

[How Much Can We Count on International Economic and Legal Measures to Bring the Syrian Conflict to an End? Reflections on the Caesar Act and Trials in Absentia](#)

Par:

[Ghuna Bdiwi](#)

Language English

Le:

17 June 2020

The Syrian situation has been deteriorating for years now, but some recent significant developments have been noted during the last few weeks. [Disputes](#) inside the al-Assad family's inner circle, a major collapse in the Syrian pound's exchange price, [protests](#) against the al-Assad government and several other incidents have taken place, but why? What are the elements that helped weaken the al-Assad regime? While the answer is very complicated and divergent arguments can be surfaced, activists on social media and some [analysts](#) point to two major factors that have contributed to such advancements. The first factor has an economic nature and is directly impacting the al-Assad regime, that is the approaching application date of the [Caesar Syria Civilian Protection Act of 2019](#) (Caesar Act). The second factor is legal, that is the Koblenz trial in Germany, which has an indirect impact on the regime. Although the two factors are quite distant from each other, each have generated shakiness and instability within the system of the regime.

On the 17th of June 2020, the [Caesar Act](#), which was signed by the U.S. president on the 20th of December 2019, will be activated. The act is expected to enforce strict economic measures on the al-Assad government and any party that deals with the regime. The aim is to stop the fatal war, halt the regime's murderous attacks on Syrian civilians, and back a government transition in Syria that respects the rule of law and human rights. The act enforces measures against critical business and economic sectors, in order to halt transactions and dealings made with the government. It will investigate the activities of the Central Bank of Syria, hoping to establish whether or not it has been used by the al-Assad regime for money laundering activities. It imposes penalties and confiscates the funds of those involved in such acts, whether Syrian or any other nationality— as well as imposes travel and visa restrictions to the USA for those involved. The act also imposes sanctions against foreign persons who engage in transactions with the al-Assad government or provide, sell and support its government with any significant goods, materials, technological services, information, in addition to gas and petroleum activities, aircraft parts, military machinery and engineering services. However, according to the Act, sanctions can be lifted if the government halts its human rights violations against civilians, stops the killing - particularly the bombing of medical facilities, schools, residential areas, and community gathering places, releases detainees arbitrarily captured and political prisoners and allows for ["safe, voluntary, and dignified return of Syrians displaced by the conflict."](#) Although the Caesar Act has been well-received by many activists and jurists - as it provides a glimmer of hope in the midst of international and legal inaction - residents of al-Assad controlled areas are concerned about the negative impacts of the act on civilians inside Syria.

The second factor is the ongoing [Koblenz trial](#) in Germany, which is considered to be the first legal proceeding concerning government-sponsored torture in Syria. To try the suspects, the German courts have relied on the principle of universal jurisdiction, a universally recognized human rights doctrine that aims to end impunity of war crimes perpetrators. It allows courts to put its hands on criminal cases regardless of the territory in which the alleged crimes took place. On 23 April 2020, the momentous trials began for two former state intelligence officers who operated the security branches at [Syria's General Intelligence Directorate](#) and later took refuge in Germany. The officers are suspected of aiding and abetting crimes against humanity, including the torture, harm and abuse of political prisoners. Notably, one of the suspects is an ex-colonel in the Syrian intelligence service and high-ranking personnel of the al-Assad regime. The [Koblenz trial](#) in Germany offers breezy optimism and a glimpse of hope, which was obvious by the number of followers of the proceedings. It could be a turning point for those who are seeking to hold criminals accountable for crimes in Syria.

Despite the efforts being made, the question remains that: following the countless failures of the international community to take proper measures to stop the war, how much can we expect from an American sanctioning

act and trials in the diaspora? It seems that the bitter experiences of Syrians have taught them not to raise their hopes very high when it comes to international politics, but what I want to suggest is that both the Caesar Act and the Koblenz trials have expressed a language that is important by itself, because it obviously constituted a threat to the al-Assad regime. The trials send a message to perpetrators that even though we cannot, at the current moment, hold them in to account, if we could, we would punish them. Also, the Caesar Act sends a message alerting those who are dealing with the regime of their illegal acts. Both measures, the Act and the trials, are thus destabilizing the regime and encouraging it to take serious steps to halt its continuous violations against civilians. Although neither the Caesar Act nor the [Koblenz trial](#) has yet generated any results -suspects in Germany are still at the trial stage and the Caesar Act has yet to be activated, their consequences on the ground were visible. Countries who planned to return its diplomatic relations and participate in the re-building efforts are now hesitant to take such steps. Internal rifts inside the al-Assad family have begun to surface. In less than one week, the Syrian economy further [collapsed](#), as the Syrian pound plummeted to its lowest rate, at 2500-3000 SYP to the US dollar, in comparison to its 2019 exchange rate of 600-900 to the US dollar.

The actual impact of these measures is yet to be tested. If other states can hold trials similar to those in Germany and if the Caesar Act is genuinely implemented without been used as a political gain for the US in Syria, both measures might be the final few straws that are needed to limit al-Assad repression and put an end to the Syrian war.

Les réflexions contenues dans ce billet n'appartiennent qu'à leur(s) auteur(s) et ne peuvent entraîner ni la responsabilité de la Clinique de droit international pénal et humanitaire, de la Chaire de recherche du Canada sur la justice internationale pénale et les droits fondamentaux, de la Faculté de droit de l'Université Laval, de l'Université Laval ou de leur personnel respectif, ni des personnes qui ont révisé et édité ces billets, qui ne constituent pas des avis ou conseils juridiques.

This blogpost and the author's attendance to the 18th Assembly of States Parties to the International Criminal Court are supported by the Canadian Partnership for International Justice and the Social Sciences and Humanities Research Council of Canada.



CPIJ
PCJI

CANADIAN PARTNERSHIP
FOR INTERNATIONAL JUSTICE

PARTENARIAT CANADIEN
POUR LA JUSTICE INTERNATIONALE

Sujet:
[Syrian Conflict](#)