

# **The Barriers and Limitations of the Modern Approach to Recognizing Genocide in Syria:**

## **A Case Study of the Sieges of Eastern Aleppo and Eastern Ghouta**

**Anna Costa**

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Green buses and Syrian Red Arab Crescent vehicles line up at al-Ramouseh Crossing to evict the last residents in eastern Aleppo. [AMC](#), Dec 15, 2016.



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**Anna Costa<sup>1</sup>**

### **Executive Summary**

Can and should the Syrian conflict be defined as genocide? This policy paper outlines a new conceptual framework to define the concept of genocide. This new framework is based on the Convention on the Prevention and Punishment of the Crime of Genocide and the different critiques it has received over the years. The framework gives an extended definition of the concept of genocide to fit the need of modern warfare. It is then applied to the cases of the sieges of eastern Aleppo and Eastern Ghouta.

The report starts by outlining the conceptual framework, defining each element that determines the act of genocide: group, intent and scale. It then analyses the sieges of Aleppo and Ghouta based on the given definition. The report then concludes that the sieges should be defined as acts of genocide perpetrated by the regime. There are different actors that hold the power and the responsibility to make the regime accountable for its acts. The policy paper recommends that international organizations take a stand as they did for the Rwandan genocide. International organizations are key to reconstruction and they can apply pressure to the government. At the same time, international governments – being the donors of international aid – also have a part to play as they can put conditions into their funding. Finally, any element of the reconciliation and reconstruction process must be inclusive and allow for every member of the Syrian society, no matter who they support, to be consulted and heard.

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## 2. Introduction

The Syrian conflict began in 2011 with a civilian uprising triggered by the arrest and torture of two schoolboys for graffiti. By April 2018 more than 465,000 Syrians were killed, over a million were injured and more than half of the country's pre-conflict population was displaced.<sup>2</sup> During this conflict there have been- and still are- besieged areas. This paper will focus on the besieged areas of eastern Aleppo and Eastern Ghouta. These two cases are chosen due to the magnitude of the humanitarian crisis and the types of violent attacks they have experienced. The eastern Aleppo siege has been one of the most intense, characterised by constant bombing and driven by the Syrian government's tactic of "surrender or die".<sup>3</sup> The besieged area of Eastern Ghouta has been the target of several chemical attacks by the Syrian Regime. Four of these attacks were recorded in the period of November 2017 to January 2018.<sup>4</sup>

The question this paper aims to answer is: to what extent can the Syrian conflict, specifically the Aleppo and Ghouta sieges, be treated as genocide based on international law and the current political landscape? This paper finds its relevance in the lack of extensive literature related to the Syrian conflict. There is no current literature that analyses these events as possible cases of genocide. It will also provide an in-depth analysis of the besieged areas of Aleppo and Ghouta and will put the gravity of these events into perspective. The findings will be relevant and can be taken into consideration when it comes to reconstruction and reconciliation. It will contribute to the understanding of who should be held accountable for these crimes and who should receive reparations.

The paper will first lay out a theoretical framework to explain what each element of the convention means. It is followed by an analysis of these elements within the context of eastern Aleppo and Eastern Ghouta. It will then conclude with policy recommendations.

## 3. Conceptual Framework

In light of what happened and the nature of the Syrian conflict, this paper analyses part of the events in order to determine how they should be defined and what the repercussions are for these actions. So far there have been limited accusations of the acts performed during the Aleppo and Ghouta sieges as being genocidal. Syrian activists present during the conflict and reporting daily have defined the situation as an ongoing massacre of unprecedented nature. Academics, sociologists and lawyers have not yet fully explored the possibility of these events being genocidal. The main research that has been conducted has been related to the genocidal acts that members of the Islamist State might have committed in other regions of Syria.<sup>5</sup>

In order to analyse if the eastern Aleppo and Eastern Ghouta sieges can be defined as genocides, this paper will be using the following set of concepts and definitions. The theories that are drawn from will be representative of a sociological perspective of what genocide ought to be defined as.

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<sup>2</sup> *Syria's civil war explained since the beginning* (Middle East, Aljazeera, April 2018), 1.

<https://www.aljazeera.com/news/2016/05/syria-civil-war-explained-160505084119966.html>

<sup>3</sup> *Siege Watch Fifth Quarterly Report on Besieged Areas in Syria* – November 2016-January 2017, (PAX, The Syrian Institute, March 2017), 9.

<sup>4</sup> *Siege Watch Ninth Quarterly Report on Besieged Areas in Syria November 2017 – January 2018*, (PAX, The Syrian Institute, March 2018), 6.

<sup>5</sup> Rolando Gomez, *UN Commission of Inquiry on Syria: ISIS is committing genocide against the Yazidis*, (Geneva, United Nations Human Rights Officer of the High Commissioner, June, 2016), 1.

Carola Lingaas argues that the legal perspective is both narrow and outdated.<sup>6</sup> It was specifically tailored for the events that happened during the Holocaust. In order to analyse if genocide has occurred in modern-day warfare, a new definition ought to be drafted.

### **3.a. The Concept of Group**

Martin Shaw believes that a perpetrators-based approach should be used to delineate what a group is and who its members are. The perpetrator creates the concept of “other” and labels it as a target.<sup>7</sup> The target group might have objective characteristics but cannot be defined as a specific, determined category. What is believed to be the “other” by the perpetrator might not be seen as such by another individual. On the contrary, the convention defines the victims as a homogeneous group. Individuals belong to the same group due to their fixed shared characteristics. This limited classification of who can be a group of victims makes the law exclusionary instead of universal. Finding groups that specifically embed the requirements of the genocide convention has been challenging for lawyers and judges. For instance, the concept of race has drastically changed since the convention was drafted. Science has proven that there is no gene that distinguishes people as members of different races.<sup>8</sup>

In this paper a perpetrators-based perspective will be used to define a victim group. The perpetrator does not per se have to attribute real characteristics to these groups but can be features perceived by him/her.<sup>9</sup> This will entail that more groups can be added to the protected group of victims in addition to the pre-existing ones. Several scholars believe that political groups should be added to the list. Nicodeme Ruhashyankiko explains that people should be defined as a victim group based on their sexual or political orientation.<sup>10</sup> Doctor Eng Kok-Thay argues that a modern definition of the crime of genocide ought to “protect any member of any group” just because they are members of a group.<sup>11</sup>

However, the element of group is essential in the crime of genocide. The victim cannot be defined as a victim only because of individual characteristics, but these characteristics must be affiliated with a group membership. The target groups do not have to be passive victims but can be active individuals that resist the violence perpetuated by the oppressor.<sup>12</sup> This leads to the possibility of the target group committing crimes as a defence mechanism.

### **3.b. The Concept of Intent**

In the Convention for the Prevention and Punishment of the Crime of Genocide, intent is described in Article II as physical destruction of a group by bodily harm, killing or “Imposing measures

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<sup>6</sup> Lingaas, Carola, *Defining the protected groups of genocide through the case law of international courts*, (International Crimes Database, December 2018), 1-18.

<sup>7</sup> Shaw, Martin “From Intentionality to a structural concept”, in *What is Genocide?* (Cambridge, Polity Press, 2015)

<sup>8</sup> Lingaas, *Defining the protected groups of genocide through the case law of international courts*, 1-18

<sup>9</sup> Ibid, 1-18

<sup>10</sup> Ruhashyankiko, Nicodeme, *Study of the Question of the Prevention and Punishment of the Crime of Genocide*, (Geneva, U.N. Economic and Social Council, Human Rights Commission, On Prevention of Discrimination and Protection of Minorities 31st Sess, 1978) para. 440 at 120

<sup>11</sup> Kok-Thay Eng, “Redefining Genocide”, *Genocide Watch*, Accessed 1 June 2018  
<http://www.genocidewatch.org/redefininggenocide.html>

<sup>12</sup> Shaw, Martin “Genocide”, in *the Contemporary Middle East: A Historical and Comparative Regional Perspective* in Anthony Tirado Chase, ed., (London, The Routledge Handbook of Human Rights in the Middle East and North Africa. 2016).

intended to prevent births within the group”.<sup>13</sup> For the purposes of this paper I will define the concept of intent not only as a practice of killing, but also a “violent type of action or policy” as Martin Shaw argues.<sup>14</sup> Hence, policies that aim at the eviction and expulsion of a population from its town ought to be considered as genocidal. By forcing individuals to leave their houses, their social connections and belongings, the perpetrators are eradicating individuals from where they belong. Taking away what they have known and owned all their lives and throwing them into uncertainty. This is a different way of perpetuating genocide, but it stills aims at destroying a group. By removing people from a territory, the perpetrator is re-engineering the demography of a place. Removing the unwelcome to leave space for the wanted group. These policies can be traced to the Holocaust as Hitler first used mass displacement and deportation policies before moving on to arbitrary killings through gas chambers.<sup>15</sup>

To add to the literature on genocide this paper argues that not only are expulsion policies a sign of genocide, but also that the policies aiming to limit the return of the unwanted group are signs of the crime as well. This concept has not yet been developed in the literature on genocide. Considering expulsion as a genocidal act is related to forcibly removing people from their houses. The policies that aim at limiting return through the perpetuation of fear, or policies that aim at preventing people from returning to their households, can be considered as having the same goal. Hence, those policies will also be considered as a matter of intent of destroying a group. Finally, intent does not have to be proved only by finding a predefined set of policies that were all built to bring destruction. It can also include policies that were created over time to enhance the destruction. Genocide should be regarded as a “policy driven action”.<sup>16</sup> Thus, different policies that have been issued over time and an analysis of such policies lead to the conclusion that they are interconnected and can lead to genocide.

### ***3.c. Measuring the Scale of a Genocide***

In this case I will draw from the definition in the Convention that has been lost as a concept over time. A genocide is the act to destroy “in whole or in part” a group.<sup>17</sup> However, the only times that the genocide convention has been applied has been in situations in which the International Tribunal conceived this concept as a mass destruction of very significant numbers. The Holocaust was a very specific event that reached unprecedented levels, which are difficult to match in other potential genocidal cases. This perspective of genocide should not cause smaller scale actions to go unnoticed. As Leo Kuper says, genocide can be perpetuated on any scale. It goes from the destruction of a small group to the total obliteration or the systematic extermination of millions. He uses the term “genocidal massacre” to define smaller scale genocide. He defines it as the “annihilation of a section of a group--men, women or children--as for example the wiping out of whole villages”.<sup>18</sup>

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<sup>13</sup> UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, (United Nations, Treaty Series), vol. 78, 277

<sup>14</sup> Shaw Martin, “Britain and Genocide: historical and contemporary parameters of national responsibility”. *Review of International Studies*, Vol. 37, No. 5, 2011 pp. 2417-2438

<sup>15</sup> Shaw, Martin “Raphael Lemkin and the idea of Genocide”, in *What is Genocide?* (Cambridge, Polity Press, 2015)

<sup>16</sup> Shaw, “From Intentionality to a structural concept”

<sup>17</sup> UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, 277

<sup>18</sup> Leo, Kuper, *Genocide: its political use in the twentieth century* (Yale University Press, 1983),10

In conclusion, based on the concepts explained by Martin Shaw, Carola Lingaas, Kok-Thay Eng and Nicodeme Ruhashyankiko, the definition of genocide that is used to analyse the Syrian case in this paper will be:

An intent to destroy, in whole or in part, a group that has common characteristics, through the act of killing or other policies aiming at the expulsion of groups or preventing their return. The group characteristics will be defined by using a perpetrators-based approach. It will aim to understand how and why the victims' group is perceived as an enemy by the perpetrator.

#### **4. The Eastern Aleppo & Eastern Ghouta Siege: Can they be Defined as Genocide?**

This section explores whether or not the events that took place during the sieges of eastern Aleppo and Eastern Ghouta can be defined as genocide based on the framework explained in the previous section. This section will be divided into four layers of analysis. It will first look at how groups are determined as the targeted victims. It is followed by the investigation of specific events and actions that determine the existence of intent from the perpetrator. The third section focuses on the reasons why these areas specifically from the entire Syrian conflict can be defined as genocide. Finally, it will look at the limitations of the international environment that are preventing the international community from framing these crimes as genocides.

##### **4.a. The Target Groups**

The victims of the sieges are the residents of eastern Aleppo and Eastern Ghouta that have suffered greatly due to the Assad regime and its allies. In order to determine genocide, it is necessary to understand if these victims have any common characteristics that have made them become the simple means to a greater end of the destruction of the group.<sup>19</sup> I believe that there are two groups that can be determined as targets: a political group and a religious group.

As for the dynamics of the conflict, the territories of eastern Aleppo and Eastern Ghouta were occupied by opposition groups. These groups were also called rebels by the media and the Syrian Regime. There were different opposition groups present in both territories. As Huzaifah Alkaff explains, the opposition groups were made of different factions--some of which were purely opposing the government on political grounds.<sup>20</sup> These were groups that were part of the Syrian National Coalition which disassociate themselves from more extreme Islamist groups. This coalition was led by human rights defenders and democracy activists.<sup>21</sup> The Free Syrian Army (FSA) is one of the groups that was part of the coalition, which represented--for a period of time--the political party of certain moderate, politically motivated groups. The main aim of the FSA at the beginning of the revolution was to protect the un-armed protesters that were demonstrating against their repressive regime.<sup>22</sup> On the other hand, the opposition forces were mainly made up

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<sup>19</sup> Lingaas, *Defining the protected groups of genocide through the case law of international courts*, 1-18

<sup>20</sup> Alkaff, Syed Huzaifah "Syria Counter Terrorist Trends and Analyses" *International Centre for Political Violence and Terrorism Research*, Vol. 6, No. 1, Jan/Feb 2014: 32-33.

<sup>21</sup> Black, Ian, "Syria: opposition anger over US refusal to fund arms" *The Guardian* (London), 21 April 2013. Accessed June 1<sup>st</sup>, 2018

<sup>22</sup> Lister, Charles, *A Free Syrian Army: A decentralised insurgent brand* (The Brookings Project on U.S. Relations with the Islamic World, November 2016, 9-12



of Sunni Muslims while the regime groups are mainly Alawites.<sup>23</sup> Because it is a Sectarian conflict, there is a clear intent of the government to target Sunnis and protect Alawites.

Using a perpetrators-based approach, it is necessary to identify how the regime and Assad perceives the target group. The common characteristic shared by the individuals under siege is they pose a threat to Assad. On the one hand, they threaten to overthrow the government by taking away Assad's power and requesting democratic elections. They are perceived as those who want to put an end to the rule of the Ba'ath party.<sup>24</sup> On the other hand, the Sunnis are the majority group leading the opposition. They are a threat to the stability and leadership of Alawites in the country. Since the beginning of the conflict the regime began accusing the opposition of promoting sectarianism.<sup>25</sup> They began distributing sandbags to Alawite communities claiming that Sunnis will soon try to kill them. The regime created an image of the "evil other" fostering the already existing divisions between different communities creating ethnic violence. At the same time, the regime guards, majority Alawite, were arbitrarily killing peaceful, primarily Sunni protesters.<sup>26</sup> As Martin Shaw argues, it is clear from the actions and tactics of the Syrian government that they are targeting any individual that might be connected to opposition forces regardless of if they are innocent or a perpetrator.<sup>27</sup>

Based on the convention definition of groups, only part of the targeted civilians can be categorised as victims of genocide. During the Srebrenican genocide the Muslims were defined as a targeted religious minority.<sup>28</sup> In the Syrian case it can be argued that the Sunnis are a religious group targeted by the regime. However, those who do not identify as Sunni but only as the political opposition would not fit in this category. This was also the case in the Cambodian massacre during the time of Khmer Rouge.<sup>29</sup> Therefore, this paper argues for a new definition of genocide. In addition, genocide and the defence of political groups is part of Jus Cogens, which means that the perpetrators of genocidal acts- in this case the Assad regime and other actors- should be persecuted for their act even if the definition of genocide would not identify them as such.<sup>30</sup>

#### **4.b. Proving Intent**

Based on The Convention, which sees genocidal acts only as acts of killing, intent can still be proved.<sup>31</sup> However, in the case of the sieges the acts of genocide go beyond killing but include policies of eviction and preventing return. The atrocities of the two sieges have been highly reported by news channels and human right activists. It is clear that the government was heavily shelling and targeting essential facilities.<sup>32</sup> The reports state how in both sieges hospitals and other clinics were being purposefully targeted. It has used all the means necessary to provoke death and

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<sup>23</sup> Uludag, Mekki "Syrian Civil War Important Players and Key Implications - A Factsheet Counter Terrorist Trends and Analyses" *International Centre for Political and Terrorism Research*, Vol. 7, No. 7, August 2015, 4-10.

<sup>24</sup> "Making Sense of the Syrian war", Stratfor Worldview, May 2011. Accessed June 2<sup>nd</sup>, 2018  
<https://worldview.stratfor.com/article/making-sense-syrian-crisis-0>

<sup>25</sup> Christopher Phillips, "Syria's Torment", *Survival Global Politics and strategies*, (Taylor & Francis, 2012), 67-82

<sup>26</sup> Ibid, 67-82

<sup>27</sup> Shaw, *Britain and Genocide: historical and contemporary parameters of national responsibility*. 2417-2438

<sup>28</sup> Khan, Mujeeb, "Bosnia-Herzegovina and the Politics of Religion and Genocide" in *the "New World Order"*, (Islamabad, Islamic Research Institute, International Islamic University, 1997) Islamic Studies, Vol. 36, No. 2/3

<sup>29</sup> Van Schaack, Beth, "The Crime of Political Genocide: Repairing the Genocide Convention's Blind Spot" *The Yale Law Journal*, Vol. 106, No. 7, May 1997

<sup>30</sup> Ibid

<sup>31</sup> UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, 277

<sup>32</sup> Tokmajyan, Armenak, *Aleppo Conflict Timeline* (Budapest, The Aleppo Project, May 2016)

destruction not only limiting itself to the use of bombs and other firearms, but also resorting to toxic gasses. The regime also refused aid convoys to help the population that was at the verge of starvation during the sieges.<sup>33</sup> When agreements for safe passage were made, there are reports documenting the continuous shelling from government forces and the ceasefire not being respected. This indiscriminate violence that sees no limits on the use of weapons is a clear sign of the authoritarian characteristics of the Syrian regime.<sup>34</sup> A democratic government would limit the use of certain tactics in order to follow the restrictions put in place by international law. The Syrian regime signed the Convention on the use of Chemical Weapons in 2013 and still used chemical weapons on civilians, killing children, women and men only because of their presumed affiliation to opposition groups.<sup>35</sup>

The government also proceeded with a policy of expulsion, for instance, with the eviction of the remaining population from eastern Aleppo with the use of the “green buses,” (the public transport buses that have been deployed to evict remaining residents in multiple besieged and defeated communities).<sup>36</sup> The government has pushed opposition forces and civilians in limited territories, for instance to the province of Idlib. A persecution policy continues even after the sieges have been defeated. From interviews conducted with Syrians living in rebel-held areas in the countryside of Aleppo and in Turkey, there are claims that the regime is targeting any individual that is connected with the opposition.<sup>37</sup> There have been several episodes of opposition members being jailed and tortured. They are in fear of returning to a now regime-held eastern Aleppo as they do not feel secure. Aleppians have a strong sense of belonging. One of the interviewees based in Turkey found that they rejected the possibility of having refugee status for him and his family in Canada as he wanted to return to Aleppo.<sup>38</sup> Unfortunately, as the siege of Eastern Ghouta has only ended in April 2018, it was not possible to conduct the same type of interviews in the area.

In addition, Assad has issued laws that will limit the possibility to return for those who did not leave the country through government channels or have been evicted from siege areas. Assad has been using these laws to change the social demographic of the city. The effects can already be seen in Aleppo. In Ghouta the reconstruction process has not begun yet. Decree 66 is a law that was issued in 2011 with the aim of rebuilding areas occupied by informal settlements through private companies. This same law is being used to rebuild Syria. In Aleppo the reconstruction projects are executed by Assad’s cronies. The prioritised areas are in Western Aleppo, leaving the previously besieged Aleppo destroyed while preventing the return of its residents.<sup>39</sup>

Law No. 10, promulgated on April 2nd, 2018 aims to define property rights in a way that benefits Assad supporters and penalises its enemies. It is an extension of Decree 66. Based on this law, cities can decide which areas they want to redevelop on an arbitrary basis. If residents are not able

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<sup>33</sup> “UN: Eastern Aleppo residents at risk of mass starvation” *Al Jazeera*, November 11, 2016. Accessed June 2<sup>nd</sup>, 2018 <http://www.aljazeera.com/news/2016/11/east-aleppo-residents-risk-mass-starvation-161110131343850.html>

<sup>34</sup> Todman, W., *Isolating dissent, punishing the masses: siege warfare as counter-insurgency* (Syria Studies, 2017) 1-32.

<sup>35</sup> Alkaff, Syed Huzafah “Syria Counter Terrorist Trends and Analyses” 32-33.

<sup>36</sup> Costa, Anna & MacMillan, Michele, *From Rebel to Regime: Barriers of Return to Aleppo for Internally Displaced People (IDPs)* (Budapest, The Aleppo Project, 2018) <https://www.thealeppoproject.com/wp-content/uploads/2018/07/Here.pdf>

<sup>37</sup> Anna Costa, *Interview with Shamy Lina and Mousa Youssef*, May 2017

<sup>38</sup> Anna Costa, *Interview with a business owner in Aleppo based in Gaziantep at the time of the interview*, May 2017

<sup>39</sup> Ibid



to present proof of ownership of their house in the selected areas of reconstruction, they will not be able to reclaim their property rights in the future.<sup>40</sup> This means that those who flee the country for fear of their lives or those who feel their life is in danger of being arrested and tortured because they can be associated with opposition groups will not be able to reclaim their houses. This policy will take away the right of return and prevent people from returning to their own houses and communities. The law was extended for one more year in November 2018 by Law No. 42.<sup>41</sup>

As Martin Shaw argues, genocide is not only killing but also the extirpation of someone's life from their community and their home.<sup>42</sup> Not only is Assad and his allies perpetuating mass massacres by using a policy of starvation, killing and exhaustion of the opposition in order to retrieve the territories under siege but they are also mass evicting citizens from towns giving them no choice but to leave to escape being killed or arrested. It is clear that Assad did not give the final possibility for residents to peacefully surrender and stay in their own houses, and he is pushing all the opposition forces to the same, specific area. Finally, he is preventing them from returning both through prosecution and through specific policies such as those related to property rights.

#### ***4.c. The Size of the Genocide***

These two specific areas have experienced the highest amount of violence of the entire conflict, with a high number of victims and individuals being involved. As Leo Kuper argues, a destruction of an entire village can be a genocide.<sup>43</sup> In this case there has been the destruction of eastern Aleppo and Eastern Ghouta. The sieges destroyed most of the infrastructure of the area as they also targeted the water supplies, sanitation networks and electricity. The eastern section of Aleppo has witnessed an unprecedented level of destruction with schools, shops, homes and many other buildings were destroyed. A clear comparison can be made with the western side of the city where the vast majority of buildings and facilities are still intact.<sup>44</sup> Eastern Ghouta is an extensive agricultural area with cultivable land that supplies food to the local market. During the siege, crops were specifically targeted before or during harvest season to prevent farmers from providing food within the besieged area.<sup>45</sup>

Sieges were created by the regime around those areas to isolate the insurgencies. As Will Todman explained, sieges are a strong tactic for the Syrian regime as it allowed them to use their entire military force against one specific target instead of scattered groups. Having the targeted population in a specific area allowed them to control their livelihood- such as medical supplies and food-- while proceeding to mass destruction.<sup>46</sup> The Syrian regime has already used these tactics to suffocate opposition in Hama in 1982. These two sieges were created due to the importance of the areas in context: Aleppo, one of the biggest commercial hubs of Syria, and Eastern Ghouta, which

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<sup>40</sup> Maha Yahya "The Politics of Dispossession" *Carnegie Middle East Centre*, May 2018. <http://carnegie-mec.org/diwan/76290>

<sup>41</sup> MCDowall, Angus "Syria extends time for post-war property claims under disputed law" *Reuters*, November 2019. <https://uk.reuters.com/article/uk-mideast-crisis-syria-property/syria-extends-time-for-post-war-property-claims-under-disputed-law-idUKKCN1NH1P5>

<sup>42</sup> Shaw, "Raphael Lemkin and the idea of Genocide"

<sup>43</sup> Leo, Kuper, *Genocide: its political use in the twentieth century*

<sup>44</sup> Chulov, Martin, "A tale of two cities: satellite images show contrasting fortunes of Aleppo's citizens" *The Guardian*, London, October 2016. <https://www.theguardian.com/world/2016/oct/06/a-tale-of-two-cities-satellite-images-show-contrasting-fortunes-of-aleppos-citizens>

<sup>45</sup> Todman, W., *Isolating dissent, punishing the masses: siege warfare as counter-insurgency*, 1-32.

<sup>46</sup> Ibid, 1-32

is in close proximity to the capital.<sup>47</sup> The spread of the opposition group to pro-government Western Aleppo or Damascus would have meant greater loss for the regime with a greater possibility of defeat.

#### **4.d. The Political Environment**

Similarly, to the situation in 1948 that put constraints on drafting of the CPPCG, the current political environment prevents international powers from condemning the Assad regime and other parties for the crime of genocide. Even during the Rwandan genocide, the Security Council failed as a first stance to respond to the crisis.<sup>48</sup> The international community still fails today.

There have been, over the years, several peace talks organised with the intent of reaching a compromise between all the parties involved. None of these attempts have been successful.<sup>49</sup> Calls for ceasefires have not been respected or have been rejected. There are too many interests involved both coming from inside and outside of Syria which makes the possibility of peace more challenging.

The Syrian regime for the past eight years of the conflict has breached a multiplicity of international laws and treaties. The inaction in front of the atrocities shows how the world order and the United Nations itself is limited by the singular interests of the governments. The UN Security Council actions are limited by the veto power of the sitting countries.<sup>50</sup> Many of the resolutions proposed by the Council regarding Syria were vetoed by Russia. The Security Council is the only power that can impose sanctions, allow the use of force and request investigation from the International Criminal Court. Due to the interests of Russia and its alliance with the Syrian regime no mechanism of accountability or mechanism to limit violence, such as imposing a no-fly zone, were triggered.<sup>51</sup>

#### **5. Conclusions & Policy Recommendations**

The events in Syria, especially the sieges of Eastern Ghouta and eastern Aleppo have been the most reported conflicts, which makes these actions undeniable. There are official and unofficial footage and statements made by victims, activists and investigations by international organisations that can prove the events and who perpetrated them.<sup>52</sup> It is a complex conflict as there are many actors involved and violence has been used by all sides.

However, from the analysis I conclude that the events should be condemned as acts of genocide. The groups subject to this genocide are Syrian Sunni and political groups opposing the government. They have not only been killed but also evicted from their homes and are prevented from returning due to fear of persecution and unfair property laws. The perpetrator, who should be taken accountable for these genocidal acts is the Assad regime. The International community failed to act during the conflict by disregarding their responsibility to protect but they can still take a

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<sup>47</sup> Ibid, 1-32

<sup>48</sup> Harff, Barbara "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955" *The American Political Science Review*, Vol. 97, No. 1, 2003, 57-73

<sup>49</sup> Syed Huzaifah Bin Othman Alkaff & NurulHuda Binte Yussof "An Overview of the Syrian Conflict, Counter Terrorist Trends and Analyses" *International Centre for Political Violence and Terrorism Research*, Vol. 8, No. August 2016, 8-11

<sup>50</sup> Abraham, Christina "Why has the international community failed Syria?" *The New Arab*, April 2016 <https://www.alaraby.co.uk/english/comment/2016/4/18/why-has-the-international-community-failed-syria>

<sup>51</sup> Ibid

<sup>52</sup> "Genocide and Mass Atrocities Alert: Syria" *Genocide Watch*, April 2016. Accessed June 3<sup>rd</sup>, 2018 <http://genocidewatch.net/2013/03/20/genocide-alerts-syria/>

stand. Compared to the responsibility to protect that is not binding by international treaty or international customary law, the Convention for the Prevention and Punishment of the Crime of Genocide is binding with a codified international treaty that defines the extent of the law. Under Article V of the convention, the signatory countries have the authority to persecute those guilty of genocide:

“The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in article III.”.<sup>53</sup>

If governments, due to political interests and constraints, will not take a stand the International Criminal Court has been given the power to prosecute those acts. In any case, the international community of international organisations should take a strong stand on the matter. After the Rwandan genocide it was the statements and actions of international organisations, such as Human Rights Watch, Save the Children and Oxfam who recognised the nature of the slaughter and advocated for the recognition of the conflict as genocide.<sup>54</sup> Even though Bashar al-Assad is still in power, the international community can apply sanctions and coordinate the development aid that will be allocated for the reconstruction of Syria. International organisations are actively participating in the reconstruction, without their support the government will not have the means to attend to everyone’s needs. This means that they can pressure the government to treat people justly and protect the victims of persecution. At the same time, international governments will be the ones supplying the funding to help the country. They can define the terms of their economical support applying pressure to the government to give equal and fair support to different members of the Syrian community, especially Syrian Sunnis and the political opposition that were persecuted during the genocide. In order to establish a sustainable peace and provide reparations it is important that the acts are recognised for what they are and an International Tribunal is organised to prosecute the perpetrators.

International and local organisations will be actively working in the upcoming years to help rebuild the cities, providing different services that are lacking due to the destruction from the conflict and they will work to build social cohesion amongst different groups. No matter the outcomes or the possibility of holding accountable the perpetrators for the crimes committed, it is important that the actors that will be put in charge of the reconstruction process will keep the nature of the events at the core during the peacebuilding process. The genocide has created a great divide between different groups that will need to find a way to forgive and coexist. In order for Syria to enter a sustainable peace, Chimni explains that five types of insecurities need to be addressed: material, physical, social, psychological and legal.<sup>55</sup> These elements have to be considered in the process of reconstruction and reconciliation by building the interventions in co-creation with local communities. Engaging them in the process will ensure that all the different groups are taken into

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<sup>53</sup> UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, 277

<sup>54</sup> “Acknowledging Genocide” *Human Rights Watch*, 2017. Accessed June 3<sup>rd</sup>, 2018

<https://www.hrw.org/reports/1999/rwanda/Geno15-8-02.htm>

<sup>55</sup> Chimni, B.S “Refugees, Return and Reconstruction of ‘Post-Conflict’ Societies: A Critical Perspective” *International Peacekeeping* 9, no. 2, 2002.

consideration. This will entail making sure that all parties are given a voice and the space to express their needs. That all the parts of the cities are rebuilt and not left in rubble. Failure to rebuild certain parts of the country is a clear choice that the government is making to set an example and make those people that lived in rebel areas feel unwelcome. It will also entail that mental health support needs to be provided at all levels of society to deal with post-traumatic stress disorder. Finally, it will entail that perpetrators be prosecuted, and victims paid reparations. It might be that this will not happen through an international tribunal and thus an alternative way will need to be found. There have been examples in history where local communities have found their own ways of legal retribution, for instance the Gacaca tribunals in Rwanda and the amnesty agreement in South Africa.

## 6. Appendices

### 6.1. Appendix 1: Literature Review: Genocide

#### 6.1.a. *The Concept of Genocide*

The definition of the crime of genocide was conceived by Raphael Lemkin, who was influenced by the atrocities of the Armenian Genocide and used it for the first time during the Second World War to define the actions of the German Government. The definition and recognition of the crime of genocide was codified with the drafting of the Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG) in 1948. So far, the convention has only been used three times. The crimes that have been labelled by the international community as genocide are the Holocaust, the Rwandan Genocide and the Srebrenica massacre of 1995.<sup>56</sup> There are other crimes of mass destruction that scholars and human rights activist have argued to be recognised as crime of genocide, but the strict and limited definition has not allowed for other conflicts to be defined as such. In this section, the legal definition of the crime of genocide and its limitations will be explored. Other suggestions recommended by sociologists and historians will also be considered.

The CPPCG is an instrument of international law codified in an international treaty that has 140 states party as of February 2018. Since 2002 the International Criminal Court, the principle judicial organ of the UN, has also been given the authority to prosecute the crimes of genocide if national courts are unable or unwilling to prosecute the crimes<sup>57</sup>.

The CPPCG states in Article II that they can be considered as genocidal “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group” (1948).<sup>58</sup> It was a significant step forward after the Nuremberg Trials. It compels the signatories of the convention to prevent similar acts to those committed during the Holocaust in the future. It is also the first international legal instrument with the goal of only protecting certain group.<sup>59</sup> However, the concept of groups, and other concepts, such as intent, do not have a precise definition within the convention. The specification of these terms can be found in the conclusions of the Nuremberg Tribunal and the International Criminal Tribunal for Rwanda and Yugoslavia.<sup>60</sup>

#### 6.1.b. *The Groups Forgotten by the Convention*

In a UN press release of June 10, 1947 Professor Raphael Lemkin declared that the most controversial point of the Convention will be the discussion concerning political groups.<sup>61</sup> During the Travaux Préparatoires, “political groups” were included as a protected group in the convention. It was highly debated, and countries were divided in deciding if political groups ought to be included or not. Some representatives, such as the delegate from Cuba, argued for the inclusion of political groups as they might be in even greater danger. The Dutch delegates were also in favour, arguing that the Nazis not only persecuted Jews but they also killed a great number of people due

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<sup>56</sup> Feierstein, Daniel, and Douglas Andrew Town. *Genocide as Social Practice: Reorganizing Society under the Nazis and Argentina's Military Juntas*. New Brunswick; New Jersey; London: Rutgers University Press, 2014.

<sup>57</sup> Understanding the International Criminal Court, (Hague, Registry of the International Criminal Court). Accessed June 2<sup>nd</sup>, 2018. <https://www.icc-cpi.int/iccdocs/pids/publications/uicceng.pdf>

<sup>58</sup> UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, 277

<sup>59</sup> *Ibid*

<sup>60</sup> Feierstein, Daniel, and Douglas Andrew Town. *Genocide as Social Practice: Reorganizing Society under the Nazis and Argentina's Military Juntas*.

<sup>61</sup> Milliren, Mariam L. “The UN Convention on Genocide” *World Affairs*, Vol. 110, No. 4, 1947, 293-296

to their political affiliation.<sup>62</sup> Other delegates shared their concerns about excluding specific groups as it could be used as a loophole. Criminals could claim to be limiting the freedom of political groups while they are instead persecuting other groups protected by the convention.<sup>63</sup> This possibility was mentioned during the Nuremberg trials by the French Judge Donnedieu de Sabres, who thought that excluding such groups could be seen as a legitimisation of their persecution.<sup>64</sup> In addition, Frank Chalk and Kurt Jonassohn have found evidence that since World War II political groups have been the most persecuted category.<sup>65</sup>

However, the sixth committee of the General Assembly was the one responsible for writing the final version of the Convention. They concluded that political groups had to be excluded as they were not homogeneous and lacked stability. The targeted groups ought to have clear, identifiable, and permanent characteristics--an element that political groups did not have.<sup>66</sup> Furthermore, Martin Shaw explains that political groups could have never been included due to the political atmosphere in which the Convention was being drafted. At the time, the leaders of the Soviet Union were committing a large number of killings that targeted people who were opposing the regime. Hence, if political groups were to be included, Stalin would have been held accountable for his atrocities.<sup>67</sup> In the end a compromise was reached and in order to obtain more signatories to the convention the committee decided to exclude political groups as victims.<sup>68</sup> The debate around the inclusion of political groups is relevant as it will be argued that one of the victim groups in Syria is the political opposition.

### ***6.1.c. The Illegality of Excluding Political Groups***

From a legal perspective, the 1948 convention does not respect the concept of equality before the law.<sup>69</sup> By limiting the groups that can be defined as victims of genocide it prevents individuals from being protected from atrocious crimes. The exclusion of certain groups is unlawful. Beth Van Schaack argues that the crime of genocide is part of Jus Cogens. This entails that even if governments have not ratified the Convention, they are bound by International Customary Law.<sup>70</sup> The exclusion of certain groups goes against both the principle of Jus Cogens and the principle of the universality of the law. The authority of the Jus Cogen was developed as a doctrine of treaty law and included in Article 53 of the 1969 Vienna Convention on The Law of Treaties.

#### ***Article 53. TREATIES CONFLICTING WITH A PEREMPTORY NORM OF GENERAL INTERNATIONAL LAW ("JUS COGENS")***

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<sup>62</sup> Van Schaack, Beth "The crime of political genocide: repairing the genocide convention blind spot"

<sup>63</sup> Ibid

<sup>64</sup> Feierstein, Daniel, and Douglas Andrew Town. *Genocide as Social Practice: Reorganizing Society under the Nazis and Argentina's Military Juntas*.

<sup>65</sup> Chalk, Frank, and Kurt Jonassohn. *The History and Sociology of Genocide: Analyses and Case Studies*. Yale University Press, 1990

<sup>66</sup> Van Schaack, Beth "The crime of political genocide: repairing the genocide convention blind spot"

<sup>67</sup> Shaw, *Britain and Genocide: historical and contemporary parameters of national responsibility*. 2417-2438

<sup>68</sup> Kok-Thay Eng, "Redefining Genocide", *Genocide Watch*, Accessed, June 1<sup>st</sup>, 2018

<http://www.genocidewatch.org/redefininggenocide.html>

<sup>69</sup> Feierstein, Daniel, and Douglas Andrew Town. *Genocide as Social Practice: Reorganizing Society under the Nazis and Argentina's Military Juntas*.

<sup>70</sup> Van Schaack, Beth "The crime of political genocide: repairing the genocide convention blind spot"



*“...For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognised by the international community of States as a whole as a norm from which no derogation is permitted...”*<sup>71</sup>

The validity of the Crime of Genocide is strengthened by the Advisory Opinion of the International Court of Justice (ICJ) issued in 1951 entitled, “Reservations to the Genocide Convention”. The ICJ states that the prohibition of genocide is binding even to those states that do not subscribe to the Convention as its inherent part of the principles of civilised nations.<sup>72</sup> Beth Van Schaack claims that the action of signing the convention means that the parties accept further multilateral commitment.<sup>73</sup> This does not only mean that any country can be prosecuted for the crime of genocide but also that the exclusion of political groups goes against Jus Cogens. This can be claimed on the one hand, because the original General Assembly Resolution discussing the crime of Genocide declared that political groups ought to be included. On the other hand, there are several countries which include such groups as a protected category in their national legislation.<sup>74</sup>

Originally, during the Nuremberg trials it was concluded that political and social groups ought to be defended by the Universal Declaration of Human Rights and by national legislation.<sup>75</sup> In his updated report on the Questions of the Prevention and Punishment of the Crime of Genocide published in 1978, Nicodeme Ruhashayankiko proposed a new definition of genocide. It suggested that new protected groups should be added based on their sexual and political orientations.<sup>76</sup> To remedy the lack of mentioning the concept of political groups a new category of crimes named, “politicide”, has been created. This category is not included in any sort of treaty or convention preventing the possibility to attribute responsibility and prosecute perpetrators committing such crimes. This report will argue for the need of considering political groups as a protected category as it is part of Jus Cogens.

There have already been examples in history of crimes not defined as genocide due to this specific limitation. For instance, the cases of the Khmer Rouge (1975 to 1978) and Darfur.<sup>77</sup> In the former case, at least a fifth of the population was starved or killed because of their class affiliation. It was only in 2018 that an international tribunal declared that the crimes committed by the Khmer Rouge against the Vietnamese and the Muslim Cham minority was genocide.<sup>78</sup> Although, this is a step forward as victims have been excluded because they are not part of a religious or ethnic minority. In the latter example, international organisations and governments, such as the US under the Bush

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<sup>71</sup> United Nations, *The Vienna Convention on the Law of Treaties*, (Vienna, United Nations, 23 May 1969), 14

<sup>72</sup> Wouters, Jan & Verhoeven, Sten, *The Prohibition of Genocide as a Norm of Jus Cogens and Its Implications for the Enforcement of the Law of Genocide*, (Institute of International Law, January 2015)

<sup>73</sup> Van Schaack, Beth “The crime of political genocide: repairing the genocide convention blind spot”

<sup>74</sup> Ibid

<sup>75</sup> Feierstein, Daniel, and Douglas Andrew Town. *Genocide as Social Practice: Reorganizing Society under the Nazis and Argentina's Military Juntas*

<sup>76</sup> Ruhashayankiko, *Study of the Question of the Prevention and Punishment of the Crime of Genocide*, 120

<sup>77</sup> Ibid

<sup>78</sup> Beed, Hannah, “Khmer Rouge’s Slaughter in Cambodia Is Ruled a Genocide” *The New York Times*, Asia Pacific, November 2018. Accessed June 3<sup>rd</sup>, 2018.

<https://www.nytimes.com/2018/11/15/world/asia/khmer-rouge-cambodia-genocide.html?smid=fb-nytimes&smtyp=cur&fbclid=IwAR1dfv4pXwE6SJp2EloEM1IMEihr6jDSHa7ZvIkYDJw4OUkRoOuQFxpDdc>

administration, acknowledged that a genocide was happening, but the UN failed to react accordingly.<sup>79</sup>

#### **6.1.d. How Can Group Members Be Identified?**

A first barrier was defining which groups ought to be protected, a second one came when tribunals had to define victims as belonging to a specific protected category. It has been challenging for international tribunals to classify victims as belonging to a specific group. For instance, as Daniel Feierstein explains while reviewing the conclusion of the International Criminal Court for Rwanda, it was problematic to differentiate Hutus and Tutsis as two separate groups. Erik Markusen points out that most Tutsis were killed based on the ethnicity written in their document issued during the Belgian colonial government. There was no other specific group characteristics that differentiated the two ethnic groups.<sup>80</sup>

There can be two ways of defining group membership; objective or subjective recognition. From a legal perspective, in order for victims to be part of a group they have to have objective characteristics to indicate group membership. An objective approach analyses and finds the specific characteristics that bind certain individuals together. If they do not have specific characteristics, they are not identified as group. Using this approach makes it more difficult to respect the specific groups underlined in the Convention.<sup>81</sup> From the perspective of sociologists, the construction of the group is subjectively created by the perpetrator. S/he defines the victims' collective characteristics.<sup>82</sup> The victim does not always perceive themselves as belonging to a group, but it is the perpetrator imposing the membership on them.<sup>83</sup> Carola Lingaas argues that the concept of "othering" is created by the perpetrator. S/he names, identifies and defines, based on its own judgement of the group to then proceed to the destruction.<sup>84</sup> Sociologists believe that the objective perspective has limited the possibility of persecuting certain crimes as genocide. The concept of group is so important because the individual is a means to an end, each dead individual means a step forward to eliminating the group. It is his/her connection to the group that make him/her a target. Therefore, a specific definition of groups is so vital. Benjamin Whitaker, an English Lawyer who was given the mandate to revise the Convention, in his report issued in July 1985, stated that the lack of a precise definition of the groups in the Convention weakens its effects.<sup>85</sup>

#### **6.1.e. What is Intent?**

The concept of intent is another controversial point in the legal framework of genocide. Intent is seen as a key element to prove in order to define genocide. The crime itself is characterised by the "intent to destroy a group".<sup>86</sup> During the drafting of the Convention Raphael Lemkin

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<sup>79</sup> Shaw, *Britain and Genocide: historical and contemporary parameters of national responsibility*. 2417-2438

<sup>80</sup> Feierstein, and Andrew Town. *Genocide as Social Practice: Reorganizing Society under the Nazis and Argentina's Military Juntas*

<sup>81</sup> Shaw, "From Intentionality to a structural concept"

<sup>82</sup> Van Schaack, "The crime of political genocide: repairing the genocide convention blind spot"

<sup>83</sup> Feierstein, and Andrew Town. *Genocide as Social Practice: Reorganizing Society under the Nazis and Argentina's Military Juntas*

<sup>84</sup> Lingaas, *Defining the protected groups of genocide through the case law of international courts*, 1-18

<sup>85</sup> Waller, James "Confronting Evil: Engaging Our Responsibility to Prevent Genocide" *Oxford University Press*, 2016

<sup>86</sup> Lingaas, *Defining the protected groups of genocide through the case law of international courts*, 1-18

acknowledged the barriers that arise when trying to prove intent.<sup>87</sup> However, Lemkin introduced the element of intent in order to distinguish genocide from other crimes. The perpetrators' intent to exterminate a specific group is what makes genocide such an atrocious crime.<sup>88</sup> Human Rights experts believe that the concept of intent ought not to be part of the limitation as the difficulties of proving this concept prevents the persecution of perpetrators of genocide. It is extremely difficult to prove intent and it is rare that a government publicly and clearly states its intentions of exterminating part of its population. This only happened in the isolated case of Nazi Germany where Hitler announced his intention in *Mein Kampf*.<sup>89</sup>

From a legal perspective and according to the Rome Statute, a genocidal act is not spontaneous but organised. It is the knowledge of a defined plan to destroy a specific group.<sup>90</sup> The emphasis on the concept of intent is to clarify that genocide is a deliberate action supported by specific policies. Barbara Harff defines intent as “any persistent, coherent pattern of action by the state, its agents (or, in the case of civil war, either of the contending authorities) that brings about the destruction of a collectivity, in whole or part is prima facie evidence of authorities responsibility”.<sup>91</sup> In the Rwanda Chamber, intent was defined as an act that can be deduced from a systematic action directed to the same group.<sup>92</sup>

Van Schaack gives four possible ways to determine if there is, or is not, intent of genocide. These events are: security forces, such as police and military, ignoring isolated killings; the government conducting repressive acts that are excessive compared to the opposition response; the use of propaganda by elite groups in order to contrast opposition groups; finally, the perpetrators are mainly affiliated to the state, such as authorised state militias, police or military.<sup>93</sup> Daniel Feierstein claims that intent can be perceived when the perpetrators are destroying relationships of cooperation and autonomy by isolating a significant part of the population. In a second phase the perpetrator uses terror to establish new social relationships and imposes new identities among the survivors. As a matter of fact, Lemkin specifies that genocide has two phases: the first one aiming at the destruction of national patterns of the targeted groups. The second one is the imposition of new patterns by the oppressor.<sup>94</sup> The notion of intent in the Syrian case will not be found in a specific plan or official declaration by the government but there is some evidence that can be found in videos shot by top army leaders and soldiers. However, this will not be part of the scope of this analysis. In this paper the concept of intent will be proven by analysing different policies and actions carried out by the regime.

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<sup>87</sup> Feierstein, and Andrew Town. *Genocide as Social Practice: Reorganizing Society under the Nazis and Argentina's Military Juntas*

<sup>88</sup> Harff, “No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955” 57-73

<sup>89</sup> Ibid

<sup>90</sup> Shaw, “From Intentionality to a structural concept”

<sup>91</sup> Harff, “No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955”, 57-73

<sup>92</sup> Shaw, “From Intentionality to a structural concept”

<sup>93</sup> Van Schaack, “The crime of political genocide: repairing the genocide convention blind spot”

<sup>94</sup> Feierstein, and Andrew Town. *Genocide as Social Practice: Reorganizing Society under the Nazis and Argentina's Military Juntas*

### ***6.1.f. What Acts Constitute Intent?***

In order to identify and prove intent, it is necessary to define which acts constitute a genocide. Hence, even though the convention only considers killing as action of genocide, Raphael Lemkin had a broader concept in mind. He wanted to criminalise any action that aimed at the destruction of a group. He also lists biological, cultural, economic and political as means of destruction. For instance, even if murder is the violent way to destruction, expulsion is still a way to destroy a group as the perpetrator by pushing the victims away from their home, their family ties and preventing them from continuing a life as they knew it.<sup>95</sup> Thus, it should still be considered as a violent destruction of a way of life. At first the Nazis implemented policies of expulsion and deportation before implementing the “final solution”. Policies such as de-housing, terror bombing, destruction of towns and other actions that aim at the alienation or displacement of a population ought to be perceived as genocidal actions. According to Martin Shaw the concept of expulsion was not included as United Nations (UN) powers were themselves perpetuating the forced removal of populations. For instance, the Soviet Union was exporting political opponents to gulags, and Britain, which was aware of the mass deportation of Jews in Germany, decided to turn a blind eye on the situation.<sup>96</sup> In 1948, the UN voted for the division of Palestine and contributed to the forced eviction of three quarters of a million Arabs from the new territory of Israel.

### ***6.1.g. The Limitations of the Convention***

The literature related to the crime of genocide sees a division between the definition given by the CPPCG and the perspective of legal scholars and sociologists. The main critiques are the exclusion of political groups as a protected category and the difficulties of proving intent as intended in the convention.

When it comes to the concept of political groups it can be concluded that a great compromise had to be achieved for the convention to be accepted by as many countries as possible. Scholars also argue that the definition was specifically proposed by Lemkin to target the actions perpetuated during the Holocaust--destruction that was based on biological racism determined by the Nazis. Social groups do not build relationships based on biological grounds. The structure of a society is social, not built biologically.<sup>97</sup> The concept of race has also changed since the drafting of the convention. Science has proven that race does not exist but that we are all equals. These issues flow into the convention and ultimately lead to a failure of the international community to intervene in the case of actual genocide. It also shows how countries' interests are more important than saving people's lives. The United States intervention in Iraq has proven that a country can intervene, but they only do so if there is a personal or group interest.<sup>98</sup>

The convention was a reaction to a crime that before had not been defined. Times have changed and as wars have evolved, and so should the definition and recognition of genocide. This literature will be used to analyse the cases of the sieges of Ghouta and Aleppo to argue that the Assad government has committed genocide towards specific groups based in those areas. The emphasis on the importance of the inclusion of political groups comes with the fact that the targeted population in Syria is made up of citizens affiliated with the political opposition.

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<sup>95</sup> Ibid

<sup>96</sup> Shaw, “From Intentionality to a structural concept”

<sup>97</sup> Shaw, “What is Genocide: Raphael Lemkin and the Idea of Genocide”

<sup>98</sup> Kok-Thay Eng, “Redefining Genocide”

## 6.2. Appendix 2: Review Literature: The Syrian Conflict

This section of the paper will discuss how the Syrian conflict began and what its singular characteristics are. It will then review the specific cases of Eastern Ghouta and eastern Aleppo as sieges. The focus on the sieges is only used as a framework to analyse specific events--this should not limit the genocidal crimes to these events, but it should be extended to the entire conflict. There is little literature related to the Syrian conflict. It is especially limited when it comes to the sieges. In order to trace an overview of the facts I will rely on reports written by international organisations and journalists that have an unbiased position, as much as possible, towards the conflict.

In 2019 the Syrian conflict entered its ninth year. It has been defined as the longest lasting anti-regime uprising in history.<sup>99</sup> So far, the International Community and the United Nations have been incapable of mediating a ceasefire to end the killings.<sup>100</sup> The conflict began in 2011 with local peaceful protests against the government's human rights abuses and corruption. Ahmed Hashim and Gregoire Patter argue that the protests began due to an overall dissatisfaction from the population. The poor economic landscape, youth unemployment and the authoritarian regime incapable of reform were all triggers of the revolution.<sup>101</sup> People were asking for the ending of the regime and they were answered with arrests and torture. The regime had a violent reaction to the protests which lead to an armed response from politically motivated groups which ended in an armed conflict. Initially, the international community sided with the opposition as they believed Assad was a tyrannical leader that killed and tortured his people.<sup>102</sup> Thus, countries such as the United States have supported certain rebel groups with the supply of arms.

### 6.2.a. The Actors Involved

The actors in the conflict are many; some participating directly; others indirectly. What started off as a civil war, witnessing contrast between Bashar al-Assad's regime and the Syrian opposition, has now led to an intersection of a multiplicity of international and local actors.<sup>103</sup> Syed Huzaifah Alkaff explains that the Syrian opposition consists of heterogeneous groups ranging from secular factions to more extremist and moderate Islamist groups. On the other side of the conflict is the Assad Regime receiving its main international support from Iran, Lebanese Hezbollah and an alliance with Russia.<sup>104</sup> Iran provided Assad with military personnel and weapons.<sup>105</sup> Hezbollah identifies as Shiite Islamist which supports the regime due to its Alawite affiliation. Aron Lund describes Assad's support as a multiplicity of militia groups, intelligence and military forces mainly composed by Syrian minorities and Ba'ath party members.<sup>106</sup> The Ba'ath party members,

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<sup>99</sup> Hashim, Ahmed & Patter, Gregoire "The Syrian Cauldron of Violence the Role of the Islamist Opposition, Counter Terrorism Trends and Analysis" *International Centre for Political Violence and Terrorism Research* Vol. 4, No 6, June 2012, 15-19

<sup>100</sup> Alkaff, "Syria, Counter Terrorist Trends and Analyses", 32-33

<sup>101</sup> Hashim & Patter, "The Syrian Cauldron of Violence the Role of the Islamist Opposition, Counter Terrorism Trends and Analysis"

<sup>102</sup> Uludag, "Syrian Civil War Important Players and Key Implications - A Factsheet, Counter Terrorist Trends and Analyses" 4-10

<sup>103</sup> Alkaff, "Syria, Counter Terrorist Trends and Analyses", 32-33

<sup>104</sup> Ibid 32-33

<sup>105</sup> Uludag, "Syrian Civil War Important Players and Key Implications - A Factsheet, Counter Terrorist Trends and Analyses", 4-10

<sup>106</sup> Aron Lund "Chasing Ghosts: The Shabiba Phenomenon" in *The Alawis of Syria: War, Faith and Politics in the Levant*. Oxford Scholarship, 2015, DOI: 10.1093/acprof:oso/9780190458119.001.0001

as well as members of the Alawite sect, are well-known for receiving favours from the government. A change in the regime would result in a loss of status for many of them.

In an analysis conducted in 2015, Mekki Uludag categorizes the parties of the conflict into four different groups. The first group is defined by the Syrian government and its allies. They are the strongest force on the ground. Bashar al Assad is a member of the Alawites, a sect of Shiite Islam. They represented 10% of the population in Syria before the conflict. Assad represents them, and they support the regime.<sup>107</sup> Sunni Muslims represent 75% of the population.<sup>108</sup> Aron Lund premises that the allies are mainly formed by Shia Muslims that have travelled from different countries to join the sectarian fight, recruited by religious parties in Iraq and Lebanon.<sup>109</sup> The second group are terrorist groups such as Al-Qaeda, ISIS and affiliates like Jabhat al Nusra. The third group of actors is the Syrian opposition. The regime opposition is fragmented and has many different groups that do not coordinate or have a centralised decision-making authority. The only commonality between these groups is their goal of overthrowing the Assad regime. They have tried to form a coalition several times. On the 3rd of August 2014, a coalition of seventy-two factions, called the Syrian Revolutionary Command Council, was established. The coalition aimed to strengthen the opposition and coordinate actions. One of the largest umbrella groups of the opposition is called the Free Syrian Army. Even though they had achieved a certain level of unity, it ended up failing due to the increasing number of opposition groups and organisational differences connected to sources of funding.<sup>110</sup> He defines the fourth one as the Kurdish front.<sup>111</sup> This group was based in Northern Syria and aims to achieve the independence of Kurdish areas.

### **6.2.b. The Sectarian Nature of the Conflict**

Syria is the second most heterogeneous country in the region, and the civil war has led to an even greater divide related to unaddressed grievances. Since the beginning of spring 2011 it was clear that there was a sectarian element to the situation as it was primarily Sunni Syrians who were protesting in the streets.<sup>112</sup> While Syed Huzaifah Bin Othman Alkaff & NurulHuda Binte Yussof describe the conflict as sectarian<sup>113</sup>, it is not the only driving factor. Merrill Perlman explains that, “Sectarian violence is a conflict between and among groups with a specific ethnicity or religion. The conflict may have numerous causes, but the result is violence based on ethnic/religious differences”.<sup>114</sup> Assad is representing the minority group made up of Alawites and the Shiites. Some rebel groups are targeting the regime as they represent the Sunnis. For instance, Zahran Alloush the former leader of one of the main rebel groups in Eastern Ghouta was an Islamist sectarian leader who was against Shiites.<sup>115</sup> While in power Bashar al-Assad and his family used

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<sup>107</sup> Uludag, “Syrian Civil War Important Players and Key Implications - A Factsheet, Counter Terrorist Trends and Analyses”, 4-10

<sup>108</sup> Hashim & Patter, “The Syrian Cauldron of Violence the Role of the Islamist Opposition, Counter Terrorism Trends and Analysis”

<sup>109</sup> Lund “Chasing Ghosts: The Shabiba Phenomenon”

<sup>110</sup> Syed Huzaifah Bin Othman Alkaff & NurulHuda Binte Yussof “An Overview of the Syrian Conflict, Counter Terrorist Trends and Analyses” 8-11

<sup>111</sup> Uludag, Mekki “Syria, Counter Terrorist Trends and Analyses” *International Centre for Political Violence and Terrorism Research* Vol. 7, No. 1, Jan/Feb 2015, 29-83

<sup>112</sup> Ibid

<sup>113</sup> Syed Huzaifah Bin Othman Alkaff & NurulHuda Binte Yussof “An Overview of the Syrian Conflict”, 8-11

<sup>114</sup> Perlman, Merrill “Civil versus Sectarian Conflict: how to pick the most accurate war world” *Columbia Journalism Review*, June 2016

<sup>115</sup> Mamouri, A. “Was Zahran Alloush really a moderate leader?” *Al-Monitor*, Iraq Pulse, 2016. Accessed June 4<sup>th</sup>, 2018. <https://www.al-monitor.com/pulse/originals/2016/01/zahran-alloush-moderate-islam-isis.html>



their position to support the rise of Alawites to the highest positions. For instance, it was estimated in 2012 that at least one thousand Alawites were part of the security services and more than ten thousand were part of the presidential guard or the army.<sup>116</sup> The presidential guard was composed only of Alawites. This Alawite dominant presence was the consequence of Hafez al-Assad's and Bashar's policies which aimed to create an empowered Alawite male and female community which is both reliant on and loyal to the regime.<sup>117</sup>

The government feared that a successful Sunni uprising would have meant a threat to the stability of Alawites in the country giving more reasons to answer to the protests with more violence. The Alawite minorities were using slogans such as "Assad Forever".<sup>118</sup> Assad encouraged the Alawite minority to create local gangs to respond to the protests. This led to the creation of several militia groups that supported Assad, which with time became invaluable and necessary strength. These civilian militia groups were named Shabiha by the opposition. In the early beginnings of the uprising, they supported the government by suffocating the peaceful protests with violent means.<sup>119</sup> Raymond Hinnebusch defines it as a conflict between the privileged and the deprived, which quickly turned into a sectarian violent war.<sup>120</sup>

### **6.2.c. The Violence**

The crimes committed during this conflict have been the most reported in history.<sup>121</sup> There is proof of every type of atrocity carried out by both sides of the conflict. Syria has been a highly militarised power due to the borders it shares with Israel and Turkey.<sup>122</sup> The Assad regime, which possessed Chemical Weapons has used them hundreds of times against its population. On December 6th, 2013, the regime pretended to destroy its chemical weapons after pressure from the international community. This destruction was certified by the Organisation for the Prohibition of Chemical Weapons (OPCW). Yet after this claimed destruction, there is proof of other chemical weapons attacks taking place that were carried out by the regime.<sup>123</sup>

### **6.2.d Eastern Ghouta**

Eastern Ghouta is a group of suburbs located fifteen kilometres north from the centre of Damascus and was under siege between April 2013 and April 2018. With an estimated population of 400,000<sup>124</sup>, it has been a strategic stronghold held by two of the main opposition groups Jaish Al-Islam and Faylaq Al-Rahman. These two groups are not only fighting against the government but also against each other to obtain the ideological and territorial dominance of the region. It is a key area due to its proximity to the Syrian capital. It allows rebels to use this position to attack

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<sup>116</sup> Hashim & Patter, "The Syrian Cauldron of Violence the Role of the Islamist Opposition, Counter Terrorism Trends and Analysis" 15-19

<sup>117</sup> Balanche, Fabrice "Go to Damascus, my son" in *The Alawis of Syria: War, Faith and Politics in the Levant* Kerr, Michael & Larkin Craig. Oxford Scholarship Online, 2015 DOI: 10.1093/acprof:oso/9780190458119.001.0001

<sup>118</sup> Hinnebusch, Raymond "Syria's Always and the Ba'ath Party" in *The Always of Syria: War, Faith and Politics in the Levant*. Oxford Scholarship Online, 2015, DOI: 10.1093/acprof:oso/9780190458119.001.0001

<sup>119</sup> Lund "Chasing Ghosts"

<sup>120</sup> Hinnebusch, Raymond "Syria's Always and the Ba'ath Party"

<sup>121</sup> "Genocide and Mass Atrocities Alert: Syria"

<sup>122</sup> Hashim, & Patte, "The Syrian Cauldron of Violence the Role of the Islamist Opposition" 15-19

<sup>123</sup> Uludag, "Syria, Counter Terrorist Trends and Analyses" 32-33

<sup>124</sup> Chughtai, Alia & El Hilali, Nouran Mohamed "Under Siege: Syria's Eastern Ghouta" Al Jazeera, March 2018. Accessed June 4<sup>th</sup>, 2018 <https://www.aljazeera.com/indepth/interactive/2017/05/siege-syria-eastern-ghouta-170503080230797.html>

Damascus.<sup>125</sup> The division between the rebel groups was one of the factors that brought one of the last remaining strongholds to collapse. This report will not account for all the events that happened since the beginning of the siege. It will mainly focus on the last few months that brought the regime to retake control.

At the beginning of February 2018, the regime, with the help of Russia, began an offensive aiming to retake at any costs the eastern Ghouta territory.<sup>126</sup> Antonio Guterres defined the situation in Eastern Ghouta as “Hell on earth”.<sup>127</sup> During this offensive the government targeted several hospitals and other critical facilities. Twenty-five health facilities were hit in only four days.<sup>128</sup> This campaign witnessed a death toll of 550 people in only eight days of regime attacks in February 2018.<sup>129</sup> The United Nations Security Council issued a resolution calling for a thirty-day ceasefire. Russia requested a truce aiming to evacuate civilians. Human Rights organisations claimed that attacks were ongoing even after the resolution and the truce.<sup>130</sup>

There are several reports from United Nations investigations proving the use of multiple chlorine and sarin bombs on the territory. One of the first reported sarin attacks was in August 2013, which ended with a total death of 1466 people of which 426 were children.<sup>131</sup> The government kept claiming that the targets were territories held by terrorist. However, by tracing the areas of the attacks it is clear that those were home to civilians. The attacks seemed to be directed at any individual that was present in rebel held areas.<sup>132</sup> Evictions in the area began March 9th when the first opposition group was evicted. The Syrian government regained control of Eastern Ghouta on the 12th of April 2018.<sup>133</sup>

### **6.2.e. Eastern Aleppo**

Aleppo and its countryside have experienced a divide since before the conflict. Rich bourgeois groups were thriving in the city while the countryside was populated by lower income communities. Since the start of the violent uprising, the regime focused on holding on to the main cities and military locations, places where they held the most support. The opposition groups entered the city of Aleppo for the first time in July 2012 by attacking checkpoints and security

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<sup>125</sup> Syed Huzaifah Bin Othman Alkaff & NurulHuda Binte Yussof “An Overview of the Syrian Conflict, Counter Terrorist Trends and Analyses” 8-11

<sup>126</sup> Jabbour Samer “Death and suffering in Eastern Ghouta, Syria: a call for action to protect civilians and health care” *The Lancet* Vol. 39, March 2018

<sup>127</sup> “‘Hell on Earth’ in Eastern Ghouta Must Stop: UN Chief”, *Al Jazeera News*, February 2018. Accessed June 4<sup>th</sup>, 2018. <https://www.aljazeera.com/news/2018/02/earth-eastern-ghouta-stop-chief-180226095712324.html>

<sup>128</sup> “Thirteen targeted attacks on hospitals in east Ghouta in 48 hours. Medics describe the situation as “catastrophic.” *Syrian American Medical Society*, February 2018. Accessed June 5<sup>th</sup>, 2018 [https://www.sams-usa.net/press\\_release/thirteen-targeted-attacks-hospitals-east-ghouta-48-hours-medics-describe-situation-catastrophic/](https://www.sams-usa.net/press_release/thirteen-targeted-attacks-hospitals-east-ghouta-48-hours-medics-describe-situation-catastrophic/)

<sup>129</sup> “Syria’s war: Eastern Ghouta ceasefire violations kill two” *Syria Observatory for Human Rights*, United Kingdom, February 2018. Accessed June 5<sup>th</sup>, 2018. <http://www.syriaohr.com/en/?p=85820>

<sup>130</sup> Farah, Najjar, “Syria’s war: Eastern Ghouta ceasefire violations kill four” *Al Jazeera News*, February 2018. Accessed June 3<sup>rd</sup>, 2018. <https://www.aljazeera.com/news/2018/02/syria-war-eastern-ghouta-ceasefire-violations-kill-180227081259783.html>

<sup>131</sup> Sparrow, Annie, “Hypocritical oath: how WHO and other international agencies aid Assad’s war against Syria’s civilians.” *Foreign Policy*, February 2018. <http://foreignpolicy.com/2018/02/09/hypocritical-oath/>

<sup>132</sup> Jabbour Samer “Death and suffering in Eastern Ghouta, Syria: a call for action to protect civilians and health care”

<sup>133</sup> “Eastern Ghouta: what happened and why” *Al Jazeera News*, April 2018. Accessed June 4<sup>th</sup>, 2018. <https://www.aljazeera.com/news/2018/02/eastern-ghouta-happening-180226110239822.html>

facilities. Until mid-2015, The rebels were holding and advancing territory in Aleppo. In 2015 Russia began its participation in the conflict claiming to target ISIS territory in Syria providing the government with aerial support. Simultaneously, Iran and Hezbollah provided support on the ground. In the final week of April 2016, the government began heavy shelling of the eastern region of Aleppo which was held by rebel forces.<sup>134</sup> In a week of offensives the regime launched one hundred and ten bombs and more than two hundred and sixty airstrikes.<sup>135</sup> The deadliest outcome was the destruction of several hospitals which killed the last paediatrician present in the area.<sup>136</sup> There are reports coming from Aljazeera of government forces specifically targeting health clinics in rebel areas, leaving them unavailable to use.<sup>137</sup> In the meantime, there were peace talks held in Geneva that were leading to no results.

On July 7th, 2016 the government put eastern Aleppo under siege. There were 250 thousand people under siege with the regime and Russia continuously attacking.<sup>138</sup> The UN petitioned the government for a ceasefire to let aid convoys in as the food and medical supplies were running out.<sup>139</sup> Assad organised two passages for civilians and one for rebels ready to surrender.<sup>140</sup> Whilst civilians tried to escape through the Jubb al-Qubba area, to reach the government-held area, more than 21 civilians died when passing. It was also reported that men who reached the government-held area through the defined passages were arrested and interrogated.<sup>141</sup> These events show that the passages organised by the Assad regime to allow civilians to leave the rebel held area were not truly safe, leading people either to death or arrest. The siege was briefly broken by opposition forces on August 6th, but without any possibility to leave or enter the city of Aleppo in a safe way.<sup>142</sup> By September the tactic of Bashar al Assad which began as a “starve and surrender” became “surrender or we will wipe you out”.<sup>143</sup> This policy was used for all the sieges.

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<sup>134</sup> Tokmajyan, Armenak, *April 2016: Aleppo Conflict Timeline*, (Budapest, The Aleppo Project, May 2016)

<sup>135</sup> Boffey, Daniel “‘We’ve had massacres all week:’ Aleppo on fire again as Assad consigns ceasefire to history.” *The Guardian*, London, April 2016. Accessed 29 May 2018.

2016. <http://www.theguardian.com/world/2016/apr/30/syria-airstrikes-aleppo-assad-ceasefire-civilians>

<sup>136</sup> “Aleppo mourns Syrian paediatrician killed in hospital airstrike.” *The Guardian*, London, April 2016. Accessed 29 May 2018 <http://www.theguardian.com/world/2016/apr/29/mohammad-wassim-maaz-syrian-paediatrician-al-quds-airstrike>

<sup>137</sup> “Syria civil war: Air strikes hit Aleppo hospitals.” Aljazeera English, July 2016. Accessed 4<sup>th</sup> June 2018. <http://www.aljazeera.com/news/2016/07/syria-civil-war-airstrikes-hit-aleppo-hospitals-160724090834185.html> ; The Middle East Eye. “Hospitals pounded in rebel held Aleppo by Syrian and Russian forces.” 4<sup>th</sup> June 2018.

Accessed 4 June 2018. <http://www.middleeasteye.net/news/four-hospitals-hit-airstrikes-aleppo-manbij-two-day-old-baby-syrian-doctors148745952>

<sup>138</sup> Ibid

<sup>139</sup> “UN pleads for weekly 48-hour truce in Syria’s Aleppo” *Al-Monitor*, July 2016. Accessed 3 June 2018. <http://www.al-monitor.com/pulse/afp/2016/07/syria-conflict-un-aid.html>

<sup>140</sup> “Syria conflict: ‘Exit corridors’ to open for Aleppo, says Russia” *BBE NEWS*, July 2016. Accessed 3 June 2018. <http://www.bbc.com/news/world-middle-east-36912718>. “Assad Leaflet Airdrop Pitches Syria Amnesty Deal.” *Sky new*, July 2016. Accessed 3 June 2018. <http://news.sky.com/story/assad-leaflet-airdrop-pitches-syria-amnesty-deal-10515050>

<sup>141</sup> Eموke Bebiak and Weedah Hamzah, “UN: Eastern Aleppo risks becoming “one giant graveyard”” *dpa International*, Hamburg, December 2016. Accessed 18 November 2019. <https://www.dpa-international.com/topic/un-eastern-aleppo-risks-becoming-one-giant-graveyard-urn%3Anewsml%3Adpa.com%3A20090101%3A161130-99-360810>

<sup>142</sup> “Government siege of Aleppo broken by Syrian rebels.” *Middle East Eye*, August 2016. Accessed June 3<sup>rd</sup>, 2018 <http://www.middleeasteye.net/news/siege-aleppo-broken-rebels-sources-227544564>

<sup>143</sup> Miles, Tom. “Syrian opposition says Aleppo battle hides ‘cleansing’ of siege towns.” *Reuters*, September 2016. Accessed 3<sup>rd</sup> June 2018. <http://www.reuters.com/article/us-mideast-crisis-syria-kodmani-idUSKCN1175OC>

Simultaneously, Russia intensified the bombing on the eastern region of Aleppo. The city fell in December. Between December 14th and 15th of an eviction plan was carried out to evict citizens from rebel held areas. The expulsion was concluded on December 22nd with around 35,000 people relocated by buses to neighbouring rural areas.<sup>144</sup>

The Assad regime resorted to tactics of starvation and heavy shelling in order to regain the territory of Aleppo. It prevented aid convoys to supply food and medicines while also destroying main facility areas such as hospitals. They left 100 thousand Syrians on the verge of starvation.<sup>145</sup> Numerous sources, witness accounts, and videos as well as people the Aleppo project are in touch with such as Wissam Zarka, confirm that the regime used chlorine gas against the citizens of Aleppo.<sup>146</sup> During this exhausting and devastating humanitarian crisis the regime and its allies have not respected the basis of the International Law of War and International Humanitarian Laws. For instance, they have breached the Chemical Weapons Convention. This paper only reports on the facts that happened in Aleppo during the siege but the numerous attacks that happened before the consolidation of the siege should not be forgotten.

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<sup>144</sup> “SARC and ICRC finalise evacuation of some 35,000 people from devastated Aleppo neighborhoods, International Committee of the Red Cross”, *ICRC*, December 2016. Accessed June 5<sup>th</sup>, 2018. <https://www.icrc.org/en/document/sarc-and-icrc-finalise-evacuation-some-35000-people-devastated-aleppo-neighborhoods>

<sup>145</sup> “UN: Eastern Aleppo residents at risk of mass starvation”

<sup>146</sup> Harrison, Emma, “Aleppo’s children’s hospital bombed as it treats chlorine gas victims” *The Guardian*, London, November 2018. Accessed June 5<sup>th</sup>, 2018. <https://www.theguardian.com/world/2016/nov/18/aleppos-childrens-hospital-bombed-as-it-treats-chlorine-gasvictims>

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*The views expressed in this paper are those of the author, and do not necessarily reflect the position of the Aleppo Project, Shattuck Centre, the School of Public Policy or Central European University.*



This paper was presented at the 5th Lemkin Reunion, held in March 2019 and organized by the Shattuck Center at the School of Public Policy, Central European University in Budapest. Each year the Shattuck Center hosts the Lemkin Reunion, a gathering named in honor of Raphael Lemkin, the Polish lawyer who lost his family in the Holocaust and first coined the word genocide. He campaigned tirelessly during his life to ensure that the crime of genocide was enshrined in international law. The Lemkin Reunion gathers policymakers involved in responding to atrocity crimes and assesses the lessons they learned.

### **The 5th Lemkin Reunion**

March 2019 marks eight years since people in a wide web of villages and cities across the Syrian landscape took to the streets in defiance of the Assad family's rule. Initially responding with gunfire, imprisonment and torture, the regime's strategy evolved into the carpet bombing and mass destruction of whole rural and urban communities, culminating in the forced transfer of all remaining residents from areas such as Ghouta and eastern Aleppo, which remain largely uninhabited. Although the fighting has ebbed, the war in Syria has not ended and a political settlement has not been reached. The near ten million displaced, mainly in harsh conditions in and around Syria, do not feel safe to return to their neighbourhoods and villages. However, the Syrian government has promulgated laws enabling the construction of development projects where displaced communities once resided with no or few guarantees of compensation for displaced property owners. One such project, Marota City, plotted over the demolished informal district of Basateen al-Razi, is already under construction. What will reconstruction under the current conditions serve? Under what conditions can reconstruction in Syria be equitable?

[Other publications from the 5th Lemkin Reunion](#) can be found in the papers section of the Aleppo Project website.