



# HOPE AND A FUTURE

The Story of Syrian Refugees

**John M. B. Balouziyeh**

TIME  BOOKS



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THE STORY OF SYRIAN REFUGEES

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**NOTE:** Names and other personally identifiable information of refugees discussed herein may have been changed to protect their identities, safety and security.

Dedicated to Kayla Mueller (1988-2015)  
who in delivering humanitarian aid  
gave her life  
to the Syrian people

There is no greater gift, no greater friendship than this.



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## **“When Home is the Barrel of a Gun”**

*by Warsan Shire\**

I want to go home,  
but home is the mouth of a shark  
home is the barrel of a gun  
and no one would leave home  
unless home chased you to the shore  
unless home told you  
to quicken your legs  
leave your clothes behind  
crawl through the desert  
wade through the ocean  
drown, save, hunger, beg

No one leaves home  
unless home is a sweaty voice in your ear, saying-  
“Leave—  
“run away from me now  
“I don’t know what I’ve become  
“but I know that anywhere is safer than here”

---

\* **Warsan Shire** is a Kenyan-born Somali poet, writer and educator based in London. Born in 1988, Warsan has read her work extensively across the United Kingdom, South Africa, Italy, Germany, Canada and Kenya. In 2011, she released her debut book, *Teaching My Mother How to Give Birth* (flipped eye ltd.).



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## Abbreviations

CCW .....	United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Geneva, 1980)
CDHRI .....	Cairo Declaration on Human Rights in Islam (1990)
CEDAW .....	The Convention on the Elimination of all Forms of Discrimination against Women (1979)
CPHR .....	European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) (1953)
CPPG .....	Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) (1948)
CRC .....	Committee on the Rights of the Child
CRSR .....	Convention Relating to the Status of Refugees (1951)
CSR .....	Corporate social responsibility
CUN .....	Charter of the United Nations (1945)
DG ECHO .....	Directorate-General for Humanitarian Aid and Civil Protection of the European Commission
EU .....	European Union
FAO .....	Food and Agriculture Organization of the United Nations
FRY .....	Federal Republic of Yugoslavia
GA .....	General Assembly (of the UN)
GBV .....	Gender-based violence
GC I .....	Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949)
GC II .....	Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949)
GC III .....	Geneva Convention (III) relative to the Treatment of Prisoners of War (1949)
GC IV .....	Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949)
HC IV .....	Hague Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land (1907)
HLP .....	Housing, land and property
HRC .....	Human Rights Committee (of the ICCPR)

ICARDA .....	International Centre for Agricultural Research in Dry Areas
ICC .....	International Criminal Court
ICCPR .....	International Covenant on Civil and Political Rights
ICERD .....	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR .....	International Covenant on Economic, Social and Cultural Rights
ICISS .....	International Commission on Intervention and State Sovereignty
ICJ .....	International Court of Justice
ICLA .....	Information, counseling and legal assistance (NRC core program)
ICRC .....	International Committee of the Red Cross
ICTY .....	International Criminal Tribunal for the former Yugoslavia
IDP .....	Internally-displaced person
IFRC .....	International Federation of Red Cross and Red Crescent Societies
IHL .....	International humanitarian law
ILC .....	International Law Commission
ILI .....	International Law Institute
ILO .....	International Labor Organization
IOM .....	International Organization for Migration
IRC .....	International Rescue Committee
IS .....	The self-proclaimed Islamic State (referred to herein as ISIS)
ISIL .....	The self-proclaimed Islamic State of Iraq and the Levant (referred to herein as ISIS)
ISIS .....	The self-proclaimed Islamic State of Iraq and Al-Sham or Islamic State of Iraq and Syria (the Levant)
ITS .....	Informal tented settlement
JCLA .....	World Bank-funded Justice Center for Legal Aid
KRG .....	Kurdistan Regional Government
LCC .....	Local Coordination Committees in Syria
MSB .....	Swedish Civil Contingencies Agency
MSF .....	Médecins Sans Frontières
NAT .....	North Atlantic Treaty
NATO .....	North Atlantic Treaty Organization
NRC .....	Norwegian Refugee Council
NGO .....	Non-governmental organization
NORAD .....	Norwegian Agency for Development Cooperation
OCHA .....	Office for the Coordination of Humanitarian Affairs (UN)
OHCHR .....	Office of the United Nations High Commissioner for Human Rights
OIC .....	Organisation of Islamic Coordination
OIP .....	Office of the Iraq Program (UN)

OPCW .....	Organization for the Prohibition of Chemical Weapons (UN)
OPEC .....	Organization of the Petroleum Exporting Countries
PA I .....	Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts, 8 June 1977
PA II .....	Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts, 8 June 1977
PA III .....	Protocol additional to the Geneva Conventions of 12 August 1949 and Relating to the Adoption of an Additional Distinctive Emblem, 8 December 2005
PoW .....	Prisoner of war
R2P .....	Responsibility to Protect doctrine
Refugee Protocol .....	1967 Protocol Relating to the Status of Refugees
RSD .....	Refugee status determination
SAMS .....	Syrian-American Medical Society
SC .....	Security Council (of the UN)
SDC .....	Swiss Agency for Development and Cooperation
SICC .....	Rome Statute of the International Criminal Court
SICJ .....	Statute of the International Court of Justice
SIDA .....	Swedish International Development Agency
SOHR .....	Syrian Observatory for Human Rights
UDHR .....	Universal Declaration of Human Rights (1948)
UN .....	United Nations
UN-Habitat .....	United Nations Human Settlements Program
UNCHR .....	United Nations Commission on Human Rights (ECOSOC subsidiary)
UNCHS .....	United Nations Centre for Human Settlements
UNCRC .....	United Nations Convention on the Rights of the Child (1989)
UNESCO .....	United Nations Educational, Scientific and Cultural Organization
UNFPA .....	United Nations Population Fund (formerly the United Nations Fund for Population Activities)
UNHCR .....	Office of the United Nations High Commissioner for Refugees
UNHRC .....	United Nations Human Rights Council
UNHSP .....	United Nations Human Settlements Program
UNICEF .....	United Nations Children's Fund
UNRWA .....	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNV .....	United Nations Volunteers programme
USAID .....	United States Agency International Development
USKBC .....	US-Kurdistan Business Council
VRS .....	Army of Republika Srpska
WASH .....	Water, sanitation and hygiene
WFP .....	World Food Programme

WHO.....World Health Organization

## Preface

I never intended to write a book on the Syrian refugee crisis. Yet in my travels throughout the Middle East, as I witnessed the sorry state of Syrian refugees in their struggle to survive, I felt compelled to tell their stories.

As an attorney based in the Middle East, I have witnessed scenes that would draw tears from a stone, scenes that have made the gravity of the Syrian refugee crisis terribly clear to me. In the streets of Beirut, I was astonished by the number of Syrian mothers cradling their infants, begging for money to buy medicine, some succumbing to prostitution, trading their bodies for loaves of bread. In Jordan, an infrastructure already strained with water scarcity and rising energy prices is now buckling under the weight of more than half a million Syrian refugees.<sup>2</sup> In Iraqi Kurdistan, countless refugees and internally-displaced persons have been reduced to eating grass to survive.

In my travels, I met orphans separated from all known relatives, innocent bystanders rendered limbless by bomb shrapnel, children who bear psychological and physical scars, widows unable to treat terminal illnesses and families whose breadwinners one day never returned home, never again to be seen, leaving behind a family unable to pay for food, medicine and shelter. I have met refugees that have been displaced multiple times—first from Homs to other areas of Syria, then back to Homs, and finally forced to flee Syria altogether. I have met Palestinian refugees who for decades lived peacefully in Syria, only to be forced to flee to urban centers or camps in Lebanon or Jordan. I have met young children robbed of their childhood, forced to work to survive, loaded with burdens too heavy to bear. Many of these children have only known human suffering. Theirs is a land marked by blood and gore, ruled by heartless, lawless men.

For countless refugees, the Mediterranean Sea has become a graveyard. One Syrian child whose small, lifeless body washes up on our shores is too many; 13,000<sup>3</sup> child victims of war is inadmissible.

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<sup>2</sup> To a large extent, Jordan has been unable to keep up with an unprecedented influx of refugees. Intensified fighting between the regime and opposition forces in Der'ā in 2013, for example, led to a 331% increase in refugees within just four months. Matthew Barber, "Jordan Shudders Under 331% Increase in Refugees as Conflict in Dera'a Intensifies," *Syria Comment: Syrian Politics, History, and Religion* (21 Apr. 2013), available at <<http://www.joshualandis.com/blog/refugees-in-jordan-increase-by-331-percent-in-four-months>>.

<sup>3</sup> The Syrian Observatory for Human Rights (**SOHR**) reported 12,517 children died in the Syrian civil war as of October 2015. "About 2 million and half killed and wounded since the beginning of the Syrian Revolution," Syrian Observatory for Human Rights (16 Oct. 2015), available at <<http://www.syriahr.com/en/2015/10/about-20-millions-and-half-killed-and-wounded-since-the-beginning-of-the-syrian-revolution>>.

As I visited refugee camps in Syria's neighboring countries, I witnessed first-hand the challenges refugees face on a daily basis in their struggle to survive—shortages of food, medicine and other provisions, the inability to care for the sick, the daunting journey from Syria into surrounding countries—for many refugees, undertaken by foot, often carrying small children and the wounded and injured; sometimes undertaken in the bitter cold of winter.

These are the stories I felt compelled to tell. The result was this book.

In April of 2014, I travelled to Amman to attend a course on international law. While I was in Jordan, I arranged a visit to Za'tari Refugee Camp, just north of Amman. Having read about this colossal camp countless times in feature-length newspaper and magazine stories, I decided to see it for myself.

That visit changed my outlook on the Syrian refugee crisis. No longer was the crisis an abstract event only to be heard about through the media. Now, it was real. Having encountered a humanitarian crisis of this magnitude, I naturally felt a duty to act, to mobilize whatever resources I had at my disposal to alleviate the suffering of the Syrian people.

The initial fruit of my visit to Za'tari Refugee Camp was a partnership that I established between my law firm, Dentons, and the Norwegian Refugee Council (**NRC**), which provides assistance and protection to Syrian refugees in camps and in urban centers. Upon my return from Amman, I spoke to the regional management of Dentons about setting up a partnership to provide advice to the NRC on the legal protections offered to refugees in Jordan. Dentons' leadership enthusiastically embraced the proposal, and in the ensuing months, Dentons offered the NRC pro bono legal advice on Jordanian landlord-tenant regulations, evictions, deportations, birth registration and foreigner registration.

The success of this partnership eventually led to its expansion to Lebanon, Iraq and beyond. Today, Dentons offers the NRC advice on a pro bono basis on international and local laws that govern refugee rights across the Middle East. To date, we have advised on the laws governing housing, land, property ownership, nationality, statelessness, human rights, refugee rights, deportation and resettlement of Syrian refugees. As I write this book, Dentons continues to expand its partnership with the NRC, one that serves as an important example of how the private sector can contribute to the protection of Syrian refugees, one of the world's most vulnerable populations.

The more I visited refugee camps, the more I learned how much there was to discover. I learned about the special vulnerability that women face, both from the perspective of gender-based violence<sup>4</sup> and, for many, the

---

<sup>4</sup> The prevalence of rape in some refugee camps is made clear by the account of Rafif Jouejati, the English spokeswoman for the Local Coordination Committees in Syria (**LCC**), who referenced at least 60 victims of rape in a single camp alone who were carrying the offspring conceived by the rape. Sara A. Tobin, *The Syrian Refugee Crisis and Lessons from the Iraqi Refugee Experience*, Boston University Institute for Iraqi

dangerous conditions for giving birth in refugee camps. I learned of families unable to seek medical treatment or pay deposits that many hospitals require before doctors would even see them. I heard far too many stories of infants dying at birth due to wholly-preventable causes. In my travels to Iraq, I became aware of the 4 million internally-displaced Iraqi's who, in the shadow of the Syrian refugee crisis, barely receive media attention. Throughout the region, I discovered an entire lost generation of Syrian children, deprived of an education and opportunities to thrive in safe, secure environments.

As I peered across my camera lens at these innocent children, I thought many times of my own children. And I also recognized that had my own family not escaped Syria just one generation earlier, I could have been one of these refugees. I could have been the subject of this book, rather than its author and photographer; my own children could have been on the other side of the camera lens.

I also learned of the particular complexity of reaching a political and diplomatic resolution to the armed conflict, one which would end the civil war and allow Syrian refugees to voluntarily repatriate to and rebuild their country. The Syrian civil war is no longer merely an internal disturbance comprised of sporadic outbreaks of armed violence, one that can be quelled with legal reforms granting broader legal rights to a restless Syrian population. Rather, the Syrian conflict has become a complex proxy war between nations that recognize the National Coalition for Syrian Revolution and Opposition Forces as the legitimate representative of the Syrian people and those that support Bashar Al-Assad's regime. This conflict has thus pinned Western nations and the Arabian Gulf States against Bashar Al-Assad's allies, including Russia and Iran. In the midst of this proxy war, countless armed groups have infiltrated Syria, either in support of or in opposition to Al-Assad's regime, many of which enjoy financing and support from foreign governments.

Syria's civilian population has become the principal victim of this proxy war. Trapped within Syria or in the surrounding refugee camps, and with Western nations and Arabian Gulf States having limited their refugee resettlement programs, there is little prospect that the living conditions of these refugees will be alleviated anytime soon. The Office of the United Nations High Commissioner for Refugees (**UNHCR**) estimated that in 2015 alone, more than 10 million Syrians—half of the country—was in need of life-saving assistance. This figure is more than every man, woman and child in New York and San Francisco combined, or Dubai and London combined, or Berlin combined with Madrid and Rome.

As each visit to the refugee camps gave me a greater glimpse of the complexity of the refugee crisis and of finding durable solutions, I planned

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Studies (2013), p. 12. To fully understand the extent of gender-based violence in Syrian refugee camps, the figure cited by Ms. Jouejati must be multiplied exponentially to take into account the millions of refugees living in other camps throughout the Middle East. Ms. Jouejati further commented that due to the prevalence of rape, the most requested medications in the camp were for birth control. *Id.*

further visits. The visit to Za'tari Refugee Camp gave rise to the visit to Jabal Al-Hussein Refugee Camp in Amman, which in turn inspired the visit to informal tented settlements in the Beqa' (Bekaa) Valley of Lebanon, which led to the camps of Iraqi Kurdistan, and so forth.

The result was this book, which tells the story of Syrian refugees, their living conditions, their rights under international and local law, the application of these rights, the discrepancy between law and practice, the prospects of refugee resettlement and local integration, the challenges that stand in the way of durable solutions and the fate of the refugees as Syria is further drawn into a protracted armed conflict, which is increasingly taking on an international character.

The Syrian civil war has divided a nation and triggered the greatest humanitarian tragedy of the 21st century. Syria has been torn apart by sectarianism, a virulent strain whose wanton and widespread destruction has known no limits. If we fail to act, an entire generation will grow up not knowing human compassion. If we continue to demonstrate indifference to the plight of the Syrian people, a generation of Syrians will normalize violence and indifference to human suffering.

The Syrian War also gives humanity a chance to act. We can demonstrate human compassion in a way that history has never known. We can restore human dignity to the victims of the conflict, seeking justice for the needy, defending the fatherless, pleading for widows, visiting the distressed in their trouble. We can undo their heavy burdens, free the oppressed and feed the hungry. We can open the doors of our homes to the poor and the vulnerable who have been cast out.

It is no longer possible to ignore the Syrian refugee crisis. The Syrian people are knocking, and before each of us is a choice. Do we open the door?

The purpose of this book is to raise awareness on the Syrian refugee crisis—the greatest humanitarian tragedy of the 21st century—and to shed light on the dire conditions in which millions of Syrians are living. Hundreds of thousands of Syrians are trapped in cities under siege and are facing extreme hardships, including shortages of food and clean water. Countless Syrian children are being deprived of an education and a chance to grow, develop and thrive in secure environments. Entire villages have been displaced without access to shelters and basic provisions. Countless orphans have been separated from their parents and known relatives and are wandering about like ghosts. An entire generation that should be learning and developing socially and emotionally has been instead isolated in camps, relegated to slums and forced to survive in destroyed cities, in many cases personally drawn into a conflict that will forever compromise their innocence. Meanwhile, the Syrian civil war rages on with no end in sight, spilling over into neighboring countries, destabilizing the region.

This study, focusing on refugee camps across the Arab world, explores the plight and vulnerabilities of Syrian refugees. My hope in writing this book



is that it would inspire readers to get involved. Some might visit the camps themselves and share their experiences with family and friends. Others might support the many aid organizations that are struggling financially. Readers from the private sector might contribute to camps in any way they can—building schools, advising on infrastructure, setting up pro bono health clinics, proposing technical solutions, hosting workshops and trainings ... there is endless potential for partnerships with the private sector.

For many people, the Syrian refugee crisis remains an abstraction, as it was for me before I visited Za'tari Refugee Camp. I thus hope that by writing this book and recounting my first-hand experiences, I will help transform this abstraction into a concrete reality. I hope that readers will be inspired to act as a result of this book. Perhaps somewhere around the world, a teacher will read this book and as a result, will volunteer a summer teaching refugees in Lebanon or Jordan. Perhaps a sports league member will read this book and decide to organize a children's soccer camp at Za'tari Refugee Camp. Maybe a dentist will be inspired to pack up his equipment and volunteer a week of free treatment to a refugee settlement. A hospital might organize a shipment of bandages and other medical equipment to help treat the wounded. Perhaps an entrepreneur will donate a portion of profits to humanitarian organizations assisting Syrian refugees. Or maybe a charismatic personality will undertake fundraising on their behalf. Perhaps a parliamentarian will pick up this book and as a result, vote in favor of expanding his country's refugee resettlement program.

Day after day, while beheadings make headlines and war crimes reach new milestones, thousands of humanitarians go to work in Syria and its surrounding countries, relentlessly confronting all of the psychological challenges inherent to working in conflict zones, making personal and familial sacrifices to defend human dignity, save lives and to deliver aid and assistance where it is most needed, even at the risk of their own lives. It is my hope that by telling the story of Syrian refugees, readers will become inspired to act similarly.

In the poem "Reflections of a Sojourner," the poet, like countless others who visited Syria before him, reflects on Syria's magic. He writes of Damascus's parks and vibrant gardens,

... Where kite runners run free  
 City of glowing nighttime fountains  
 Where gifts are given liberally  
 Damascus, whose people find Providence in all things  
 And celebrate each new encounter  
 You promote the life of the spirit  
 You are a great city ...

While the voice and words expressed are unique to the poet's own personal experience, the sentiments expressed are not. Poets, journalists and other writers who have visited Syria have left with the same impressions of the country's enchanting culture, open-hearted people and rich heritage.

Today, conversations about Syria are divided into two groups: those who were able to visit Syria prior to the civil war, who reminisce with fond memories of the country and her people, and those that regret having been unable to visit Syria before the War left its indelible mark of destruction on the nation.

Some say Syria will never be the same. I am not of this camp. As one refugee at Za'tari Refugee Camp so poignantly stated, "the Syrian people are very capable. We can rebuild [Syria] better than before."<sup>5</sup> Though it may sound romantic, I believe the transformative power of redemption always triumphs over violence and destruction. Yet though it may seem out of tune to the modern ear, mine is a view that sees the world in a perpetual struggle, with good and kindness and decency always triumphing over cruelty. Such a view requires a great deal of faith and patience, especially when we are inundated with so much news of seeming injustice. Yet despite what we may see or hear, I never doubt that, in the end, truth and justice never fail. In Syria, I see the potential to rebuild a nation, to triumph over those forces that seek her destruction. In Syria, I see hope and a future.

Born to parents who emigrated from Syria to the United States, I first visited Syria as a teenager with my father. My travels to the historic cities of Aleppo, Damascus, Lattakia and Homs in many ways left an indelible mark on me. In these cities, I encountered a culture that was so different from what I knew in the West. In Syria, life was centered on family, relationships and community rather than jobs or careers. Syria was not a rich country by any means, but on her streets, I never encountered mendicants or the homeless. Families and local communities, rather than governments, took responsibility over the poor and afflicted.

Throughout my travels in Syria, I visited families that exemplified the virtue of hospitality. I was welcomed to homes with generous spreads of kibbeh and kebabs, varieties of salads garnished with fresh mint, platters of labneh, hummus and baba ghanoush, rainbows of dates, figs and olives and fresh-baked pita loaves, with steam rushing out when broken. Hosts would spend hours with their guests over meals, and would find any occasion to celebrate with music, singing, clapping of hands and the beating of the Arabic drum. Visits to family and family friends were often unannounced and spontaneous, but always welcomed with Arabic pastries, fragrant teas and potent coffee.

It would be difficult for me to forget the hospitality of the Syrian people, whose generosity invariably displayed a preference of giving over receiving, no matter how little the host had to give. It was a hospitality that time and again drew me back to Syria, culminating with my US State Department

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<sup>5</sup> Interviewed in *After Spring*. Ellen Martinez and Steph Ching (Directors). Busboy Productions, 2016. Film.

assignment to the US Embassy in Damascus in 2010, just before the start of the Syrian uprising.

As I prepared the manuscript of this book, I reviewed journal entries that I wrote during my assignment as an attorney in Damascus. One of my November 2010 entries summed up my observations of Syria at the time. I remarked how in many cities of the world, streets are left barren following sunset for fear of crime and violence, but in Damascus, there was no such thing. I wondered if crime ever existed in the ancient city. I was unable to describe how pleasant it was on a Thursday evening to walk through the gardens and the public squares in Damascus, where one finds entire families sitting out together on lawns, listening to music, telling stories, roasting nuts and breaking bread together, right up into the morning hours. Friends met and greeted one another on the streets, with no fear of the “other,” no fear of strangers. The entire cityscape was marked by genuine friendships and close-knit community.

How things have changed. Today, there are no quiet saunters under the Damascene moonlight without the fear of crime or violence. Every city has its rebel groups, its soldiers, its armed guards and militias. Homes and shops are bombed and then plundered. Today, five years after my last visit to Syria, many of the homes and cities I visited have been destroyed. The homes that remain standing have been left empty and hollow, their former occupants having fled, preferring refugee camps over air strikes and gunfire. The music, laughter and clapping that once filled their homes have been replaced by the unceasing din of bombs, bullets and blasts.

Though Syria is largely in ruins, my memories of Syria endure, giving rise to a hope of what Syria can once again become. It is with this hope to preserve and rebuild Syria, together with a desire to inspire others to take action, that I undertook to write this book. After all, a single image of three-year old Aylan Kurdi, drowned and washed up on the shores of Turkey, galvanized the world into action in September of 2015. Nilüfer Demir’s photograph of that small, lifeless body, pummeled by the waves of the Mediterranean, shook the world out of silent indifference.

If this book could similarly mobilize actors to protect Syrian refugees, to bring healing to the sick, mercy to orphans and widows, comfort to those who mourn, and restoration to those bereft of hope, then this book would have fulfilled its purpose.



## **Part I. Survey of the Syrian Refugee Crisis**



## Chapter 1. Crisis Overview

### A. A Refugee Crisis that No One Imagined

#### 1. Introduction

In early 2011, no one foresaw that what began as peaceful demonstrations would descend into a downward spiral of war, violence and ubiquitous destruction that would claim more than 250,000 lives. Gatherings of civil society demanding greater political freedom would take a violent turn, growing into the greatest humanitarian tragedy since Rwanda. No one foresaw a civil war on the scale that we are witnessing today, with hundreds of children falling victim to chemical weapons; another 10,000 slain by conventional weapons; and over one million more children having escaped Syria as refugees.<sup>6</sup> Undoubtedly, these numbers are a shameful indictment on humanity.

Each year, the headlines deliver record numbers of civilian war casualties as the methods and weapons of war grow more savage—first landmines, then chlorine gas and other chemical weapons, then barrel bombs, cluster munitions, sieges, the intentional starvation of civilians and other weapons and methods of war that cause unwarranted and unreasonable suffering among civilians. We continue to read of armed groups deliberately destroying civilian property, employing treachery, using incendiary weapons in populated areas, executing the injured and prisoners of war, beheading children, crucifying captives and in other ways, egregiously violating the laws and customs of war.

In August of 2013, rows of still, lifeless corpses of Syrian children—the victims of chemical weapons—shocked the conscience of mankind. In September of 2015, an image of drowned three-year old Aylan Kurdi, washed up on the shores of Turkey, dominated news headlines. In January of 2016, images of starving civilians trapped in Madaya and other besieged cities in Syria outraged the human conscience. Parties to the conflict may soon need to resort to biological, toxic, nuclear or other weapons of mass destruction to maintain the shock value of their barbaric acts.

Five years ago, no one envisioned mass atrocities, heinous crimes and violence that would spill across international borders, transforming sporadic acts of violence into a sustained, international armed conflict. No one

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<sup>6</sup> UNHCR, “The Future of Syria: Refugee Children in Crisis,” UNHCR – UN Refugee Agency, available at <https://www.flickr.com/photos/unhcr/albums/with/72157638177114305>.

predicted that a broad coalition of militants would infiltrate Syria, leaving behind a trail of havoc and destruction. No one expected that today, the self-proclaimed Islamic State of Iraq and Al-Sham (or Syria) (**ISIS**)<sup>7</sup> would occupy and control more than half of Syria and Iraq, exporting terrorist campaigns so effective that even nations as far off as Egypt and France are not immune to the organization's bloodshed and determined butchery.

The Syrian civil war has triggered a humanitarian crisis of biblical proportions. At the time of this writing, 4.3 million Syrians had registered with UNHCR<sup>8</sup> and at least 7.6 million more had been internally displaced within Syria.<sup>9</sup> The four years that have elapsed since the Syrian civil war began in 2011 have produced more displaced Syrians than the nearly seven decades since the 1948 Arab-Israeli War have produced Palestinian refugees. Today, at nearly 12 million, there are more than twice as many displaced Syrians as there are Palestinian refugees. If the current trend continues, every Syrian will be displaced by 2019.

The refugee crisis has taken a toll on the economies and political stability of Syria's neighbors in the Middle East and has triggered Europe's greatest migrant crisis since World War II. Each day, hundreds or thousands of civilians cross international borders, and countless others are left behind, trapped in a violent cycle of retaliation between state forces and non-state actors. Innocent civilians remaining in Syria witness and experience egregious violations of the most basic norms of international law. The wanton and widespread destruction of property has become normalized in Syria, as has the taking of hostages, bombarding populous towns and villages, denying consent to humanitarian organizations' access to vulnerable civilian populations and the enslavement and sale of women and children.

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<sup>7</sup> In mid-2014, ISIS changed its name and now refers to itself as the "Islamic State" (**IS**). Chelsea J. Carter, "Iraq developments: ISIS establishes 'caliphate,' changes name," CNN Middle East (30 June 2014). However, many global media outlets continue to refer to the group as "The Islamic State of Iraq and the Levant" (**ISIL**) or "The Islamic State of Iraq and Syria" (**ISIS**). See Elizabeth Jensen, "Islamic State, ISIS, ISIL or Daesh?" NPR Ombudsman (18 Nov. 2015). In referring to the Islamic State, this text employs the acronym "ISIS" because, at the time of this writing, it is the term most familiar to readers.

The descriptors "self-described," "self-declared" and "self-proclaimed" are sometimes employed herein when referring to the Islamic State. However, when such descriptors are omitted, it is not the author's intent to imply the group's legitimacy as either "Islamic" or a "State." Rather, the descriptors "self-described," "self-declared" and "self-proclaimed" are sometimes omitted stylistically to avoid unnecessary repetition and to maintain the book's succinctness.

<sup>8</sup> Syria Regional Refugee Response, Inter-agency Information Sharing Portal, Regional Overview, UNHCR, available at <http://data.unhcr.org/syrianrefugees/regional.php> (last accessed 10 Nov. 2015).

<sup>9</sup> Humanitarian Information Unit, "Syria: Numbers and Locations of Refugees and IDPs," U.S. Department of State (17 Apr. 2015), available at [https://hiu.state.gov/Products/Syria\\_DisplacementRefugees\\_2015Apr17\\_HIU\\_U1214.pdf](https://hiu.state.gov/Products/Syria_DisplacementRefugees_2015Apr17_HIU_U1214.pdf) (last accessed 10 Nov. 2015).



The scale of the Syrian civil war is staggering. It has already dramatically reshaped demographics in the Middle East, having displaced hundreds of thousands of religious minorities, including Christians, Shia's and Yazidis in Iraq and millions of Syrians across the Middle East, North Africa, Europe and beyond. Today, more than half of the Syrian population has been displaced, a phenomenon almost without precedent in human history. Some experts comment that Syrian refugee settlements surrounding Syria will likely evolve into permanent cities, forever changing the demographics of the Middle East, reshaping the region as we know it.

As the war continues unabated, violence emanates from Syria, miring the world in further bloodshed. The Syrian conflict has already critically destabilized one of Syria's neighbors, Iraq. ISIS has demonstrated its devastating ability to export terrorism from Syrian and Iraq, whether in masterminding the October 2015 crash of Metrojet Flight 9268 in the Sinai Peninsula, the deadliest aircraft bombing since Pan Am Flight 103 in 1988, or in orchestrating the November 2015 attacks that left over 450 innocent civilians dead or wounded in Paris and dozens more in Lebanon. As the January 2016 Burkina Faso terror attacks, the November 2015 Radisson Blu Hotel bombing in Mali and 2013 Boston Marathon bombing demonstrate with terrible clarity, no nation is immune from the threat of terrorism.

The following commentary of Jan Egeland, the Secretary General of the NRC and former UN Undersecretary-General for Humanitarian Affairs, in many ways expresses the gravity of the Syrian refugee crisis<sup>10</sup>:

"An entire underclass is being created across the region. Insufficient international aid and the policies of host governments make it next to impossible for Syrian refugees to live in the Middle East. Refugees are losing all hope. The seeds of future unrest are being sowed. Without an enormous investment in the Middle East to support refugees and host communities, and a shift in the policies that prevent refugees from obtaining legal documents so they can support themselves and their families, refugees will have no choice but to risk the often life-threatening trip to Europe or elsewhere in ever greater numbers. They will do so in the hope of a safer, better life, and so would you and I if we were in the same situation."

The civil war also carries serious food security implications for Syria and the broader region. For the first time in history, a request was made in 2015 to withdraw seeds from the Global Seed Vault, a collection nearly 1,000,000 varieties of seeds and samples that, for reasons of security, is tucked 150 meters into a mountain deep in the Arctic Circle, isolated from the risk of natural or man-made disasters. Historically, the Global Seed Vault was only ever entered by those depositing more samples, but in 2015, a request was made for the first time to remove seeds from the Vault. The historic request

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<sup>10</sup> Preface, "Drivers of despair - Refugee protection failures in Jordan and Lebanon," Norwegian Refugee Council, *ReliefWeb*, available at <<http://reliefweb.int/report/syrian-arab-republic/drivers-despair-refugee-protection-failures-jordan-and-lebanon>>.

was made by a Syrian organization, the International Centre for Agricultural Research in Dry Areas (**ICARDA**). Unable to replenish its stock due to the Syrian civil war, ICARDA requested to withdraw about 38,000 seeds from the Vault in 2015.<sup>11</sup> This withdrawal request is but one of the many consequences of the Syrian civil war, one that has serious implications on continued food security in Syria and, potentially, the region and the world.

## 2. Survey of the Syrian Refugee Crisis

When the Syrian conflict began in 2011, many Syrians fled their country to shelters in neighboring countries expecting to return weeks or months later. Four years later, many find themselves still living in informal tented settlements or in refugee camps established by UNHCR or in UNRWA camps originally set up for Palestinian refugees that fled the 1948 Arab-Israeli War. Syrian refugees initially feared that they and their progeny would share the same fate as the Palestinians, many of whom have lived in refugee camps for more than 60 years. Today, however, millions of Syrians living in informal settlements or under ISIS occupation can only dream of living under conditions similar to those of their Palestinian counterparts; for all of the challenges and vulnerabilities faced by Palestinian refugees, they at least have access to fixed shelters and, to a large extent, to basic state services. The same cannot be said of Syrian refugees, too many of whom are living in improvised shelters, too many of whom have been kidnapped, tortured, imprisoned, enslaved, shot, raped and discarded like used chattels.

This book explores one facet of the Syrian humanitarian crisis—the more than 4.3 million refugees that have fled Syria's violence and aggression in search of safety. The book explores the Syrian refugee crisis through the microcosm of Syrian refugees residing in Jordan, Lebanon and Iraq, including at both formal United Nations-administered refugee camps and at informal camps set up by groups of refugees in countries where official camps have not been sanctioned.

Among the United Nations camps explored is the UNHCR-managed Za'tari Refugee Camp in northern Jordan. With roughly 80,000 Syrians making Za'tari their home, the Camp stands as Jordan's fourth largest city and one of the largest refugee camps in the world (the second largest by some estimates). It is home to the world's largest Syrian refugee population. Moreover, the book examines UNRWA-administered refugee camps in Amman, Jordan and Beirut, Lebanon. These camps, originally established by UNRWA for Palestinian refugees, have become home to greater numbers of Palestinian refugees who have fled violence in Syria. Many of these are refugees that have been twice displaced—first from Palestine and now from Syria. In addition, we explore informal tented settlements of Syrian refugees

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<sup>11</sup> Dominic Dudley, "Accessing the Doomsday Vault: A seed storage facility deep inside the Arctic Circle is playing a vital role in ensuring farming in the Middle East has a viable future," *MEED: Middle East Business Intelligence*, Vol. 59, No. 48 (2-8 Dec. 2015), p. 23.

across Lebanon, UN camps in Iraq and urban refugee populations across the Middle East.

The following map provides a basic overview of the Syrian refugee crisis. The numbers have grown since it was published in 2015 and these numbers refer to refugees registered with UNHCR or awaiting registration. The actual number of refugees is higher than these figures as not all refugees seek to register in their host countries.

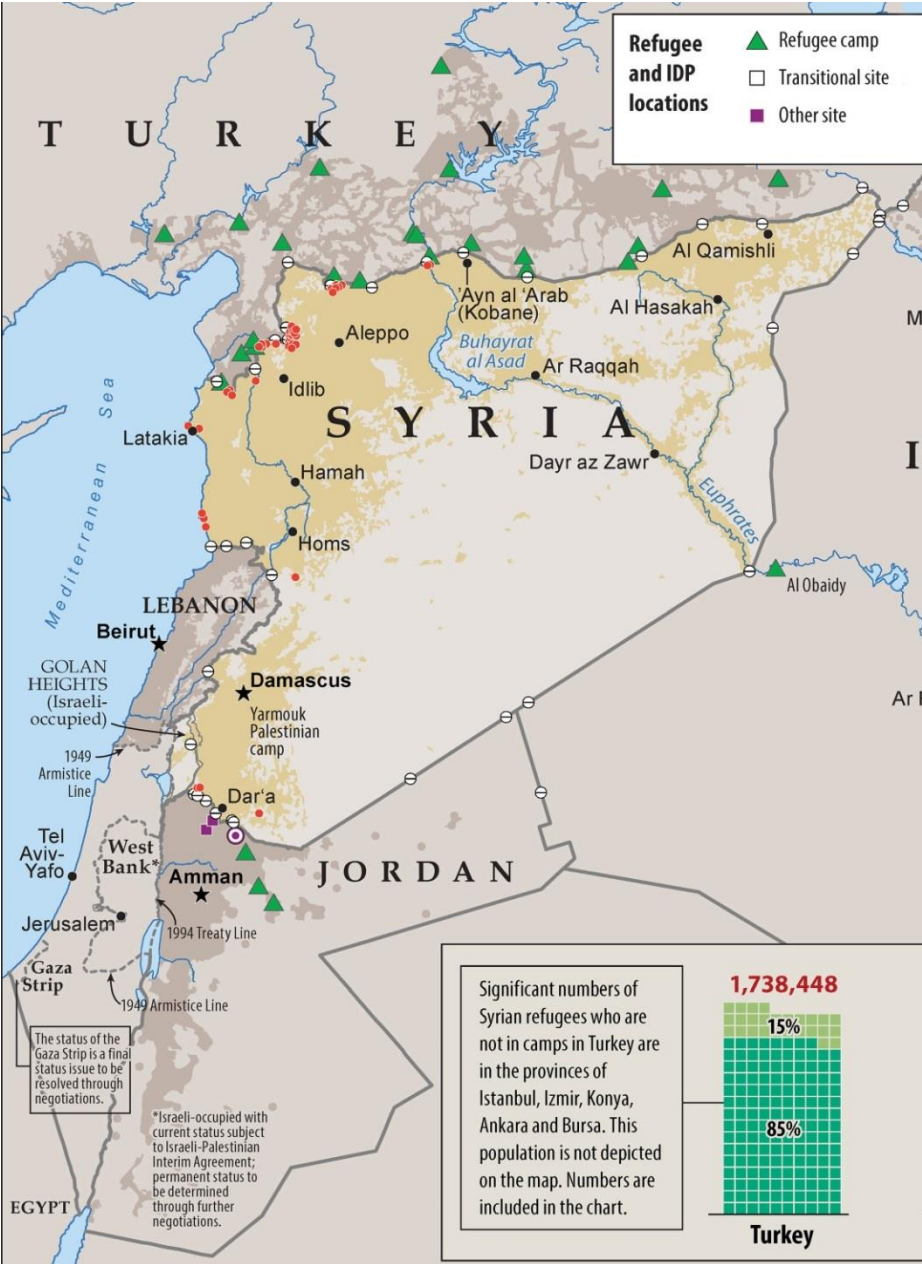
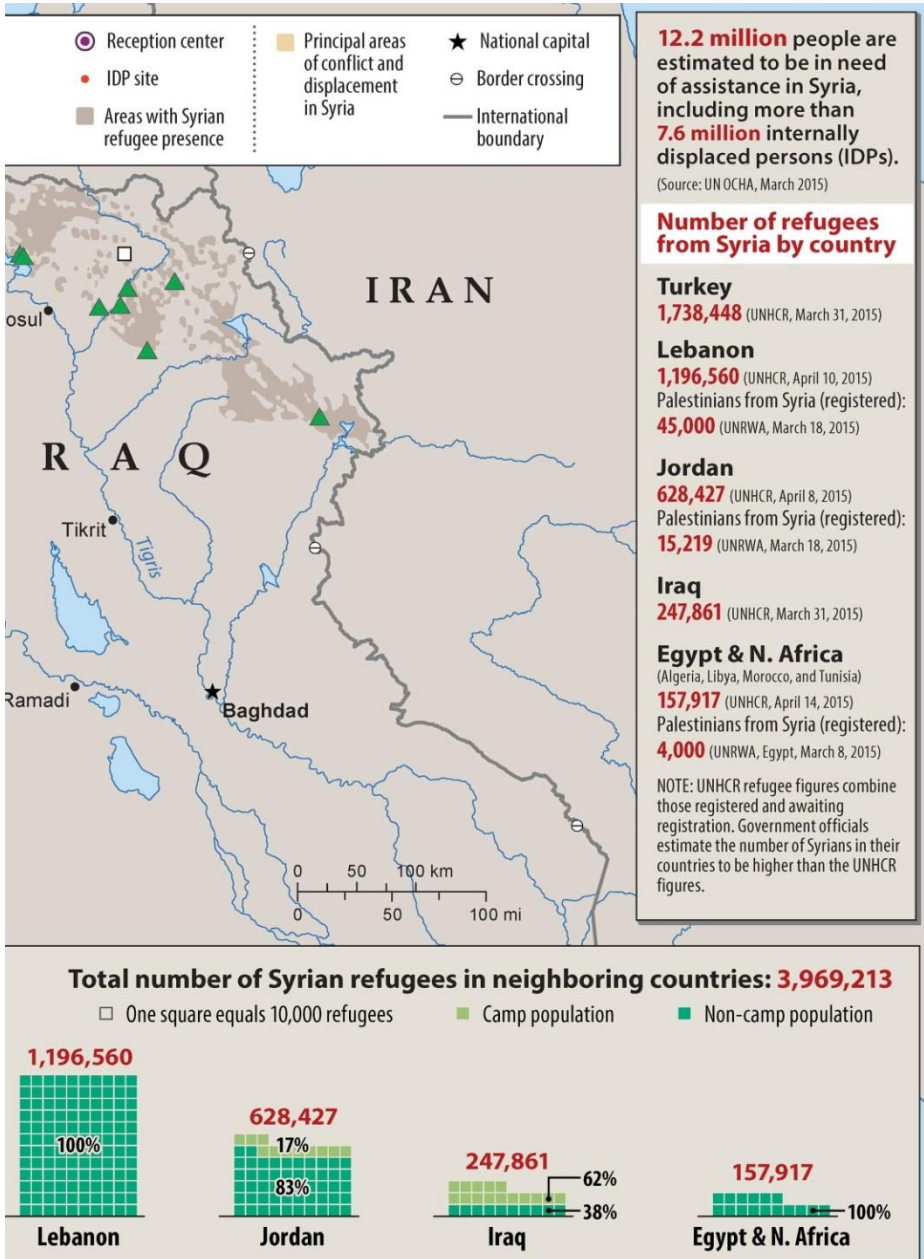


Figure 1. Numbers and locations of Syrian refugees and IDPs.



Sources: US Department of State (Humanitarian Information Unit), USAID, UN OCHA, UNHCR, UNRWA.

## B. A Responsibility to Protect?

### 1. Introduction

Given the extent of Syrian's humanitarian crisis, many are left wondering: How can the international community stand by idly while women, children and other innocent civilians are slaughtered or rendered homeless by the millions? Isn't the international community under a responsibility to protect civilians from gross and systematic violations of human rights?

The question begs an answer, but no ready consensus exists. The Syrian government and its allies argue that an intervention absent the regime's invitation and consent would constitute an affront to the principle of state sovereignty and, absent a UN Security Council resolution authorizing the use of force, would violate the UN Charter and international law. Many prominent members of the international humanitarian community, in contrast, argue that the duty of the international community to protect the Syrian population from heinous crimes trumps the principle of state sovereignty. While interfering with the sovereign affairs of a State might contravene the letter of the UN Charter and damage the international legal order, they argue, failing to act while human beings are slaughtered would run wholly contrary to the spirit, principles and intent of the UN Charter. According to this argument, such inaction would render the international legal order immeasurably more unstable than would interference in state sovereignty.

In justifying their position, interventionists rely on the emerging doctrine that has come to be known as the Responsibility to Protect (**R2P**), which, they argue, would allow for the creation of safe zones, humanitarian corridors and other demilitarized zones in Syria to allow for the safe transit of humanitarian aid, whether or not the consent of President Bashar al-Assad's regime is obtained. However, as will be discussed herein, the legal basis that R2P supporters use to justify an international intervention is founded on shaky grounds. Their position would be substantially strengthened if they abandoned the R2P argument and instead focused their attention on the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (**Genocide Convention** or **CPPG**) and other international treaties that clearly and unequivocally establish an affirmative duty to act.

### 2. The Responsibility to Protect Doctrine: A Brief Overview

#### a) *Development*

Given the experience of the 20th century, which saw countless episodes of genocide, crimes against humanity, war crimes and crimes of aggression go unpunished by the international community, a series of States and international organizations have come to recognize the R2P doctrine as an emerging principle of international law designed to protect citizens from egregious violations of international law at the hands of their own States.

Under this doctrine, the international community has a duty to intervene when a people suffers from egregious acts of violence at the hands of their State or as a result of their State's inability or unwillingness to protect its

people. Supporters of the R2P doctrine argue that in such cases, the duty of the international community to protect the population trumps the principle of sovereignty of the State in question.

### *b) Controversy of the R2P Doctrine*

The R2P doctrine, though increasingly recognized, remains controversial. One of the legal impediments to the universal acceptance of the doctrine and, more generally, to a military intervention in Syria is the principle of state sovereignty. Military intervention in a foreign State has traditionally been an affront to this general principle of law. Of course, there are cases under international law where invading a foreign State is justified, such as when such military action is necessary for a State's self-defense (see, e.g., Art. 51 of the UN Charter). It remains, however, unclear whether there is a duty to infringe a foreign State's sovereignty for humanitarian purposes, such as protecting the foreign State's population against crimes perpetrated by the governing regime.

The legitimacy of the R2P doctrine remains cloudy and uncertain under international law. In a 2000 address to the United Nations, Secretary-General Kofi Annan recognized the inherent conflict between state sovereignty and the new, emerging R2P doctrine, which undermines state sovereignty. Acknowledging the atrocities of the previous decade, he asked: "if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of our common humanity?"<sup>12</sup>

In response to Kofi Annan's 2000 address to the United Nations, the Canadian government formed the International Commission on Intervention and State Sovereignty (**ICISS**). In December 2001, ICISS concluded that when the State is unable or unwilling to fulfill its sovereign responsibility, "it becomes the responsibility of the international community to act in its place." On this basis, intervention does not contradict the principle of sovereignty, but rather complements it in situations in which the State fails to meet its responsibility.<sup>13</sup> The ICISS stated that on the one hand, "there will be damage to the international order if the Security Council is bypassed." On the other hand, there will be "damage to that order if human beings are slaughtered while the Security Council stands by." The ICISS thereby cautioned the

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<sup>12</sup> Eve Massingham, "Military intervention for humanitarian purposes: does the Responsibility to Protect doctrine advance the legality of the use of force for humanitarian ends?," *International Review of the Red Cross*, Volume 91 Number 876 (Dec. 2009), p. 804.

<sup>13</sup> Payandeh, Mehrdad, *With Great Power Comes Great Responsibility? The Concept of the Responsibility to Protect Within the Process of International Lawmaking*, 35 *Yale Journal of International Law* 469, 473 (quoting *Int'l Comm'n on Intervention & State Sovereignty, the Responsibility to Protect* (2001) at 2.29), available at <http://www.yjil.org/docs/pub/35-2-payandeh-great-responsibility.pdf>.

Security Council that single States or coalitions might undertake action under the R2P doctrine if the Security Council fails to act on its own responsibility.<sup>14</sup>

Despite these pronouncements by the ICISS, R2P remains a deeply controversial and divisive principle of international law. Most prominently, the doctrine was used to justify NATO's 1999 military intervention in Kosovo. There, Russia vetoed United Nations collective security action under the UN Charter, yet NATO nonetheless undertook military action. Many observers today agree that NATO's actions were legitimate and legally justified under international law, but some argue that NATO's failure to secure a Security Council resolution damaged the international order, with the legal certainty that the UN Charter seeks to institute being the first casualty of NATO's invasion.

### 3. Duty to Act under International Treaties

#### a) *The International Covenant on Civil and Political Rights and Genocide Convention*

Some international treaties codify a clear to act within certain contexts in clear, unequivocal terms. For example, the 1976 International Covenant on Civil and Political Rights (**ICCPR**) requires that States agree not only to refrain from violating basic rights such as the right to life (Art. 6 ICCPR), freedom of thought, conscience and religion (Art. 18 ICCPR) and freedom of expression (Art. 19 ICCPR), but also that they ensure the protection of these rights from other member States' violations (Art. 2(3) ICCPR). Under Sub-Clauses (a), (b) and (c) of the Art. 2(3) of the ICCPR, States party to the ICCPR undertake:

- (a) *To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;*
- (b) *To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;*
- (c) *To ensure that the competent authorities shall enforce such remedies when granted.*

The ICCPR thus not only prohibits States party from violating civil and political rights, but also, requires them to act to ensure the protection of these rights. It thus incorporates an affirmative duty to act.

Similarly, the Genocide Convention creates an affirmative duty to protect and "to liberate mankind from this odious scourge." It requires not only that its 140 States party refrain from carrying out the crime of genocide, but also that they "undertake to prevent and to punish" genocide (Art. I CPPG) and further

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<sup>14</sup> Payandeh, *supra* at 474 (quoting *Int'l Comm'n on Intervention & State Sovereignty, the Responsibility to Protect* at 6.37).



pledge “to grant extradition in accordance with their laws and treaties in force” of persons charged with genocide (Art. VII CPPG).

*b) ISIS’ crimes as violations of the ICCPR and Genocide Convention*

ISIS’s persecution of Christian, Muslim and Yazidi minorities across ISIS-controlled territory in Syria and Iraq has been likened to genocide by legal commentators and international human rights NGOs. ISIS’s own propaganda has, for example, characterized Yazidis as “Satan worshippers” worthy of death.

On 27 January 2016, the Parliamentary Assembly of the Council of Europe adopted Resolution 2091 condemning the acts of ISIS in the Middle East and characterizing them as genocide, war crimes and crimes against humanity. The Resolution declares as follows<sup>15</sup>:

the persecution, atrocities and international crimes amount to war crimes and crimes against humanity; stresses that the so-called “ISIS/Daesh” is committing genocide against Christians and Yazidis, and other religious and ethnic minorities, who do not agree with the so-called “ISIS/Daesh” interpretation of Islam, and that this therefore entails action under the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

On 10 March 2016, religious leaders in Washington, DC presented the Obama administration with a 278-page report documenting genocide against Christians and Yazidis in Syria, Iraq, and Libya. The US Congress mandated for the State Department to decide whether to designate ISIS as a perpetrator of genocide against religious and ethnic minorities in Iraq and Syria. On the 17 March 2016 deadline set by the US Congress, Secretary of State John Kerry declared ISIS to be “responsible for genocide against groups in areas under its control including Yazidis, Christians and Shiite Muslims,” having trapped, enslaved and killed Yazidis, “selling them at auction, raping them at will and destroying the communities in which they had lived for countless generations,” executed Christians “solely for their faith” and “forced Christian women and girls into slavery.”<sup>16</sup>

Moreover, ISIS’ egregious breaches of international law constitute violations of basic rights protected under the ICCPR, including the right to life and freedom of conscience and religion. On this basis, the international community is arguably obligated under international treaty law to act to protect the victims of ISIS’ reign of terror and ensure them access to effective and adequate remedies.

<sup>15</sup> European Parliament resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so-called “ISIS/Daesh” (2016/2529(RSP)), ¶ 2, p. 5.

<sup>16</sup> Elise Labott and Tal Kopan, “John Kerry: ISIS responsible for genocide,” *CNN Politics*, available at <<http://edition.cnn.com/2016/03/17/politics/us-iraq-syria-genocide/index.html>> (last accessed 19 March 2016).

#### 4. Galvanizing Action through the Genocide Convention

As a result of the inability of the U.N. Security Council and the international community more broadly to come to a consensus with respect to the place of the R2P in international law, the world has remained deadlocked on Syria. Consequently, thousands of Syrians have been added to the number of displaced each week in their flight from the most brutal conflict of modern time.

The inaction of the international community will now likely change with the designation of ISIS' persecution of religious minorities in Iraq and Syria as genocide, thus triggering Article I of the Genocide Convention, which creates an affirmative duty to protect. Since the Genocide Convention, an international treaty and primary source of international law, is not fraught with the same legal uncertainty, ambiguity and controversy as the R2P doctrine, the obligations it establishes to prevent and punish genocide are binding upon the parties that have ratified it.<sup>17</sup> Nowhere is this made clearer than in jurisprudence of the International Court of Justice, which found in the Bosnian Genocide Case (*Bosnia and Herzegovina v. Serbia and Montenegro*) (2007) that Belgrade breached international law not by committing the crime of genocide but by *failing to prevent genocide* in the town of Srebrenica in 1995 and for failing to try or transfer to the International Criminal Tribunal for the former Yugoslavia those accused of genocide.<sup>18</sup> By undertaking their

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<sup>17</sup> Furthermore, the Genocide Convention has been widely enough practiced among States that it arguably serves as a source of customary international law that, subject to reservations and objection, is binding on the international community as a whole.

<sup>18</sup> The decision against Serbia and Montenegro was not framed exclusively as an Article I failure to act; the International Court of Justice also examined whether Serbia and Montenegro had also committed genocide as defined under Article II of the Convention. The Court concluded that the 1995 massacre of over 7,000 Bosnian Muslim men in the town of Srebrenica (of the political entity Republika Srpska, within Bosnia and Herzegovina) was an act that satisfied the *actus reus* requirement of sub-clauses (a) and (b) of Article II of the Convention (killing members of a group and causing serious bodily or mental harm to members of the group, respectively). The Court also found that the Serbian forces acted with the requisite "intent to destroy ... a national, ethnical, racial or religious group," as required by Article II. Therefore, the Court found that both elements of Article II (*actus reus* and intent) were met and the Srebrenica massacre therefore constituted genocide, as defined under the Convention.

However, the Srebrenica genocide was committed by members of the army of Republika Srpska (the **VRS**), which was separate and distinct from Serbia. The Court concluded there was nothing that could justify concluding that acts of genocide committed in Srebrenica were perpetrated by "persons or entities" having the status of organs of the Federal Republic of Yugoslavia (**FRY**) (as Serbia and Montenegro was known at the time) under its internal law, as then in force. Nothing suggested that the FRY army took part in the massacres or that the political leaders of the FRY had a hand in preparing, planning or in any way carrying out the massacres. The Court found evidence of direct or indirect participation by the official army of the FRY, along with the Bosnian Serb armed forces, in military operations in Bosnia and Herzegovina in the years prior to the events at Srebrenica. It was not, however, shown that there was

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affirmative duty to protect, states party to the Genocide Convention will ensure their compliance with international law while also protecting the victims of the 21st century's most heinous crimes.

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any such participation in relation to the Srebrenica genocide. Further, neither the Republika Srpska, nor the VRS (its army) were de jure organs of the FRY, since none of them had the status of organ of that State under its internal law. Therefore, Serbia and Montenegro was not held responsible for the Srebrenica genocide. Rather, Belgrade breached the Genocide Convention by failing to prevent the Srebrenica genocide.