

# **The Syrian Regime Appoints Military Leaders Involved in Crimes Against Humanity and War Crimes to the Highest Levels of Civilian Leadership in the State**



SYRIAN NETWORK FOR HUMAN RIGHTS

الشبكة السورية لحقوق الإنسان

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The Syrian Network for Human Rights (SNHR), founded in June 2011, is a non-governmental, independent group that is considered a primary source for the OHCHR on all death toll-related analyses in Syria.



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### I. A Brief Background on the SNHR's Database of Individuals We Believe Are Involved in Committing Violations in Syria

Since its foundation, the Syrian Network for Human Rights (SNHR) has documented multiple types of violations by different parties to the armed conflict in Syria, with some of these violations amounting to crimes against humanity and war crimes; we have always tried, in our work in documenting such violations, to identify individuals working within the perpetrator parties and to determine which party they work for, the rank they've reached, the duration of their service and other details. This is a difficult and complicated process due to the fact that the parties to the conflict try to keep these names confidential, and to the difficulty of obtaining these names from the civilian population. In addition, some of the individuals involved have already been either killed or dismissed and replaced by other new individuals; for example, the Syrian regime Ministry of Defense's website contains no details of any of the leaders of the army or the heads of brigades and different sectors, or Air Force commanders. Similarly, the Ministry of Interior's website provides no details on the senior officials running the various security branches. In addition, the Syrian regime's media deliberately uses vague terms like "an official source in the Ministry of Interior or Defense" without ever mentioning the identity of this source. Because of these challenges and many others, there is a real difficulty in the process of updating the data of the individuals involved in committing violations not only amongst Syrian regime personnel, but also those of all other parties.

The database we have built contains details on at least 14,737 individuals who we believe are involved in committing one or more types of violations; the vast majority of these people work under the auspices of the Syrian regime and its allies, with this database being subject to constant and ongoing processes of reviewing, updating and editing data as required.



This database's inclusion of individuals whom we in the SNHR believe to be involved in practicing violations relies on the identification of the relevant rules of customary humanitarian law in holding commanders and other senior officials responsible for war crimes committed by their subordinates pursuant to their orders (Rule 152), and to hold them accountable if they knew, or had reason to know, that these subordinates were about to commit or were committing such crimes and did not take all necessary and reasonable measures in their power to prevent their commission, or if such crimes had been committed, to punish the persons responsible (rule 153); the International Criminal Court Statute (ICC Statute) expands the elements of this responsibility to include crimes against humanity, which are committed in time of peace or war, and war crimes. This law also holds military commanders in addition to senior officials, including civilians, responsible for this (Article 25 and 28 of the ICC Statute); in addition, combatants bear responsibility for their actions, even if they were carrying out orders from those of higher rank, and it is not enough to say that the combatant was acting according to orders issued by higher authorities, so those who commit war crimes and crimes against humanity are held individually criminally responsible for their actions. The International Criminal Court Statute also states: "The fact that a crime within the jurisdiction of the Court has been committed by a person pursuant to an order of a Government or of a superior, whether military or civilian, shall not relieve that person of criminal responsibility," meaning that although such an order may be considered one of the mitigating circumstances of the penalty, it doesn't absolve the crime perpetrator from his/her responsibility. The Syrian Network for Human Rights has repeatedly warned, through reports and statements, of the need to refrain from carrying out any acts that lead to committing war crimes or crimes against humanity, in addition to noting that the international law provides that even duress to commit war crimes or crimes against humanity or extermination only become acceptable as a defense in extreme situations where there is no option but to kill or be killed (The International Criminal Tribunal for the former Yugoslavia, Erdemovic case, March 5, 1998, Para. 17).

The various institutions of the Syrian regime have been involved in committing widespread and systematic violations, many of which constitute crimes against humanity and war crimes, with everyone who ordered, incited, encouraged, justified, participated, provided assistance in or facilitated those crimes considered to be involved in them; at the forefront of these institutions are those of the army and the security bodies. Since the first months of the popular uprising in March 2011, local, Arab and international media and the Syrian social media pages have been constantly filled with innumerable violations to which the Syrian people have been subjected by these two institutions, and it has become very difficult after nearly ten years for anyone to deny the knowledge that these violations have occurred.



## II. The Syrian Regime Appoints Individuals Involved in Committing Crimes Against Humanity and War Crimes to the Highest Civilian Positions of the State

On May 30, 2020, the President of the Syrian regime issued [five decrees](#), in which he dismissed and replaced the incumbent governors in five Syrian governorates, namely Homs, Daraa, Suwayda, Quneitra, and Hasaka; among the figures appointed to take over in these positions was Major General Ghassan Halim Khalil, who was appointed governor of Hasaka.

Major General Ghassan Halim Khalil: The Governor of Hasaka, is a retired major-general officer, from Ein al Tina village, which is administratively a part of Safita city in the suburbs of Tartous governorate. Born in 1956, Maj. Gen. Khalil worked as Head of the State Security services' infamous '255' Information Branch during the period between 2010-2013; this branch incorporates a number of important sections, such as those dealing with religions, political parties, and monitoring of local and international media and Internet websites, in addition to being engaged in activities to support and promote pro-Syrian regime websites that justify the regime's violations. This branch also creates social networking sites and pages which appear to oppose the Syrian regime, but which actually aim to entrap political activists and families opposed to the regime. In 2013, Ghassan Khalil was appointed Head of the External Branch, Branch 279, upon the recommendation of Major General Ali Mamlouk, who headed the State Security Department before he was transferred to head the National Security Office. In 2017, he was appointed as an assistant director of the State Security Department. He also supervised the regime's so-called 'Syrian Electronic Army', which carries out hacking operations and sabotage against websites and pages opposing the Syrian regime, and tracks journalists and activists with the aim of arresting and torturing them. Khalil's name is registered on the SNHR's database among those who we believe are involved in committing serious violations in Syria, and he is also one of the individuals included in the [European](#), [Canadian](#) and [the UK sanctions](#) lists; we are working to add him to the US sanctions lists shortly.



Major General Ghassan Halim Khalil



### III. Conclusions

The Syrian regime works to keep all military and civilian leadership positions in the hands of its accomplices in committing crimes against humanity and war crimes so that their fate is always linked to the regime's fate in an organic, interconnected manner, meaning that defending it becomes an essential part of defending themselves. We believe this to be the standard method employed by the Syrian regime in this context.

We also note that the leadership positions within the security services and the army are mainly based on:

First: Absolute blind loyalty to the Syrian regime, including the commission of atrocious violations against the Syrian citizens and state, which violate International Human Rights Law and International Humanitarian Law, and often violate the current Syrian constitution.

Second: Sectarian discrimination in favor of the ruling sect: The vast majority of the leaders of the security services and the army (which are the two most prominent institutions ruling in Syria) are from the Alawite sect, a form of blatant discrimination on the basis of sectarianism which violates the most basic tenets of International Human Rights Law as well as violating the Syrian constitution itself.

Third: Appointments have been made in the Syrian state with the aim of placating Iran's and Russia's leaders in order to serve their interests in the army, security forces, civilian positions, science research centers, ports, and crossings.

According to international law, the state is responsible for violations of International Humanitarian Law attributed to it, which are committed by its apparatuses or individuals affiliated with it; however, we have not documented any form of accountability or investigation by the Syrian regime of atrocities committed by its security services or army institution, or of its bombardment of cities and residential neighborhoods. The regime has also signally failed to undertake any compensation process for the material and human losses caused by its forces, but rather reshuffled those involved in committing violations, reappointing them once again to senior positions in state authorities, which further confirms that the Syrian regime is proceeding with its customary authoritarian mentality of absolute totalitarian rule with a comprehensive rejection of any political transfer or movement towards a system featuring genuine democracy and human rights for Syria's people.



## **Recommendations:**

### **The security branches, the army, and political leaders in the Syrian regime:**

- Stop issuing orders that violate International Human Rights Law or International Humanitarian Law.
- Forbid the occurrence of violations, punish subordinates who commit violations of international human rights law or international humanitarian law, and take all measures to prevent the occurrence of violations.
- Educate subordinates about their basic obligations in accordance with international human rights and international humanitarian law.
- Refuse to commit gross violations even if they are ordered by superiors in senior leadership positions, and try to find all possible methods to avoid joining the ranks of the security services or the army because doing so would almost inevitably lead to involvement in the perpetration of atrocious violations.

### **The United Nations:**

- Accelerate the efforts to accomplish of the political transition process within a strict timetable not exceeding six months, in order to prevent the Syrian regime and its allies from practicing more encroachment into all state organs and institutions and linking the fate of the state and its institutions to the regime's own fate.
- Work to send clear messages on the topic of accountability to those involved in gross violations, especially crimes against humanity and war crimes, and do not provide an illusory pretense of stability at the expense of justice and accountability.
- Put serious pressure on the Syrian regime to stop appointing those involved in crimes against humanity and war crimes to leadership positions in the state.





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