

Seeking Accountability for War Crimes...

What if there was full accountability for war crimes in Syria? Such a scenario may seem far-fetched with the brutal regime of President Bashar al-Assad still in power and with the continuing presence of extremist groups in the country, but it is not unrealistic. Above all, it is necessary to think about it if peace in Syria is ever going to be achieved. Making this happen depends both on domestic actors inside the country and on actors abroad, namely the Syrian diaspora and the international community. It is a shared responsibility and must become a key component of policy towards Syria, whether in Germany or elsewhere in Europe.

The beginnings of such a scenario are already happening. In Germany, human rights lawyer Anwar al-Bunni has been pursuing several cases of crimes against humanity perpetrated by figures affiliated with the Assad regime as well as by jihadist extremists. His framework is one of seeking justice for victims regardless of the political position of the perpetrators. This led to a landmark trial against two former Syrian regime officials that began in April 2020 in Koblenz. Similar cases are being pursued in other European countries like Spain and Switzerland.

The importance of such trials is immense. The cases would not only bring justice to victims; they could also identify those perpetrators who have fled



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Syria and are currently living in Europe. The two men on trial in Koblenz had left Syria to reside in Germany. Thus, the trial plays also a role in safeguarding Germany against potential threats posed by individuals who have engaged in crimes in the past and who could resume such behaviour on German soil.

Seeking accountability is also important for peacebuilding in Syria. Finding effective conflict-resolution mechanisms is an area of interest for Germany's activities in the country. This involves supporting local, community-led trust- and peace-building initiatives. Some initiatives of this kind are already taking place, in which local residents engage

in activities that encourage restoring trust. This is crucial in a society broken by war. However, for trust to happen, accountability is needed.

Lebanon's civil war provides an example of the long-term implications of lacking accountability in a post-war scenario. Instead of justice or transitional justice, the country adopted a general amnesty. This kept warlords in power – and they continued to rule with impunity. Twenty years after the end of the civil war, Lebanon is now suffering from the worst economic crisis in its modern history and from acute political tension. Both are tightly linked to the false stability that results when keeping in power perpetrators of crimes without paying adequate attention to the implications this might have for local communities.

In Syria, initiatives like al-Bunni's could be expanded to target key figures in the regime, including Assad. Were a trial to conclude that the president engaged in war crimes, his regime could not reclaim legitimacy within the international community so easily or declare victory in the conflict – even if he were to be re-elected in another sham election.

Germany therefore must take a wide approach to peacebuilding in Syria that links working with local communities with the legal route for accountability. This means allocating more resources

for criminal investigations and for the legal teams leading them. Germany can also use the Koblenz trial as an example. Applying the principle of universal jurisdiction, other countries might follow and pursue similar investigations. Members of the Syrian diaspora – like al-Bunni – can play an important role by identifying perpetrators and gathering evidence. In this they can receive support from people residing in Syria.

Any peacebuilding initiative has to bear in mind the necessity of restoring trust within society. Due to EU sanctions, any European entity working inside Syria is currently mindful of the actors it engages with; figures affiliated directly or indirectly with the Assad regime have been carefully avoided. On one hand, avoidance may protect the European countries' interests and prevent the diversion of resources to the wrong persons. On the other hand, avoidance alone is not enough. What Syria needs is an active policy of engaging with those people who can make a positive difference in their local communities. Implementing accountability measures encourages local communities to open up and increase their scope of collaboration with others.

The political route to solving the Syrian conflict has not yielded results, but other measures to support peacebuilding should not wait for a political settlement. 

**...to enable
peacebuilding in Syria**

