

---

ISSUE BRIEF: CIVILIAN PROTECTION IN SYRIA  
DECEMBER 2012

---

## Introduction

Since the beginning of Syria's armed uprising, various actors have called for outside military intervention to protect civilians, though Western countries have shied away from publicly backing a robust, Libya-style NATO-led intervention. Now, some modest, though intensifying, militarized efforts to support Syria's opposition are underway. For example, Turkey, Qatar, and Saudi Arabia are supplying the rebels with weapons, communications equipment, and, other military hardware. Some Western countries, like the United States and France, are also sending non-lethal military supplies to the rebels. In late July 2012, the US Treasury Department authorized the Syrian Support Group, a Washington, DC based non-profit organization, to raise funds from Americans and pass them directly to the Free Syrian Army and the military councils. In November, states like Britain, France, and Turkey, as well as the Gulf Cooperation Council began recognizing the newly formed National Coalition of Syrian Revolutionary and Opposition Forces as the sole legitimate representative of the Syrian people, paving the way for increased outside military support. And NATO has approved a request from Turkey to place Patriot missile batteries on its soil.

The Center does not take a side in the war, nor does it advocate a particular solution to stopping the violence wreaking havoc on the civilian population. Rather, we have concerns about the conduct on both sides, about the capabilities and mindset of the armed opposition in avoiding the civilians it purports to support, and about how the military interventions currently being considered by various states will be implemented without causing more harm to civilians.

Foremost, the Center believes military support to the rebel opposition should be tied to civilian protection and accountability mechanisms. Further, introducing new, as well as more sophisticated and/or more powerful weapons, into a civil war—increasingly being fought in urban areas in some cases by people with very little or no formal training—will almost certainly increase risks to civilians. The Center firmly believes that any actor considering supplying Syria's armed rebel factions with weapons has a singular responsibility to assess the end-user's battlefield tactics and understanding of basic civilian protection principles, and their impact on civilian populations.

This short issue brief provides general background information on the civilian protection mindset of Syria's armed opposition, as well as recommendations for governments and others considering providing weapons to the rebels. It is not an exhaustive guide, but rather a rough assessment meant to highlight critical issues and civilian protection concerns as they pertain to the rebels. Research for this brief was conducted during two field missions to assess civilian protection issues associated with the Syrian conflict. First, in June and July 2012, Center staff traveled to Jordan, Lebanon, and Turkey to assess pressing humanitarian and protection concerns facing civilians fleeing Syria. The Center also began assessing the impact of the armed opposition's tactics on the civilian population inside Syria. Center staff returned to the region in September 2012, including travel into Syria, to dig deeper into rebel factions' civilian protection mind set.<sup>1</sup> Most interviewees requested anonymity.

## The Armed Opposition

Figures on rebel-caused civilian casualties are non-existent, however, it is a fact that rebels are causing civilian casualties and sometimes violating international humanitarian law (IHL).<sup>2</sup> The Center conducted over thirty interviews with commanders and fighters from armed opposition groups operating in Homs, Idlib, and Aleppo provinces with the goal of understanding precautions taken in battle to avoid civilians and the potential for adoption of civilian protection principles and tactics. The interviews were off the record. Interviewees ranged from senior Syrian army defectors to activists, local businessmen, and students who took up arms, to members of the Syrian diaspora and non-Syrian foreigners, including some from Western countries, and further ranged from democratic and secular to moderate Islamist to rigid Salafists (these were a minority).

### The Armed Opposition Landscape<sup>3</sup>

The consolidation and clarification of a unified armed opposition force, a precondition for more robust foreign support, is a far cry from complete. The disparate operations of a multitude of opposition groups has created a vacuum of agreed upon standards for mitigating civilian harm. Without agreed upon principles to mitigate civilian harm and the ability to push training of these principles down an established chain of command, the independent and disparate nature of these groups risks both civilian lives and the legitimacy of the armed opposition movement.

The armed opposition still mostly consists of disparate battalion-sized groupings of armed revolutionaries. "Battalions" are usually led by one or two commanders, and primarily organized around protecting their local area, though some are now operating beyond their original locales and coordinating directly with other battalions. Many fighters appear to identify with their immediate commander and are more loyal to them than to Free Syrian Army (FSA) leadership, resulting in little ability to create a unified mindset around civilian protection.

---

1 Much of the information contained in this document was part of a larger briefing paper the Center distributed to privately to policymakers in October 2012. In light of the intensifying debate around international intervention in Syria, the Center decided to publically issue relevant sections from that paper.

2 For more on potential war crimes committed by the armed opposition, see the "Report of the Independent International Commission of Inquiry on the Syrian Arab Republic" available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50_en.pdf).

3 This section is not intended to serve as definitive guide to the armed opposition; rather it is just a brief overview to set the stage for the sections that follow. Other organizations, such as the Institute for the Study of War, have done much more extensive writing on the composition of the Syria's armed opposition. The International Crisis Group has also published an excellent survey of Syria's fundamentalist opposition, "Tentative jihad: Syria's fundamentalist opposition," October 12, 2012.

Several efforts are underway to develop a more coherent command and control structure, mostly by unifying battalions under a larger command, roughly equal to a brigade. The initial and most ambitious attempt at organization to date was undertaken by General Mustapha al-Sheikh shortly after he defected in late 2011. In January 2012, al-Sheikh formed the FSA's High Military Council to coordinate subordinate regional military councils, themselves responsible for coordinating local opposition units. The military councils are also complimentary to "revolutionary councils," which have a slightly more civilian complexion and coordinate the political and humanitarian activities of local activists. The activities of both military and revolutionary councils overlap to a dizzying degree, making it difficult to determine who is in charge.

Center interviews with armed rebels suggest that defectors are still not fully trusted by the majority of rebels, who are not former military or allied with the Syrian regime. One senior commander said, "They have had positive impact on our tactics, which is a good thing. But when I think deeply about them, it's hard to forgive some of them for what they did before [defecting]...I think this effects for our unity".<sup>4</sup>

Personal rivalries and power struggles among several top opposition commanders complicate the tenuous chain of command—for example between Colonel Assad, the FSA founder, and General Mustapha al-Sheikh, who heads up the high revolutionary council. Their rivalry has split provincial military councils and weakened the overall chain of command.

A more recent attempt at unity is the formation of the *Liwa al-Tawhid*, or Unity Brigade. Formed in July 2012 in Aleppo, it was meant to function as a coalition of individual brigades focused on wresting Aleppo city from regime control rather than act as a single unified military command.<sup>5</sup> Brigade leaders claim to have over 3,500 men under their command, making it the largest rebel command in Syria.<sup>6</sup> However, it is not entirely separate from the military and revolutionary councils discussed above—it is led by Abd al-Aziz al-Salameh, the head of the Aleppo revolutionary council.<sup>7</sup>

Other rebel groups operating on the battlefield muddy the water even more. Many are groups not aligned with either the FSA or the military councils, while others value their independence from the FSA leadership and/or are foreign fighters and jihadists. The "non-aligned" or "independent" groups appear to be mainly Syrian Salafists (or Muslim puritans). Some of these Salafist groups have also organized themselves into alliances.<sup>8</sup> Other local groups like the Farouq Brigade, a large rebel group from Homs, are also keen to keep their own identity.<sup>9</sup> Their battlefield prowess has swelled their ranks and their resources.<sup>10</sup> Rebel commanders seem loath to forfeit their newfound and hard-won power to unproven coordination bodies.<sup>11</sup>

## How the Armed Opposition Views Civilians in the Battle Space

It's impossible to comprehensively assess the protection mindset of the armed opposition given the multitude of factions on the battlefield. There are probably hundreds of different groups

4 Center interview, Turkey, September 2012

5 Center interview, Turkey, September 2012.

6 Jeffrey Bolling, "Rebel groups in Northern Aleppo province", Institute for the Study of War, August 29, 2012.

7 Anthony Lloyd, "Birdsong, rotors then the roar of rocket fire at Syria hospital", The Australian, June 16, 2012.

8 For more on these alliances see International Crisis Group, "Tentative jihad: Syria's fundamentalist opposition," October 12, 2012.

9 "Entropy increasing," The Economist, September 15, 2012.

10 Center interviews, Northern Lebanon, June 2012 and Turkey and Syria, September 2012.

11 Center interviews, members of the armed oppositions, analyst and activists, Lebanon and Turkey, September 2012.

operating on the ground with different ideologies or worldviews, and varying levels of training in military tactics, weapons use, and targeting. Our assessment here of the actions and rhetoric of individual component battalions should not act as a substitute for thorough analyses by donor and invested governments.

## Discussing Civilian Casualties

Predictably, civilian protection and harm are hard topics to broach with a group of men who firmly believe in the righteousness of their cause, and who maintain a sense of “good guy” exceptionalism. Most discussions of casualties were initially perceived as a criticism, as well as an unjustified comparison to the Assad regime. Not all rebels denied their mistakes; however, most downplayed their impact on civilians, excusing harm as individual acts justified by special circumstance, or as more palatable in contrast to the regime’s engagement in widespread atrocities.

The opposition—both armed and political—is increasingly intolerant of criticism having to do with civilian casualties, including from within and outside their own ranks. Center staff encountered numerous civilians unwilling to speak about rebel battlefield behavior for fear of harassment. A civilian interviewee in Jordan told the Center in June that the FSA warned him of dire consequences if he or his family spoke negatively about the rebels.<sup>12</sup>

All warring parties should track the civilian harm they cause, though currently no party in Syria is doing so, including the armed opposition. In that vacuum of information, the UN and other civil society members with access to the population should be supported in recording and publishing disaggregated casualty figures from the Syrian conflict. Not only will the information help expose the true civilian cost of the conflict, but an analysis of trends can be used to incite positive changes in tactics should the armed opposition be willing to learn lessons. Certainly, any state offering support to the rebels should be pressing for such self-reflection and tactical improvement.

## Rebel Protection Mindset

Many rebels see themselves—and want others to see them—as a civilian revolutionary force called to arms because of the actions of the Assad regime. This appears to inform the way they conduct operations and view the population.

Those with whom the Center spoke were aware of civilians in the crossfire, and for the most part stated their intent to avoid collateral damage. While some of this was rhetoric for our staff in the room, our team believed many interviewees to be genuine in their concern for civilians. Many opposition units were formed as village defense forces, and were keen to avoid harming local civilians since locals were also friends and family.

The armed opposition is now going on the offensive, moving into other areas where they lack acute local knowledge. The battle for Aleppo is a case in point, as a number of units from around northern Syrian had to coordinate for the offensive. A commander from an Aleppo brigade told Center staff that because some units were unfamiliar with the city, they were not as effective as local units in locating and warning civilians to evacuate before they advanced, resulting in many coming under regime shelling.<sup>13</sup>

<sup>12</sup> Center interviews, Jordan, June 2012.

<sup>13</sup> Center interview, Syria, September 2012. The fact that this commander was criticizing his fellow fighters is another indication of the willingness of some rebels to discuss their mistakes and learn from them.

The opposition often speaks of justice and accountability, but only in regard to regime abuses and not its own actions.<sup>14</sup> This rhetoric matters, not only to Alawites who hear the threat of collective retribution, but also in creating a mindset among masses of fighters. This way of public speaking reinforces an idea of an existential fight and acceptance to employ all means toward the destruction of the enemy, regardless of civilian harm.

Moreover, the growing influence of Salafists within the armed opposition means that justification for violence is increasingly viewed within an Islamic frame of reference.<sup>15</sup> While Islamic law is not necessarily incompatible with civilian protection, the Salafist opposition groups the Center spoke with often justified civilian casualties caused in their operations as God's will and thus unavoidable.

## Civilian v. Combatant

Defining who is a civilian is probably the most problematic element of the opposition's protection mindset. Defectors, particularly the higher ranks, have a IHL-infused understanding of 'civilian' and 'combatant' because of their former military training. A senior officer in the FSA said, "International law defines civilians as someone who is not part of an army or a military group... someone not carrying a weapon."<sup>16</sup> Despite public statements by the FSA commanders that reflect IHL's distinction between civilians and combatants, interviews with fighters suggest the many on the battlefield do not put as fine a point on it.<sup>17</sup>

Many of the rebels who did not defect from Syrian forces loosely understand 'civilian' as someone without a gun, but have a harder time differentiating between civilians who share political, ethnic, or religious affiliations with the regime. Center interviews suggest many fighters still perceive themselves as civilians and some see Alawite civilians as a legitimate military target, a perception compounded by the Assad regime's use of Alawite proxy militias.

## Chain of Command

There remains no single unified chain command for Syria's armed opposition. However, the formation of the Tawhid Brigade is an important development toward that goal,<sup>18</sup> at least in Aleppo province.

The commander of the largest constituency of the new Tawhid Brigade previously stated in a YouTube video that his soldiers' main goal was the protection of civilians in northern Aleppo.<sup>19</sup> It is not clear whether the Tawhid Brigade will incorporate this principle. The inclusion of so many disparate groups for the sake of battlefield efficacy may dilute this kind of principled leadership on civilian protection. The lack of trust between brigade leaders further hinders agreement on battlefield principles.

Local clergy are also increasingly relevant for ethics on the battlefield, as the breakdown of government is forcing communities to rely on older systems of societal order. Interviews with a variety of Syrians from Idlib and Aleppo suggest that local sheikhs are increasingly influential over the rebel leadership. The application of Sharia law (as it pertains to battlefield

<sup>14</sup> "Syria's mutating conflict," International Crisis Group, August 1, 2012.

<sup>15</sup> Again, for more on Salafists role in Syria's civil war see International Crisis Group, "Tentative jihad: Syria's fundamentalist opposition," October 12, 2012.

<sup>16</sup> Center interview, Turkey, September 2012

<sup>17</sup> Center interviews, Lebanon, Turkey, and Syria, June – September 2012.

<sup>18</sup> See below.

<sup>19</sup> Jeffrey Bolling, *Ibid.*

conduct) appears to vary from battalion to battalion, but it is certainly something many units turn to when considering how to deal with the treatment of civilians in war.

## Training

Some rebels are receiving organized weapons and tactical training from Syrian army defectors, and training from the special forces of other nations. Yet not one interviewee said he had received any sort of IHL or basic civilian protection instruction.

Most rebel interviewees readily understood the point of this line of questioning from the Center. But when asked whether they wanted or thought they needed some sort of civilian protection instruction, most responded lukewarmly at best. Most believed that, because they understood themselves to be civilians, they intuitively know how to limit harm to other civilians. Moreover, most interviewees were interested in protection training only if it meant increased access to money and weapons. Interviewees who said trainings were unnecessary were mostly Salafists, who saw the Koran as providing adequate guidance on these issues.

## Efforts at Self-discipline

Center interviews with rebels inside and outside Syria indicate that some armed elements are willing to more firmly commit to international norms around civilian protection, and employ battlefield tactics that minimize civilian casualties.

There are some clear examples of the opposition forces adjusting their tactics to protect civilians. For example, in March 2012, during the siege of the Baba Amro neighbourhood of Homs, the Khalid bin Walid units of the FSA reportedly made a strategic withdrawal to spare civilian lives.<sup>20</sup> Leaders of the FSA's Farouq Brigade held an informal lessons-learned session in June in Lebanon to review tactics they employed in Homs to determine if they were putting the civilians at risk.<sup>21</sup> Given the fragmentation and localized nature of the armed oppositions, it is difficult to say if these examples are indicative of an emerging policy on civilian protection sent down a formalized chain of command, or individual, singular acts.

A number of opposition groups have also signed various codes of conduct stipulating that they will respect minorities both on the battlefield and in a future Syria. Further, over the past several months, rebel groups fighting under the banner of the FSA have signed various codes of conducts to address evidence and allegations of lawlessness and misconduct within the armed opposition, particularly the mistreatment of prisoners of war. In July, the FSA's high command issued a "Proclamation of Principles" pledging their commitment to pluralism, democracy, and international humanitarian law.<sup>22</sup> As a result of pressure from Syrian civil society activists, the FSA issued a more detailed pledge with specific reference to the humane treatment of prisoners, as well as prohibitions against abusing civilian populations, including through looting, ransom-taking, and harassment on racial religious grounds.<sup>23</sup>

20 Joseph Holliday, "Syria's Armed Opposition", Institute for the Study of War, March 2012. Pg 21. An FSA commander explained the decision to leave at the time to CNN by stating, "We don't want to give the regime an excuse to kill more civilian". Quoted in Holliday, p 21.

21 Center interviews, FSA fighters, Lebanon, June 2012 and Turkey, July 2012.

22 "Proclamation of Principles and Code of Conduct", Free Syrian Army, available at: <http://backchannel.al-monitor.com/wp-content/uploads/2012/07/FSAProclamationofPrinciples-Logo.pdf> and "Code of Conduct", Local Coordination Committees, August 2012.

23 Copy on file with the Center.

While these are clear steps in the right direction, it has been difficult for the signatories to enforce these codes of conduct. Given how fractious and inaccessible much of the opposition landscape is, it is impossible for outside observers to know the extent to which opposition groups are abiding by them. Some FSA rebels were simply unaware of the Proclamation of Principles, while others the Center interviewed were aware of them but still described mistreating prisoners they suspected of being regime spies.<sup>24</sup> For other FSA-aligned rebels, the codes of conduct are abstract documents, which they do not consider binding. One commander said, “We’ve heard of these codes. We of course try to follow what we know of them, but we don’t always take orders from Apaydin [FSA headquarters in Turkey]. They are in Turkey, we are in Syria fighting.”<sup>25</sup>

Moreover, efforts at self-discipline have not yet committed fighters to taking some of the most basic battlefield precautions to limit the impact of their operations on civilian populations, such as proportionality and distinction, and prohibitions against using civilian homes to launch an attack or engaging in perfidious assaults. To be fair, some rebels are taking precautions similar to those obligated under international law, but they appear to be ad hoc.

Syria’s opposition should immediately issue specific guidelines outlining how its forces will protect civilians in the battle space. This undertaking will require technical assistance from international law and civilian protection experts. Moreover, any state or third party offering training, funds for weapons, or weapons themselves to the opposition should, at a minimum, condition assistance on the rebels’ adherence to international legal obligations and their own codes of conduct.

## Precautions and Use of Force

Rebel factions described to the Center the precautions they take to reduce civilian casualties. The most common was warning civilians of an impending offensive, mainly through scouts sent ahead of forces. Some units reluctantly admitted that this was sometimes difficult, given the prevalence of regime spies hiding among civilians. One senior FSA commander said:

*Of course, in the areas where [we] are going to launch an attack we send messages. In some cases, we beg the civilians to leave because we are launching a mission in the future. In most cases they leave. At the beginning of the operation too we give warning. We fire warning shots.<sup>26</sup>*

Other stated precautions include:

- » Launching ambushes on regime check posts (the most common rebel target) at night when civilians are less likely to be outside;
- » Using only remote controlled IEDs and planting them on roads travelled primarily by regime forces; and
- » Warning civilians of the location of IEDs when possible.

Most rebel interviewees seemed to have learned that firing on regime forces from inside a civilian home invites return fire. Still, on September 17, 2012, ten civilians were killed in a Syrian airstrike on a rebel firing position located next to an occupied apartment building.

<sup>24</sup> Center interviews, Turkey, July and September 2012.

<sup>25</sup> Center interview, Turkey September. Rebel commanders and fighters under their command echoed this sentiment repeatedly in conversations with Center staff; “Syrian rebels sign battlefield ‘code of conduct’”, Reuters, August 8, 2012.

<sup>26</sup> Center interview, Turkey, September 2012.

Civilians reportedly warned the rebels several times to remove anti-aircraft guns from the top of a neighboring building before the attack.

It appears some commanders have instructed those under their command to use the least amount of force and ammunition possible. However, this may be a tactic to preserve ammunition rather than civilian life. One FSA commander said:

*Honestly speaking, we set weapons first to single shot because we don't have resources anyway. ...we even shoot only once or twice at target, hoping they'll respond with much more force. We do this so they will run out of ammunition and make it easier for us to take over the target.*<sup>27</sup>

Most units said they didn't have indirect fire weapons, though media reports and Center interviews suggest rebels are increasingly gaining access to them. Army defectors appear to be training other rebels how to use them, but it's difficult to say for sure what the consequences have been for civilians.

## Internal Force Accountability

A number of anecdotes suggest that some unit commanders in Idlib and Aleppo provinces affiliated with the Tawhid Brigade have taken disciplinary action against fighters for disobeying orders and/or harming civilian life or property.<sup>28</sup> For example, in Aleppo province three months ago, a Tawhid Brigade unit launched an operation to kill a regime general. The ambush went wrong and three unsuspecting civilians were killed. Several leaders of the unit decided the fighter most responsible for planning the operation should be disarmed and removed from the unit. A member of the unit said:

*We need all the fighters we can get. But we thought it was better [to] remove him; we wanted to send a message to people we are serious about civilians. We didn't want [to] lose the support of the people.*<sup>29</sup>

Most often, though, the punishment for disobeying an order appears to be temporarily taking a soldier's weapon, as a humiliation. A senior FSA commander said: "Since these soldiers are fighting for their dignity and freedom they feel the need to fight. So by taking the weapons from his [sic] for a few days, the loss of face teaches him a lesson. We also take further measures if necessary by putting a disobedient soldier in prison."<sup>30</sup>

Several members from an Aleppo-based unit aligned with the Tawhid Brigade said the brigade commanders are considering standing up a unit to audit the behavior of units under their command. This special unit would be part of the brigade, but would have the power to investigate crimes committed independently. One fighter familiar with the plan described the proposed unit as "internal affairs unit." He said anyone would be able to bring a complaint to the commander, including civilians, to be investigated.<sup>31</sup> Whether such investigations actually occur, and what civilians bringing claims receive in response, is as yet unknown.

<sup>27</sup> Center interview, Turkey, September 2012.

<sup>28</sup> According to the International Crisis Group, in the final meeting of rebel leaders prior to the formation of Tawhid Brigade, its eventual leader, Abd al-Aziz al-Salameh, stressed discipline and warned that any fighter who harmed civilian life or property would be tried and punished. See International Crisis Group, *Ibid.*, 24.

<sup>29</sup> Center interview, Turkey, September 2012.

<sup>30</sup> Center interview, Turkey, September 2012.

<sup>31</sup> Center interview, Turkey, September 2012.

## Amends for Civilian Losses

Surprisingly, some units are “making amends” to civilians they hurt during the course of their operations, meaning they offer recognition for their losses and, sometimes, a monetary payment. For example, a junior rebel commander described the process his unit went through after they damaged a civilian house during an operation in Aleppo province. First, the unit commander asked the owner for forgiveness. The owner asked for 100,000 Syrian Pounds (SYP) (1,500 USD) but the unit could only afford to compensation 80,000 SYP (1,150 USD). The victim said they could pay the difference later. However, units offering such amends are exceptions. “It’s a general rule among us and it’s different from unit to unit. Most rebels don’t even think about doing such things. Most of us think, ‘hey it’s a war, people die, I am not supposed to pay.’”<sup>32</sup>

## Worrying Trends on Civilian Protection

In recent months, armed opposition factions appear to have embraced more radical guerrilla tactics, such as suicide bombings. Over the course of the summer, numerous rebels fighters, community leaders, and activists conveyed to Center staff their sense of abandonment by the international community, which in turn has led some to embrace more drastic and desperate uses of force.<sup>33</sup> Regardless of the reasons, perfidious attacks (such as suicide bombings), where the opposition pretended to be civilians in order to carry out attacks on regime targets, unquestionably put civilian lives at risk.

On September 26, twin rebel suicide bombings in the Syrian capital killed at least five people.<sup>34</sup> On October 9, Jibhat al-Nusra, an extreme Salafist opposition group, reportedly carried out twin suicide attacks killing dozens of people. Some of the attackers apparently disguised themselves in an explosives-packed ambulance, which they detonated while driving into a Syrian Air Force compound near Damascus.<sup>35</sup> Such perfidious attacks are violations of international law.

We note that not all armed opposition factions, including other Salafist organizations, are supportive of these tactics that violate international law. Activists and armed opposition members alike have been critical of suicide bombings, particularly in crowded civilian areas. In fact, in interviews with Center staff, FSA commanders and others have been quick to condemn suicide bombings as an unacceptable form of violence, citing their unpopularity with civilian populations.<sup>36</sup> Again, the lack of a proper chain of command, rules of engagement, and a deep understanding of protection best practices has led, at best, to disagreement among factions about civilian protection and, at worst, to tactics among some groups that put civilian lives in danger.

---

<sup>32</sup> Ibid.

<sup>33</sup> Center interviews, Jordan, Lebanon, Turkey, and Syria, June-September, 2012. For more on this topic see C.J. Chivers, “Syrian rebels say west has abandoned them”, *The New York Times*, October 5, 2012.

<sup>34</sup> “Iranian reporter killed by sniper at scene of blasts targeting Syria military HQ in Damascus,” *CBS News*, September 26, 2012.

<sup>35</sup> “Blasts at Syria air force compound kill dozens: NGO,” *Agence France-Presse*, October 9, 2012.

<sup>36</sup> Center interviews, Lebanon, June 2012 and Syria and Turkey, September 2012.

# Recommendations

## *On Engaging the Armed Opposition*

Any state or third party offering funds for weapons or weapons themselves to the opposition should at minimum do the following:

- » Demand a public statement of compliance with civilian protection principles under international law and renunciation of any action that recklessly places civilian lives at risk, including a firm commitment not to use landmines.
- » Offer technical assistance and training for rebels on how to minimize civilian harm during the course of legitimate combat operations (see below).
- » For states, appoint an inspector general with the authority and expertise to independently monitor and report publicly that funds are not being used against civilian populations. Note that vetting and monitoring of this sort cannot prevent weapons from transferring to other individuals or groups during the conflict or afterwards, with far-reaching ramifications for civilians.
- » Make clear to third party entities their responsibility to proactively report any cases of non-compliance with donor-government regulations, inadvertent or otherwise, particularly the diversion of funds to individuals or groups that may put Syrian civilians at risk. States should emphasize to third party entities that failure to comply would lead to sanctions, such as being blacklisted from future contracts and licenses.
- » Convey to Syrian opposition groups that to receive support there will be a ‘zero tolerance’ policy on any acts of revenge killing against Alawite civilians or other religious or ethnic minorities, regardless of those civilians’ actual support or perceived support for the Assad regime.
- » Syria’s opposition should immediately issue guidelines, separate from current codes of conduct, specifically outlining how its forces can protect civilians in the battle space. Rebel commanders should ensure everyone under their command is aware of their obligations to mitigate civilian harm, and should promptly investigate and discipline fighters suspected of violating those obligations.

## *Training the Armed Opposition*

Several nations’ special forces are reported to be training the armed opposition on battlefield tactics and weapons use.

Such trainings should prioritize:

- » Best practices in civilian harm mitigation, including tracking and investigating civilian casualties, appropriate responses to civilians suffering harm, and the safe collection, stockpile and destruction of unexploded ordnance. Moreover, states should commit to denying any request by opposition forces for training on landmine usage.

- » A prohibition on conducting combat operations from civilian homes and infrastructure, and training on distinctions between civilians and combatants. Many best practices exist in the latter area, particularly from recent US and allied operations in Afghanistan.
- » A process by which the armed opposition can assess its own operations, including by centrally tracking civilian harm caused by its forces. Opposition forces should be commanded to report casualties to their leadership, which in turn should house this data and analyze it for trends and possible tactical improvements. States supporting rebel forces should encourage the creation of this mechanism, including with technical assistance.
- » A process by which the armed opposition can hold its forces accountable, with the understanding that international inquiries will be conducted post-conflict and that the movement's legitimacy rests on its conduct in combat. Moreover, opposition groups, armed and unarmed, should be urged to pledge their assistance with any criminal investigations.

### *Addressing the Humanitarian Concerns*

The UN Security Council can—and should—unite to address mounting humanitarian concerns in Syria. In concert with the Arab League, the Security Council should:

- » Encourage and support Syria's neighbors in keeping their borders open for all refugees seeking asylum and protection, and urge against refugees' forcible return to Syria, recognizing that for many thousands of Syrian civilians, fleeing to another country may be the only option for safety.
- » Urge the donor community—without delay—to scale up their contributions to enable aid agencies to help those affected by the crisis. Support should include financial assistance to countries hosting refugees, UN agencies, local and international NGOs, and community organizations to support vital refugee services, as well as assistance to families hosting refugees. Donors should be prepared to extend this support over the long term.
- » Support the creation of an appropriate mechanism to track civilian casualties within the UN offices in Damascus. This could be done relatively quickly given the UN's experience monitoring casualties in other conflicts. For example, the UN could migrate the UN Assistance Mission in Afghanistan's well-established tracking process from Kabul to Damascus.
- » Immediately underwrite an emergency awareness campaign to warn Syrians about the dangers of unexploded weapons in Syria. This campaign should attempt to work with major media outlets heard or viewed by Syrians to run announcements alerting the population to dangers of handling these munitions. The UNSC should also immediately urge the Syrian government and opposition to assist with this education campaign, as well as with clearance efforts.

## *Post-conflict Planning*

Post-war recovery for civilian victims is, in some ways, as challenging as the war itself, and planning must begin now. The frameworks for opposition leadership and the international community to consider include:

- » That all civilians harmed in the conflict receive equal recognition and assistance for their suffering, regardless of which party harmed them and irrespective of perceived or known political affiliation. Data, including casualty records compiled by civil society groups, will make identifying and assisting civilians suffering injuries, property loss or the death of their loved ones much easier than in other conflicts. Efforts to collect such data should be supported by international donor for the long term, as identification of and recovery from harm will be a long, difficult process.
  
- » That after the shells stop falling, wartime ordnance in the form of abandoned stockpiles, loose small arms, landmines, and unexploded bombs, will continue to pose a deadly threat to civilians. It is imperative that Syrian and international efforts focused on post-war planning begin drafting a strategy to deal with the problem of abandoned ordnance. Any strategy should be based on input from affected individuals and communities, and its scope should be broad enough to cover the full spectrum of activities related to minimizing the dangers of weapons left after an armed conflict, primary among them: stockpile management, clearance, risk education, and victim assistance.<sup>37</sup>

---

<sup>37</sup> For more on how loose weapons have impacted civilian safety in other post conflict situations, see “Explosive situation: Qaddafi’s abandoned weapons and the threat to Libya’s civilians,” International Human Rights Clinic, Harvard Law School, Center for Civilians in Conflict, August 2, 2012.