

SYRIA – “THE WAR WITH MULTIPLE PROXIES”. VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS

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Abstract

The civil war in Syria, triggered by the pro-democracy demonstrations of the "Arab Spring", was a complicated combination of religious, cultural and ethnic-identity contradictions. The non-international conflict was turned into a "*battlefield*" for foreign powers, which led to the transformation of a civil war into a "war with multiple proxies". The United Nations' efforts to mediate the conflict, based on a six-point plan, remained in the draft phase. Amnesty International and Human Rights Watch have denounced flagrant violations of human rights and international humanitarian law by the al-Assad regime, which has widely used non-discriminatory weapons banned in violation of the Geneva Conventions, 1949. The Bashār al-Assad regime is accused by the international community of being guilty of war crimes and crimes against humanity, but attempts to incriminate it have failed.

Keywords: civil war; non-international character; mediation; non-discriminatory weapons; violations of human rights and international humanitarian law.

INTRODUCTION

Contemporary Syria is a parliamentary republic, divided between ethnic and religious groups and social classes, each with divergent interests and opinions, provoking social and political instability. After two tumultuous decades of long series of coups, Hāfiz al-Assad, using the army, gained power and maintained it for thirty years. During Hāfiz al-Assad's rule, Syria became one of the most influential countries in the Middle East, with relations with Western powers, the United States and conservative Arab countries, but also with the Soviet Union. Bashār al-Assad, who succeeded his father in leading the country, by contradictions in his actions turns Syria into a retrograde country (Lesch 2019) by violating human rights, violent repression of protests, martial law in force, large numbers of political prisoners, widespread corruption, overpopulation the country, the non-recognition of Kurdish citizenship, the imprisonment of Kurdish political leaders, censorship and strict control of the media representing "*parts of load-bearing walls destroyed in a house with a dilapidated foundation that was about to collapse*". (Human Rights Watch 2010, 55)

The historical context

The spread of the "*Arab Spring*", which extinguished dictatorial regimes in the MENA countries, reached Syria in early 2011. Violent repression by government security forces on protesters escalated into a civil war in 2012, with the formation of numerous fighting and a complicated alliance, culminating in one of the worst humanitarian crises, with more than 5.6 million refugees in Europe and Turkey and 6.6 million displaced within the country. (USA for UNHCR 2019) The Syrian Observatory for Human Rights counted 371,222 victims in the 8 years of violence. Among them, 112,623 are civilian victims, of which 21,000 children and 13,000 women. The parties to the war, not stating the exact number of casualties, are estimated to be 100,000 more than the deaths confirmed by documents. To the total number of victims must be added the 88,000 tortured in the detention camps of the al-Assad regime and the 11,200 abducted by ISIS and the Tahrir-al-Sham Front. In total, the estimated number of victims is 570,000. (Syrian Observatory for Human Rights 2019)

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The multitude of independent armed groups is participating in this civil war, forms conjuncture alliances, regrouping in the two main fronts, the regime and the opposition.

The regime's front consists of government forces led by Bashār al-Assad: the "Syrian Army", the "National Defense Force" and the "Republican Guard". Government forces are militarily supported by the Russian Federation, Iran and Hezbollah, and the Lebanese Shia Islamic Military Group - considered a terrorist organization. (Salem, Alsharif and Roche 2016)

The opposition front is made up of a variety of armed factions with divergent ideological goals that are divided into three major groups. The first group includes the Syrian National Coalition (SNC) in Doha, Qatar (The AsiaN Editor 2012) – supported by the USA, Great Britain, Germany, Italy, France, Egypt, Qatar, Jordan, Turkey, Saudi Arabia and the United Arab Emirates; Free Syrian Army (Syria Call 2018) (FSA) in Istanbul, Turkey, which in 2018, forms the “National Liberation Front” – supported by the United States and Turkey. The second opposition group is the Kurdish ethnic minority, representing more of 10% from the population and concentrated in Rojava - the "Autonomous Administration of Northern and Eastern Syria". The Kurdish forces consist of the Syrian Democratic Forces (SDF), the People's Protection Units (YPG), and the National Coordinating Committee for Democratic Change and the Kurdish National Council (KNC). Kurdish Militias control Syria, most of which is not under government control. (Perry and MacSwan 2019) The US-backed Kurdish minority is fighting in this conflict for greater autonomy and the elimination of discrimination (banning the Kurdish language, banning the establishment of Kurdish schools and unconstitutional recognition of Kurdish identity). (Ernstorfer 2016).

A third opposition group is Islamist Militias, which aim to establish a new Islamic society operating under Sharia law. The Syrian Islamic Front (IF) (Ernstorfer 2016), the Syrian Revolutionary Front (Ernstorfer 2016) (SRF), all is supported by Saudi Arabia. The most extremist factions are the Al-Nusra Front - the official branch of the terrorist organization Al-Qaeda in Syria and the Islamic State of Iraq and Syria (ISIS) (The BBC News 2015). ISIS has been defined as a "*de facto regime*" with its own government structure and armed forces, especially following the conquest of Raqqa and Palmyra in Syria. (The BBC News 2012).

In July 2012, the International Committee of the Red Cross (ICRC) officially declared Syria a civil war (The BBC News 2012), following the spread of the conflict outside the Idlib, Homs and Hama areas. The civil war has turned into an international conflict due to the involvement of Russia, Iran, Turkey, the USA and the Sunni Arab countries. Syria is becoming (Ernstorfer 2016) a "*battleground*" for pro and anti-government alliances, in a civil war that overlaps with an international conflict. The hegemonic rivalries between Russia and the USA, between Iran and the USA, the perpetual struggle of the Americans with the terrorist organizations and the Turkish's one with the Kurdish ethnic minority are taking place on the territory of Syria.

INVOLVEMENT OF THIRD COUNTRIES IN THE CONFLICT AND THE LEGAL BASIS FOR THEIR INTERVENTION

The involvement in the conflict of global powers (USA and Russian Federation), as well as regional powers (Iran, Turkey, Hezbollah, and ISIS) have significantly changed the point of civilization of the conflict and created alliances and rivalries of overlapping interests.

The Russian Federation officially justifies its intervention in Syria by countering the Islamic State and supporting the al-Assad regime, thus consolidating its influence in the Middle East, but also to reaffirm itself as a global military power after the dissolution of the Soviet Union.

Iran – a Shiite Muslim country, officially justifies its intervention in the conflict by fighting Sunni religious divisions specific to the geopolitical context of the Middle East, but in reality its interest is to ensure its influence over the al-Assad regime, consolidating access to the Mediterranean.

Saudi Arabia – a Sunni Muslim country in rivalry with the al-Assad regime – Allawi, is interested in consolidating its regional domination over Iran. Both countries are using the "*open front*" in Syria, entering into a war of proximity, thus avoiding direct conflict.

The US entry into the conflict was driven by regional geopolitical goals to stem Iran's expansion into the Middle East. The United States predicts that by removing al-Assad's regime, Iran,

Hezbollah and other jihadist groups would greatly diminish its influence in the region. The decline of Russian rule in the Middle East region and the curtailment of its dominance as a supplier of arms to African countries are other strategic interests of the United States in its long-standing rivalry with the Russian Federation. The official motivation of both countries is the fight against terrorist organizations in the area, especially ISIS. In reality, each country supported opposing factions and thereby contributed to straining relations between them.

United Nations efforts to resolve the Syrian conflict

Close cooperation with the Arab League, involved in Syria – as part of mediation, the appointment of Kofi Annan as special envoy of the United Nations and the Arab League for Syria (Security Council Report, UN 2017) and the development of a six-point plan to ceasefire and respect human rights and reduce mortality in Syria, represented the cumulating efforts made by the UN in resolving the conflict.

The six-point plan called for a “*political process led by Syria to address the legitimate aspirations and concerns of the Syrian people*” (Security Council Resolution, UN 2012) under the auspices of the United Nations; representing the imperative requirement for all parties to the conflict to withdraw their military forces from civilian areas; stop using heavy weapons; provides humanitarian assistance in the affected areas; to check detention centers and the release of detainees arbitrarily; to restore freedom of association in peaceful demonstrations and freedom of the press. In the action group for Syria, members agreed to monitor the implementation of the plan (BAN 2012) by Resolution 2043 of 21st April 2012, by which the Security Council established the United Nations surveillance mission in Syria (UNSMIS) for a period of 90 days, with an extension of another 30 days. (UNSMIS; Peacekeeping UN 2012)

The UNSMIS mandate failed without completing the points expected by the Syrian government's failure to implement the plan, by sharpening rivalries between permanent members of the Council – Russia and China vs. the US by veto power, by the resignation of Kofi Annan as special envoy and the appointment of Lakhdar Brahimi in his place. (The BBC News, Kofi Annan quits UN Syria role 2012) Security Council Resolution 2118 of 27th September 2013 calls on Syria to destroy its arsenal of chemical weapons. Following the session of the Executive Council of the Organization for the Prohibition of Chemical Weapons (OPCW), a unanimous vote of the UN Security Council urged Syria and all parties to the conflict to become members of the convention, creating the legal basis for the mandate of Resolution 2118 to begin Syrian territory (Walsh and Labbot 2013), (OPCW Press 2013). After the failure of the Geneva Conference, the Montreux and Geneva Peace Conferences followed.

In the United Nations' attempts to resolve the Syrian conflict, a conference was convened in November 2015 under the auspices of the International Support Group for Syria (ISSG), an association of the Arab League, China, Egypt, the EU, France, Germany, Iran, Iraq, Italy, Jordan, Lebanon, Oman, Qatar, Russia, Saudi Arabia, Turkey, the United Arab Emirates, the United Kingdom, the United Nations and the United States to resolve the end of the Syrian conflict. (EEAS Press Team 2015) Following another conference in Geneva between the ISSG, the US and the Russian Federation, Resolution 2268 of 27th February 2016 is issued, which represents the agreement to establish the force responsible for the ceasefire and hostilities for all parties to the Convention, the Islamic State and the Al-Nusra Front being excluded. (U.S. Department of State 2016) Other important Security Council resolutions were:

Security Council Resolution 2254 of 18th December 2015, which provides for a ceasefire, with the main objective of creating a constitutional committee tasked with drafting a new constitution (Vohra 2019); Resolutions 2314 and 2319 of October and November 2016, respectively - resolutions providing for the extension of the mandate of the joint OPCW-UN investigation mechanism to identify the perpetrators of the use of chemical weapons in Syria and respectively the extension of the mandate for another year; Resolution 2328 of 19 December 2016 – request for immediate, unhindered access to observe the monitoring of civilian evacuations from Aleppo, Syria; Resolutions 2332 and 2336 of December 2016 – cross-border humanitarian aid for 24 months, immediate and

unhindered humanitarian aid access throughout Syria (Security Council, UN 2016); Resolution 2401 of 24th February 2018 – calls for a national ceasefire in Syria for 30 days from 24th February 2018; Resolution 2449 of 13th December 2018 - renewal of the authorization for cross-border and cross-border humanitarian access to Syria; Resolution 2504 of 10th January 2020 – cross-border humanitarian access through two border points, for 6 months. (Security Council, UN, Security Council Resolutions 2017-2020)

Syria's ambassador to the UN, Bashār Ja'afari, has accused the United Nations of abandoning its neutrality and responding to "*political and financial pressure and polarization practices of some member states*", especially those who support the investigative group set up by the General Assembly in December 2016, which he considers it illegal and that it violates the UN Charter. (Associated Press 2018)

To all these resolutions we can unequivocally add the provisions of Article 2 (4) of the UN Charter prohibiting the use of force. The ban is not absolute, as the Charter provides for two exceptions to the Allied provision (4) in Chapter VII of the UN Charter. The first exception: If the recommended measures have proved ineffective, the use of force is foreseen, but only as a result of the decision taken unanimously by the Security Council. This exception is stipulated in Article 42. The second exception: When the actions taken by that State are communicated to the Security Council and do not interfere with the authority and responsibility of the Security Council, the use of force as a means of individual or collective self-defense is envisaged. This exception is stipulated in Article 51.

Another dilemma is the provisions of Article 20 of the Draft Articles of the Commission on International Law (2001), regarding the responsibility of states with respect to wrongful international acts, in which the military intervention of one state on the territory of another state is allowed with the consent that state, which makes the legal action, the so-called "*intervention by proxy*". (United Nation 2001, 72-74)

Another controversial subject is the responsibility to protect (R2P). States have a responsibility to protect their own individuals within their territory. Failure to fulfill this obligation entitles other states to intervene. The responsibility to protect is a principle that arose from moral and political rather than legal considerations and was developed on the belief that through more effective protection, the sovereignty of the state is enhanced. The UN Charter together with the Geneva Conventions, the Genocide Convention have all the necessary legal instruments related to human rights, but various cases depend on the competences of the Security Council in authorizing the use of coercive measures when these types of threats are identified. (Rotmann, Kurtz and Brockmeier 2014) The UN Charter stipulates such an intervention only under the authorization of the Security Council, which would give it legality.

US military intervention in Syria

The justifications for US intervention in Syria are multiple. A first legal justification for the intervention would be based on Article 51 Chapter VII of the UN Charter - which allows the use of force in cases of individual or collective self-defense, as a right of a Member State to defend itself in the event of an armed attack, requesting this by a notification to the Security Council and without compromising its authority and responsibility. (United Nations Organization 1945, 10-11) Analyzing in the light of Article 51 and the declared existence of an armed attack on its territory, Iraq has requested international assistance in the fight against the jihadist group ISIS. After the jihadist group expanded by conquering the Syrian regions of Raqqa and Palmyra, US military intervention was to target al-Assad regime as well. When the state that did not request military intervention as was the case in Syria, the state that intervenes militarily must justify that the country in question "*cannot or does not want*" to solve the threat. (Cantwell 2016) Moreover, the legality of self-defense actions conditions the fulfillment of the principle of necessity and proportionality. In the Security Council notification, the United States - through its UN Ambassador Samantha Power, justified the initiation of military action in Iraq and Syria, by clarifying that it faces a serious threat from the attacks of the ISIL group, extended to "*safe sanctuaries*" by on Syrian territory, and the Bashār al-Assad regime has shown that

it "cannot and does not want" to act against them. As a result, the United States "have initiated necessary and proportionate military action in Syria to eliminate the ISIL threat to Iraq". (Power 2014)

Moreover, the American intervention extended its military actions to the al-Assad regime, being justified by the use of chemical weapons by Syrian regime forces, considering the use of chemical weapons as a threat to US national security (Goldenberg 2016) as a violation of *jus cogens* rules – preemptive norms of general international law with an *erga omnes* (General Assambley Report, UN 2019, 141) effect that can present an example of possible interference with the principle of state sovereignty. In addition, the Vienna Convention on the Law of Treaties (1969) provides for the nullity of a treaty concluded if it conflicts with a rule of general international law. "A preemptive rule of general international law accepted and recognized by the international community as a whole is a rule from which no derogation is permitted and which may be amended only by a subsequent rule of general international law of the same nature." (Vienna Convention of the Law of Treaties, UN 1969, 18)

Article 54 corroborated by Article 48 of the draft articles on State liability for "wrongful acts" at international level, drawn up by the International Law Commission in 2001, which deals with treaties protecting "erga omnes" obligations; provide another justification for US intervention in Syria. The article stipulates that the treaty partners may invoke the wrongful acts and may operate, by taking action, in the event of infringements. (Klabbers 2013, 185) The United States initially invoked as a legal basis Article 48, Chapter I, Part III for the responsibility of the Syrian government for violating an obligation due to the international community as a whole, so that later through Chapter II, Part III to justify the adoption of countermeasures. Article 54 was invoked as justification for the US Government's commitment to take legal action against the State in violation of its international obligation, thereby ensuring that the violation ceases. (International Law Commission 2007, 137.)

Russian military intervention in Syria

In accordance with Article 20 of the Statute of the International Law Commission of 2001 and following al-Assad's official invitation to initiate military intervention, the Russian Federation justifies its presence on Syrian territory. Since September 2015, the Russian Federation began launching airstrikes against the CNS and jihadist groups, while Syria was already providing the necessary equipment to the regime's forces. The legality of Russia's intervention in Syria raises some questions. The government of one state has the right to initiate a formal invitation to intervene in the territory of another state in accordance with international law. The doubt of the legality of this act arises with respect to the nature of the party that issued the invitation, how much recognized legitimacy that government has to give the consent of a third party. Since the start of the 2011 crackdown, the legitimacy of the al-Assad government has been controversial in the United States, Britain, France and Germany. (UK PM's Office Cameron 2011) Libya, on the other hand, has recognized the Syrian National Council as the country's legitimate authority. (Sherlock 2011) Therefore, controversies over the recognition of the legitimacy of the Syrian regime also call into question the legality of Russian military intervention.

Turkish military intervention in Syria

On 24th August 2016, during the "Euphrates Shield" operation, the first Turkish military intervention in Syria takes place. For the legal justification of the military intervention, Turkey invoked the right to self-defense against the expansion of the Islamic State and the Kurdish Militia YPG, according to Article 51, Chapter VII of the UN Charter and UNSC Resolution 2249 adopted in 2015. (Yesiltas, Seren and Ozcelik 2017, 49,52) Following this "successful" operation, Turkey has released 2,015 km² occupied by ISIS in Syria, thereby allowing many deported Syrians to return home. (Begeg 2018) In 2018, Turkey issued a notification to the Security Council regarding the initiation of an additional military operation, starting with 20th January 2018. Due to the escalation of missile attacks on two provinces on the Turkish-Syrian border in the Afrin region, which is under the control of Kurdish Militias, Turkey has again called for the right to self-defense and fight against the terrorism, considering the operation important for ensuring security at its border. The justification for the

intervention was also made by Article 51 of the UN Charter, but also in the context of the responsibility of Member States in the fight against terrorism, including by RES 1373 (2001), RES 1624 (2005), RES 2170 (2014) and RES 2178 (2014) of the Security Council. (Begec 2018, 2)

VIOLATION OF HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW IN THE SYRIAN CONFLICT

The al-Assad regime, supported by Russian and Iranian forces, as well as other parties to the war, carried out countless indiscriminate attacks during the 8 years of conflict. According to the Syrian Organization for Human Rights, in 2018, approximately 489 attacks on civilian objects were carried out. (Syrian Network Human Rights Report 2018)

A wide range of civilian facilities were attacked, such as schools, medical facilities, places of worship, communal facilities and infrastructure. The indiscriminate attacks were carried out using banned weapons, including chemical weapons, barrel bombs, firearms and cluster munitions, in areas populated by civilians, killing about 200 civilians, including 20 children. Human Rights Watch reported that Syrian-Russian forces, in coalition, used non-discriminatory weapons prohibited under international humanitarian law. (Human Rights Watch Report 2019)

Use of chemical weapons, barrels bomb, cluster munitions and incendiary weapons

At the beginning of the conflict, in 2011, Syria was not a party to the conventions banning the use of chemical weapons. The declaration of their possession, announced a year later, was justified for use in cases of external aggression, not against the population. (Sanders-Zakre 2019) Syrian Human Rights Watch confirmed, at the end of 2012, the first alleged use of chemical weapons, and in August 2013, a serious chemical attack in the suburban area of Ghouta, resulting in a thousand civilian casualties.

The international community has accused the Syrian regime of war crimes and violations of the Chemical Weapons Protocol (1925). In October 2013, under pressure from the international community, Syria called on the OPCW and UN teams to implement a plan to destroy chemical weapons stockpiles on its territory, in accordance with the 1993 Chemical Weapons Convention (OPCW Press 2013). Although the OPCW Executive Board said Syria had inactivated chemical weapons and implemented a program to transport and destroy them, another chemical attack took place in April 2014.

In case of non-compliance by the Syrian regime, UN Security Resolution 2209 (2015) condemns the use of chlorine gas and threatens to activate collective military intervention. Subsequently, the veto power of the Russian Federation and China in the Security Council became an obstacle to condemning the Syrian regime, no matter how many chemical attacks took place, with civilian casualties reported by the OPCW mission. Human Rights Watch reported that between 2013 and 2018, 85 chemical weapons attacks by the Syrian government were confirmed. The same organization also confirmed that between July 2017 and June 2018 there were 36 cluster munitions attacks. (Roth 2018)

In 2015, Paulo Sérgio Pinheiro, chairman of the UN International Commission of Inquiry into Syria, denounced the chemical bombing campaigns carried out by the Syrian regime, which were the main cause of civilian casualties and internal displacement in Syria. More than 50% of all deaths are victims of airstrikes, ground bombs and explosions, especially barrel bombs. (Pinheiro 2015) A barrel bomb is a large incendiary device, usually full of explosives, incendiary materials, nails and other objects that cause extensive wounds and unnecessary suffering. The al-Assad regime has also been accused of using other illegal means of war, such as firearms and cluster munitions, killing thousands of civilians.

In 2017, the report "*Rain of Fire*", published by the Syrian Network for Human Rights (SNHR) which confirms, through concrete documents, that the Russian intervention in the Syrian war, resulted in 78 attacks with incendiary weapons unjustified by military necessity and directed to civilian areas. (Syrian Network Human Rights Report, Russian forces have used incendiary weapons 78 times at

least since they intervened in Syria, Rain of Fire 2017, 1) Through these actions, the Russian Federation violates Protocol 1980 on Prohibitions or Restrictions on the Use of Firearms of 1980, an integral part of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons deemed Excessively Harmful or with Non-Discriminatory Effects (1980) and the Regulation on Firearms.

The Russian Federation, ratifying both the Protocol and the Convention, has violated its obligations under the Convention. (ICRC 2005, 45-46) Syria is not a party to Protocol III or the Convention. The use of these types of weapons violates the principles of the international humanitarian law, being classified as non-discriminatory. Both forces also used "*cluster*" munitions; a type of weapon that can be launched on fixed or mobile targets, by aircraft or from the ground using artillery systems. These "*cluster*" munitions contain several explosive bombs with different power, which cause lethal damage on large areas, on impact with the target.

Moreover, incomplete detonation at the time of impact may leave parts of these devices unexploded. Since the start of the Syrian war, the Cluster Munition Coalition has accounted for more than 600 cluster munitions attacks. (Landmine and Cluster Munition Monitor Editors 2018), (HRW 2020) The 2008 Convention on Cluster Munitions prohibits, in accordance with international humanitarian law, the production, storage and use of such weapons. The most powerful states from a military point of view - the USA, Russia and China are not parties to this Convention, but being classified as non-discriminatory weapons, they are also recognized as illegal for these countries.

War crimes and crimes against humanity in Syria

The Syrian civil war, despite its external involvement, is classified as an "*armed conflict that is not international in nature and takes place in the territory of one of the contracting parties*". (ICRC, Article 3, The Geneva Conventions of 1949 and their Additional Protocols 1949) For this type of conflict it is problematic to establish the legal status and responsibility of the parties involved. As the aggressions are not carried out by the ordinary armed forces, the distinction between civilian and combatant status is difficult. In an international armed conflict, the status of prisoner of war is attributed only to combatants. In non-international conflicts, a person who falls into the hands of one of the parties to the conflict does not enjoy the status of prisoner of war or the protections reserved by the Third Geneva Convention.

Non-international conflicts are governed by Additional Protocol II to the Geneva Conventions (1949), which regulates the protection of victims of non-international armed conflicts, and by Article 3; relating to non-international conflicts, which is common to all four conventions forming a mini-convention, in a condensed format, with essential rules of the Geneva Conventions, which makes them applicable to non-international conflicts international. (ICRC, The Geneva Conventions of 1949 and their Additional Protocols 2010) Common Article 3 also provides for the application of minimum requirements for human treatment, such as a ban on killing, mutilation, degrading treatment, hostage-taking, executions without prior trial by a regularly constituted court, and provides for the assistance of the wounded and sick.

Article 7 of the Statute of the International Criminal Court in Rome of 1998 defines crimes against humanity as part of a widespread or systematic attack on any known civilian population. (Rome Statute of ICC 1998, 3-4) The article also presents a list of acts that constitute crimes against humanity: murder, extermination, enslavement, deportation, imprisonment and other deprivation of physical liberty in violation of international law, torture, rape, sexual slavery, forced prostitution, forced pregnancy, sterilization imposed, disappearance force, apartheid, persecution of a group on the grounds of race, sex, religion, ethnicity, political belief or national identity, and "*other inhuman acts of a similar nature that intentionally cause great suffering or harm to the body or mental or physical health*". (Rome Statute of ICC 1998, 3)

The al-Assad regime, along with other parties to the war, has been accused of acts classified as crimes against humanity and war crimes. Amnesty International has denounced violations of international humanitarian law and human rights in all 8 years of the conflict.

In the spring of 2011, according to a report published by Amnesty International, following the riots in Tell Kalakh, Syrian government forces launched a campaign of mass arrests of male residents, the elderly and minors, who were arbitrarily arrested and subjected to torture and degrading treatment. The case of Tell Kalakh, which resulted in 9 deaths, is the first case of acts that could constitute crimes against humanity (inhuman treatment of detainees in detention camps).

Another terrifying case is the Saydnaya prison. Amnesty International's 2017 report entitled "*Human Slaughter: Mass Hanging and Extermination at Saydnaya Prison, Syria*" showed the mass extrajudicial executions of detainees. The organization counted more than 13,000 people secretly hanged in Saydnaya. Most were civilians and alleged opponents of the al-Assad government. (Amnesty International Report 2017) The report confirms that a so-called Military Court was used to determine the executions, which issued summary and arbitrary decisions. (Amnesty International Report 2017) Executions by hanging were preceded by acts of torture by infection, refusal of water, food and medical treatment and degrading treatment in infected environments.

Pressure from the international community to hold President Bashār al-Assad responsible for war crimes and crimes against humanity in Syria has resulted in further aggression among the civilian population or rebels.

Twenty-eight Syrian refugees from Jordan, through human rights lawyers, have opened trials at the International Criminal Court. As Syria is not a party to the 1998 Rome Statute of the International Criminal Court, refugees lawyers, to open trials, used a previous ruling on Rohingya - Bangladesh refugees against Myanmar, a non-member of the Rome Statute. Jordan being a party to the Rome Statute, the International Criminal Court has jurisdiction over the country and in this way the appeal to the Court of the refugees was admitted. (Gjevori 2019)

CONCLUSION

The civil war in Syria, triggered by the pro-democracy demonstrations of the "*Arab Spring*", was a complicated combination of religious, cultural and ethnic-identity contradictions. The geopolitical supremacy of the two world powers, in continuous military rivalry, overlapped with the domination struggles of the regional powers of religious rivalry in contradiction with Islamic jihadism. The non-international conflict has been turned into a "*battlefield*" for foreign powers, with each side supporting rival forces, with Russia and Iran supporting al-Assad's forces in its fight to annihilate anti-government forces and the expansion of jihadist groups into Syrian territory.

An international coalition led by the United States, supports the Syrian Anti-Government Forces and the Kurdish minority in the fight against the Islamic State and the terrorist group Tahrir al-Sham, and after their annihilation, in the fight against the al-Assad regime. Regardless of the public justifications of each party involved in the conflict, the protection of their interests in the region is the main objective, which has led to the transformation of a civil war into a "*war with multiple proxies*". The religious rivalry between Saudi Arabia and Iran uses the conflict in Syria to strengthen each other's dominance in the region. Unresolved tensions at the end of the Cold War between the Russian Federation and the United States use the conflict in Syria to reconfirm their exclusive dominance as world hegemon, ignoring China's military power.

The United Nations' efforts to activate the collective security system to resolve the conflict have been thwarted by the veto power of the Russian Federation and China in the Security Council. Moreover, the conflict mediation organization's attempts, based on a six-point plan devised by former UN Secretary-General Kofi Annan, remained stuck in the draft phase.

Amnesty International and Human Rights Watch have reported in their reports flagrant violations of human rights and international humanitarian law by the al-Assad regime, which has widely used non-discriminatory weapons through the use of internationally banned chemical weapons, cluster munitions, firearms and barrels dropped from helicopters or planes to inhabited areas have claimed thousands of lives; all this being prohibited in violation of Article 35 of the Additional Protocol I to the 1949 Geneva Conventions. By violating human rights and international humanitarian law, the al-Assad regime is accused by the international community of being guilty of war crimes and crimes against humanity. International community attempts to incriminate President

Bashār al-Assad for the crimes committed have failed, as Syria is not a party to the 1998 Rome Statute of the International Criminal Court.

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