed that the Syrian government continued to attack schools even when it knew or should have known that they were occupied by students and not militants, resulting in many children's deaths.

To streamline and quicken the pace of investigations, SJAC has continued to implement innovative strategies and solutions in the OSINT space. This year, SJAC's OSINT team adopted AI powered facial recognition technology in its investigations which allows investigators to quickly identify key individuals through pictures and videos in the Bayanat database. Furthermore, SJAC has continued to utilize and target all social media platforms in its investigations, while also uncovering a large archive of ISIS visual, audio, and print publications which the OSINT team intends to preserve on Bayanat as well.

## Field Documentation

A core element of SJAC's documentation efforts is the collection of witness testimonies via field interviews conducted throughout Syria. Interviews are critical to substantiating evidence, pinpointing perpetrators, and creating a historical account echoing the perspectives of survivors and narrating victims' stories. In 2023, SJAC conducted 276 interviews across the four main areas of political control in Syria: (1) areas held by the Syrian government; (2) the territory under SDF control in northeast Syria; (3) territory held by HTS and allied groups; and (4) the northwestern region under Turkish occupation with support from the Turkish-backed SNA and

other groups. Of the violations documented in these interviews, the most frequent were detention, torture, bombardment, killing, and property violations (property violations occurred mostly in SNA-controlled areas). Especially noteworthy are interviews with witnesses that document underreported offenses, such as instances of SGBV, which commonly occur in private settings and are not typically recorded in videos or other open-source documentation.

SJAC's documentation team achieved a notable milestone by expanding its focus on testimonies from government insiders. These testimonies have enhanced SJAC's understanding of organizational structures within Syria's military and intelligence agencies, significantly expanding investigators' ability to identify responsible parties. Key findings from these investigations, such as the hierarchy of command for key military agencies, have been sent to relevant authorities including the International, Impartial, and Independent Mechanism (IIIM).

**-See page 32 for a full breakdown of violations identified in SJAC's interviews-**



Destroyed buildings in Harasta, Rif Dimashq ©Damascus Voice



Syrians wait in line for bread as the country's economic crises deepens ©Damascus Voice

# Conclusion and Recommendations



2023 was marked by the increasing international normalization of the Syrian government. In February of 2023, a devastating earthquake hit northwest Syria and southern Türkiye, causing immense destruction, and claiming Syrian lives across opposition-held and Turkish-occupied areas. Syrians living in the affected areas were in dire need of humanitarian assistance in the months following the earthquake; unfortunately, the Syrian government leveraged the situation to increase international backing and normalization efforts, particularly within the Arab region.

Syria's return to the Arab League in May was a major step toward international reintegration of the Syrian government and was followed by calls for refugee repatriation, particularly from Jordan, Lebanon, and Türkiye. Moreover, the outbreak of the Gaza conflict in October diverted attention from Syria, allowing the Syrian government to step up bombing campaigns over Idlib and leading to increased Turkish bombardment of SDF-controlled areas in Northern Syria. Despite the intensity of attacks, the focus on Gaza has helped mask the growing instability in Syria at a time when refugees face even greater risks of forced return.

Despite these setbacks, 2023 saw an increase in efforts to use international and domestic courts to advocate for greater accountability. In June 2023, the Netherlands and Canada took Syria to the International Court of Justice, where they accused Syria of violating the International Convention Against Torture. Moreover, particularly in Europe, the legal concept of universal jurisdiction is increasingly being utilized to convict perpetrators responsible for committing war crimes and crimes against humanity in Syria.

Additionally, in 2023, as a result of tireless and continuous advocacy by Syrian families and civil society, the UN voted to establish the IIMP in Syria, with the goal of uncovering the fates and whereabouts of Syria's missing persons.

SJAC calls on all parties to heed the following recommendations:

## Missing Persons

- The IIMP should focus on communication and coordination with Syrian organizations and family networks to ensure that existing documentation and expertise held by these entities is integrated into future IIMP work.
- UN member states should engage with allies of the Syrian government and work with the Syrian government to facilitate cooperation with the IIMP, including obtaining access for the mechanism to enter Syria.
- Accountability mechanisms, including the IIIM, should strive to support the work of the IIMP by identifying relevant evidence and sharing it for the purpose of missing persons investigations.

## Sanctions

- The U.S., the EU, and other states with sanctions against Syria should extend and broaden sanctions exemptions put in place in the aftermath of the February 2023 earthquake, to address long term shortages of vital medical equipment and machinery needed for recovery and reconstruction in Northwest and Northeast Syria.

## Refugees and Forced Returns

- States hosting Syrian refugees must halt forced deportations of refugees to Syria or “third countries” such as Türkiye, Rwanda, and/or Russia.
- States should apply international diplomatic pressure on host countries such as Türkiye and Lebanon and condition aid on strict adherence to international law regarding protection and non-refoulement of asylum seekers and refugee

communities, including the immediate cessation of unlawful raids of Syrian households, unlawful detentions of Syrian refugees, and involuntary repatriation of Syrian refugees to Syria.

- European states must acknowledge that Syria is not safe for return and reverse policies that revoke residency and work permits of Syrians.
- European countries must cease pushback policies that withhold international aid provision, prevent asylum seekers from reaching safety, subject asylum seekers to cruel and inhumane treatment, and send asylees back to their previous countries of transit or to other countries involuntarily in violation of international law.

## Justice Initiatives

- Proceeds from criminal and civil forfeiture (including those obtained from the U.S. and French cases against Lafarge S.A.) should be used to benefit all Syrian victim communities impacted by the criminality. Collective reparations for Syrians residing in areas formerly held by ISIS is preferable to a piece-meal sharing of proceeds with only those Syrians or Iraqis who are able to bring cases in states adjudicating those claims.<sup>118</sup>
- States should consider joining the Netherlands and Canada in the ICJ case against the Syrian government and share evidence with the Dutch Ministry of Foreign Affairs, including signals intelligence, which would help to establish responsibilities for violations of the Convention Against Torture.
- States should sign and ratify the new mutual legal assistance treaty (The Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of Genocide, Crimes Against Humanity, War Crimes and Other International Crimes) and utilize its provisions to share and seek evidence in the prosecution of atrocity crimes in Syria pursuant to UJ.<sup>119</sup>

- War crimes units and UN entities undertaking investigations into Syrian atrocity crimes should increasingly engage native Syrians as experts and investigators to benefit from local knowledge and expertise.

## Post-ISIS Accountability

- In view of UNITAD's mandate expiring in September 2024, the UN should ensure that all evidence relevant to the prosecution of ISIS crimes in Syria be shared with organizations working to obtain justice for ISIS victims (including the IIIM, IIMP, and Syrian civil society organizations with missing persons programs), in addition to evidence-sharing with entities involved in Iraqi case building.<sup>120</sup>
- Non-Syrian states should continue to repatriate their nationals from Al Hol camp and determine whether prosecution is warranted on a case-by-case basis.
- The AANES should work with international allies in order to develop a comprehensive plan to ensure the processing of all detainees held in Al Hol and Roj camps along with accused ISIS affiliates held in formal prisons, with detainees either facing trial or, if there is no basis for criminal charges, released to their communities.
- AANES should immediately offer the ICRC full access to all detention facilities and camps and collaborate with ICRC staff to ensure all detained individuals are able to communicate with their families.

## International Humanitarian Law

- All parties to the conflict, both state and non-state actors, must respect their IHL obligations to not target civilians and civilian objects, including public infrastructure, hospitals, power stations, and water networks. In line with their obligation to respect and ensure respect for IHL, all states should hold perpetrators of serious violations

of the Law of Armed Conflict accountable by conducting or supporting full investigations into alleged violations.

- The Turkish Armed Forces, the SNA, other Turkish-backed groups, and HTS must cease actions that violate the HLP rights of owners in north and northwest Syria regardless of ethnicity and religious affiliation, including those owners who have been displaced from their land and property and are not able to defend their rights in person.
- All parties to the conflict, both state and non-state actors, must cease the practice of recruitment of children (those under the age of 18) for military service. Children currently serving should be released and assisted in returning to their families.
- As an occupying power, Türkiye must respect all its legal obligations, and take all measures in its power to restore and ensure public order and safety while respecting the laws that were in force prior to the occupation. In addition to all the customary IHL obligations of an occupying power, including those outlined in The Hague Regulations of 1907 and the Geneva Conventions of 1949, Türkiye must also adhere to its human rights obligations vis-à-vis the inhabitants of the territories it occupies.



Higher Regional Court in Frankfurt, Germany where Alaa M. is on trial. The sign is the first article of German law and reads “Human dignity shall be inviolable.” – SJAC’s Trial Monitoring Team



Free Woman's Square, Kobani. - SJAC's Missing Persons Team

# Annexes

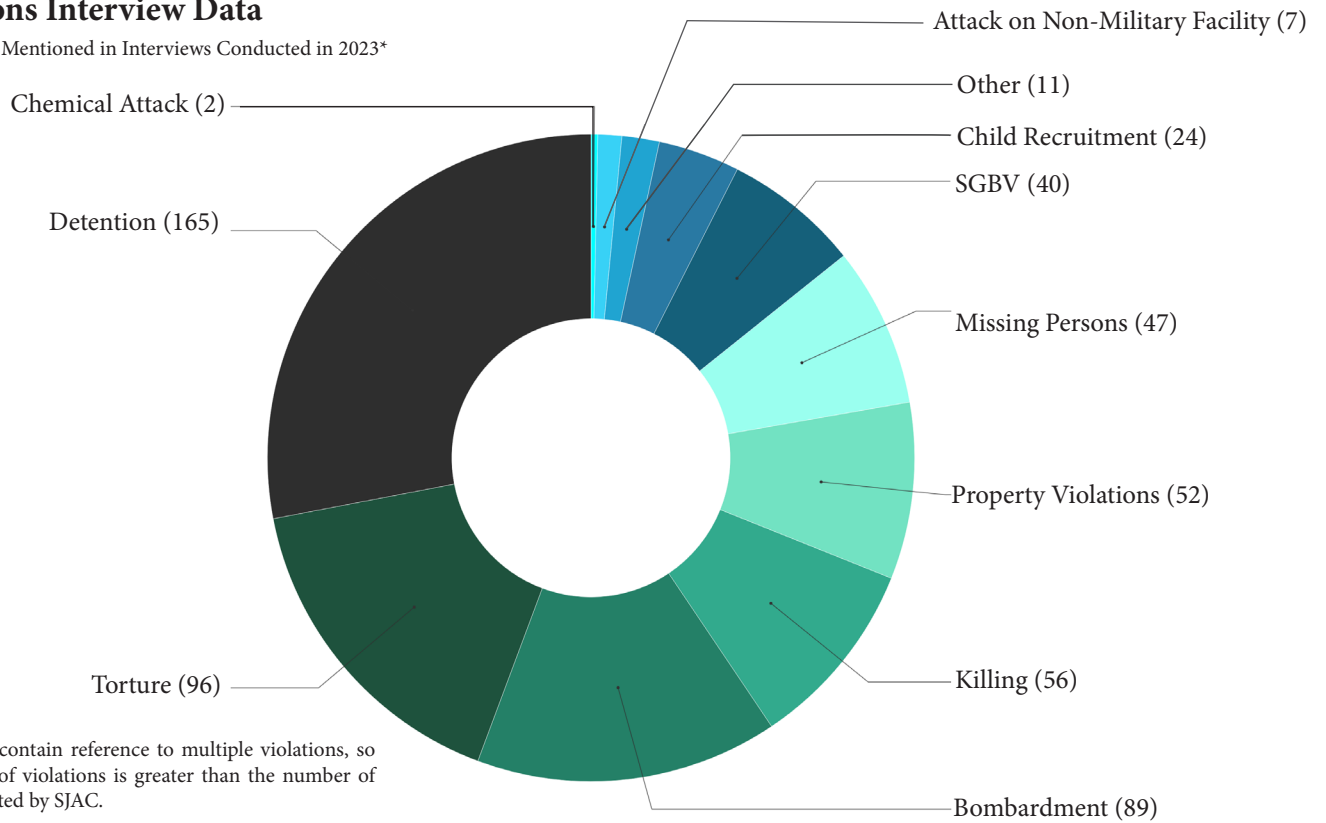
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# Annex I: Charts

## 2023 Violations Interview Data

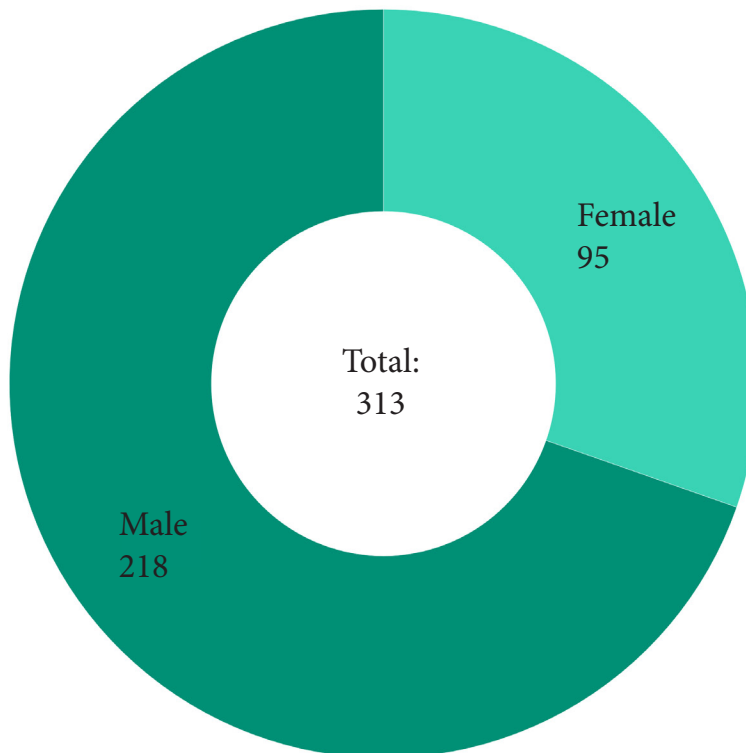
Number of Violations Mentioned in Interviews Conducted in 2023\*



\*Interviews often contain reference to multiple violations, so the total number of violations is greater than the number of interviews conducted by SJAC.

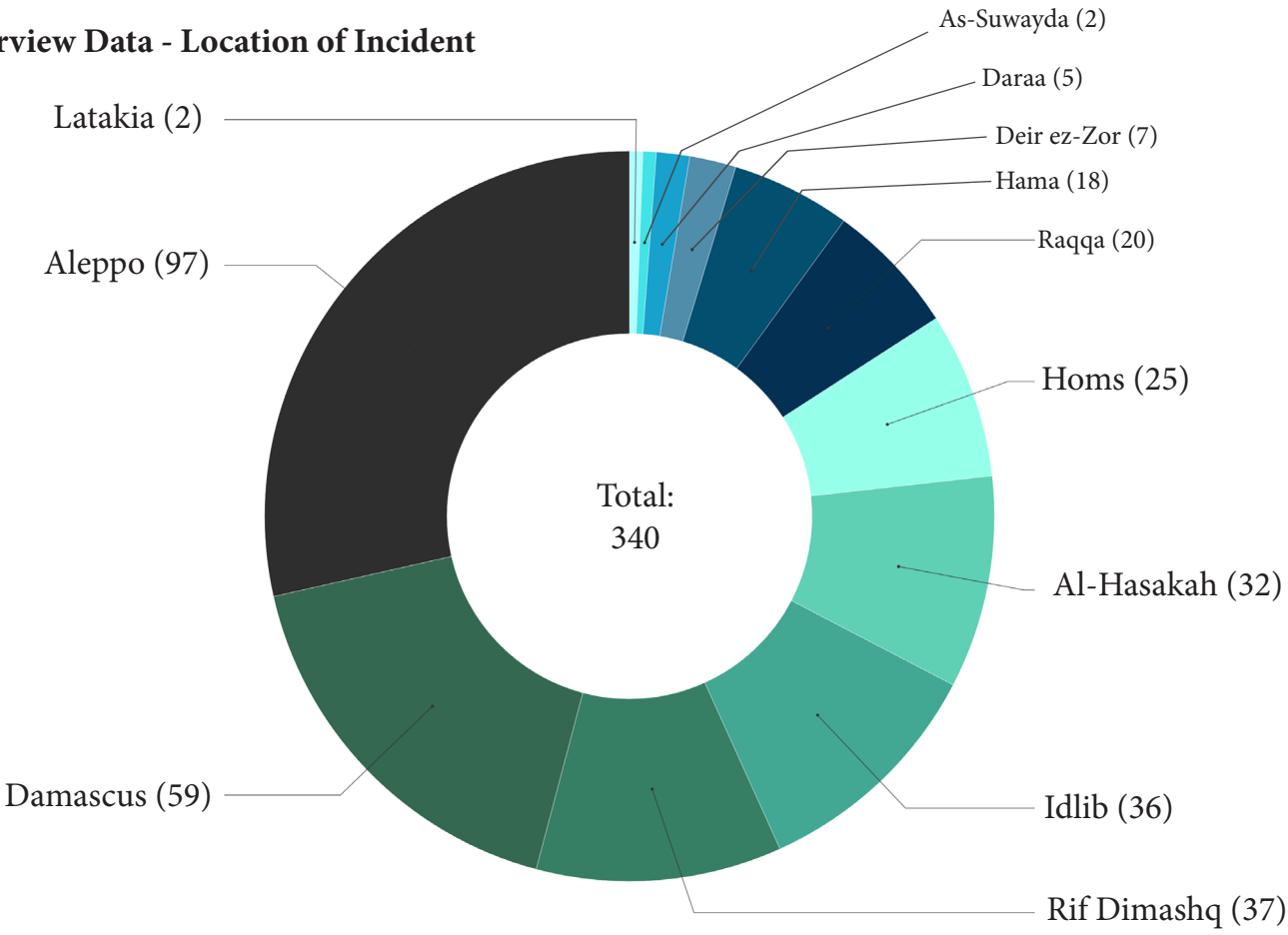
Source: SJAC - Created with Datawrapper

## 2023 Interview Data - Gender of Interviewees



Created with Datawrapper

2023 Interview Data - Location of Incident



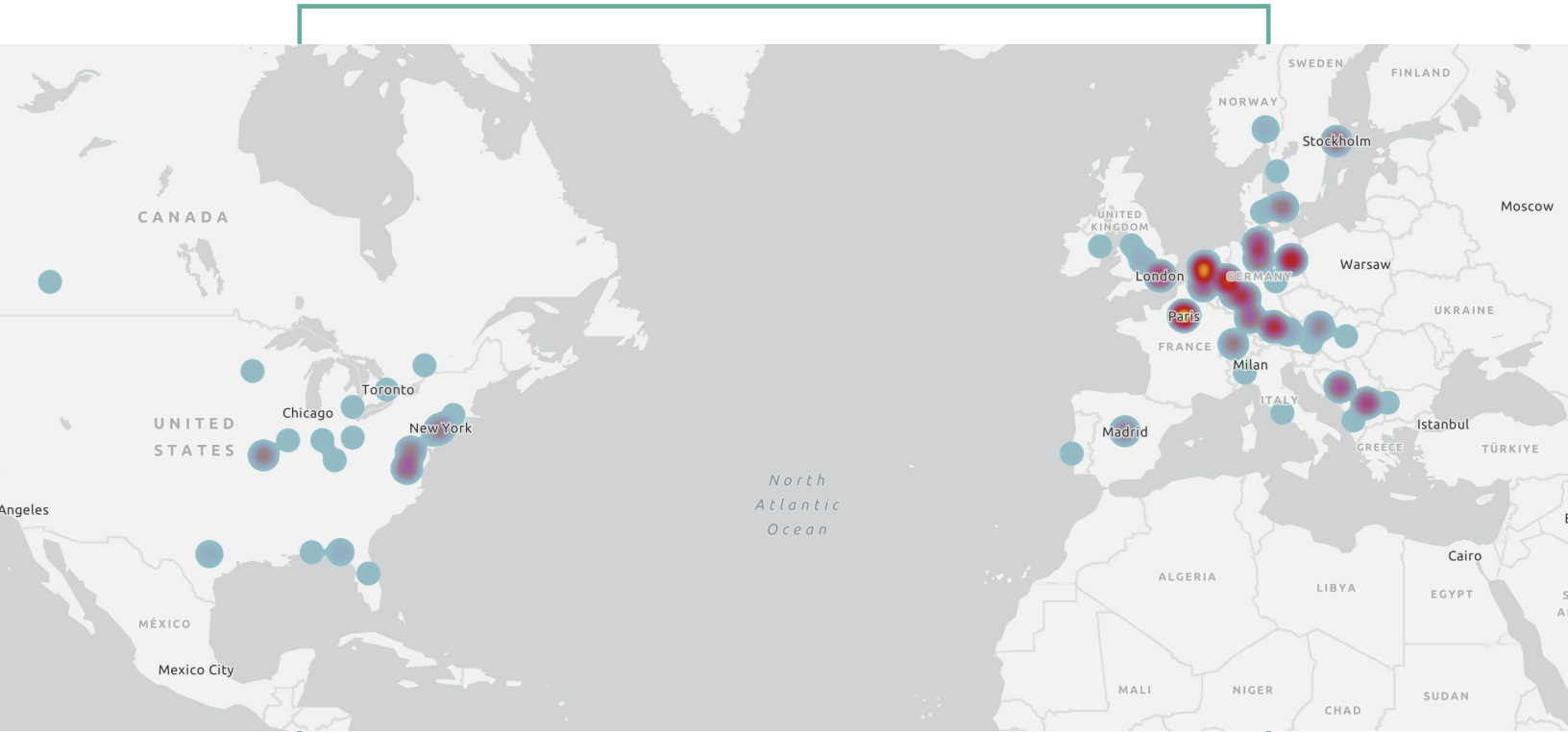
Created with Datawrapper

# Annex II: Universal Jurisdiction Cases

The following information includes new cases announced in 2023 (See past State of Justice in Syria reports for past case lists). It has been compiled based on publicly available sources and is not intended to be a comprehensive list of Syria-related universal jurisdiction cases. While the information is true to the best of SJAC's knowledge, information may be subject to change without notice. SJAC reminds its readers that all accused have the right to the presumption of innocence until proven guilty.

Prosecuting State	Alleged Perpetrators	Nationality	Affiliation	Case Status	Alleged Crimes or Conviction	Verdict
Belgium	Yousra B.S	Belgium	ISIS	Under Investigation	Tried to join the terrorist organization ISIS	n.a.
France	Jonaathan Geoffroy	French	ISIS	At trial	Membership in a foreign terrorist organization	n.a.
France	Nael A.	French	Al-Qaeda	At trial	Membership in a foreign terrorist organization	n.a.
Germany	Aleem N. and Mahmoud A.S.	German / Stateless	ISIS	Indictment Filed	Membership in a foreign terrorist organization	n.a.
Germany	Nadine K.	German	ISIS	At Trial	Aiding and abetting property violations, aiding and abetting war crimes, aiding and abetting genocide, aiding and abetting crimes against Humanity, and membership in a foreign terrorist organization	n.a.
Germany	Fatiha B.	German / Moroccan	Jabhat al-Nusra / ISIS	At Trial	Membership in two foreign terrorist organization	n.a.
Germany	Sarah B.	German	ISIS	Convicted	Membership in two foreign terrorist organization	Membership in a foreign terrorist organization
Germany	Monika K.	German / Polish	ISIS	Convicted	War crimes against property, membership in two foreign terrorist organization	Membership in a foreign terrorist organization, war crimes against property (Iraq related)
Germany	Akram El A.	German	Kata'ib Ahrar al-Sham / Ahrar al-Sham	Convicted	Membership in a foreign terrorist organization, financing terrorism	Four counts of membership in a terrorist organization abroad, one count of attempted manslaughter in two separate counts, three counts of terrorism financing
Germany	Moafak D.	Stateless	Free Palestine Movement	Convicted	War crimes	War crimes, four counts of murder, two counts of attempted murder

Netherlands	Unknown male	Syrian	ISIS/HTS	Under Investigation	Membership in a foreign terrorist organization	n.a.
Spain	Yolanda Martinez and Luna Fernandez	Spanish	ISIS	Under Investigation	Membership in a foreign terrorist organization	n.a.
Sweden	Camilla Olofsson	Swedish	ISIS	Convicted	Human trafficking and aiding and abetting a large number of serious rapes against children	Human trafficking and aiding and abetting a large number of serious rapes against children



See SJAC's online [tracker of Syria-related criminal cases](#) for the most updated list of past and ongoing cases.



## Annex III: Endnotes

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