

**THE PATH FORWARD ON U.S.-SYRIA POLICY:
STRATEGY AND ACCOUNTABILITY**

HEARING

BEFORE THE

**COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE**

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

—————
JUNE 8, 2022
—————

Printed for the use of the Committee on Foreign Relations



Available via <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

WASHINGTON : 2023

COMMITTEE ON FOREIGN RELATIONS

ROBERT MENENDEZ, *New Jersey, Chairman*

BENJAMIN L. CARDIN, Maryland	JAMES E. RISCH, Idaho
JEANNE SHAHEEN, New Hampshire	MARCO RUBIO, Florida
CHRISTOPHER A. COONS, Delaware	RON JOHNSON, Wisconsin
CHRISTOPHER MURPHY, Connecticut	MITT ROMNEY, Utah
TIM KAINE, Virginia	ROB PORTMAN, Ohio
EDWARD J. MARKEY, Massachusetts	RAND PAUL, Kentucky
JEFF MERKLEY, Oregon	TODD YOUNG, Indiana
CORY A. BOOKER, New Jersey	JOHN BARRASSO, Wyoming
BRIAN SCHATZ, Hawaii	TED CRUZ, Texas
CHRIS VAN HOLLEN, Maryland	MIKE ROUNDS, South Dakota
	BILL HAGERTY, Tennessee

DAMIAN MURPHY, *Staff Director*
CHRISTOPHER M. SOCHA, *Republican Staff Director*
JOHN DUTTON, *Chief Clerk*

C O N T E N T S

	Page
Menendez, Hon. Robert, U.S. Senator From New Jersey	1
Risch, Hon. James E., U.S. Senator From Idaho	4
Leaf, Hon. Barbara, Assistant Secretary of State for Near Eastern Affairs, U.S. Department of State, Washington, DC	6
Prepared Statement	7
Dana Stroul, Deputy Assistant Secretary of Defense for the Middle East, U.S. Department of Defense, Washington, DC	9
Prepared Statement	10
The Gravedigger, Witness to Mass Graves in Syria	33
Prepared Statement	36
Sterio, Dr. Milena, the Charles R. Emrick Jr.-Calfee Halter and Griswold Professor of Law and LL.M. Programs Director, Cleveland-Marshall College of Law, Cleveland, Ohio	38
Prepared Statement	40

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

Responses of Ms. Barbara Leaf to Questions Submitted by Senator Robert Menendez	50
Responses of Ms. Dana Stroul to Questions Submitted by Senator Robert Menendez	55
Responses of Ms. Barbara Leaf to Questions Submitted by Senator James E. Risch	57
Statement of Dr. Muhammad Bakr Ghbeis, President, Citizens for a Secure and Safe America Educational Committee, Inc.	66
Article From The Guardian Dated April 26, 2022 Titled, "Massacre in Tadamon: How Two Academics Hunted Down a Syrian War Criminal"	67

THE PATH FORWARD ON U.S.–SYRIA POLICY: STRATEGY AND ACCOUNTABILITY

WEDNESDAY, JUNE 8, 2022

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 10:05 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Robert Menendez, chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Kaine, Markey, Booker, Van Hollen, Risch, Johnson, Romney, Portman, Young, Cruz, and Rounds.

Also Present: Mouaz Moustafa, Interpreter.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This hearing of the Senate Foreign Relations Committee will come to order.

Assistant Secretary Leaf, we are glad to get to welcome you in your new role. We are glad you finally made it and, most importantly, we are happy that you are here. Thank you for coming before us today.

Deputy Assistant Secretary of Defense Stroul, thank you for coming back to the committee. As I am sure many know, the assistant secretary was our Middle East expert for a while so we are glad to see her back.

I have been asking a simple, but important, question for some time that I hope this hearing will answer. What is the Administration's strategy on Syria?

During the last presidential election, Secretary Blinken wrote, "When Joe Biden is President, we will restore U.S. leadership on humanitarian issues."

Yet, with the frozen conflict in Syria leading to immense humanitarian, political, and security dilemmas, leadership from the United States or elsewhere seems lacking.

Flights to Syria are resuming. Embassies in Damascus are reopening. When Bashar Al-Assad landed in the United Arab Emirates in March, he was given a warm welcome as any other head of state would have received, as if he had never ordered a barbaric bombardment of innocent Syrian civilians, as if Assad never ordered chemical weapon attacks that left children gasping for their lives on ventilators.

This comes within weeks of new evidence of Syrian atrocities coming to light—video of Assad’s soldiers forcing victims to climb down into a mass grave before massacring them.

Think of the message this sends to other dictators around the world who would butcher innocent civilians. You can commit war crimes in broad daylight on camera, and the global community will just shrug its shoulders.

This is not lost on Iran. After propping up Assad with billions of dollars, after supporting him with Hezbollah and the Revolutionary Guard Corps, such impunity only fuels Iran’s regional aggression, whether through attacks on U.S. personnel and assets or threatening our allies and partners in Iraq and Jordan, not to mention fueling an active battleground on Israel’s border.

It is not lost on Putin. No one who has followed Putin’s brutality in Syria for the past decade should be surprised that he is starving and shelling Ukrainians just as he starved and shelled Syrians.

While I have seen the Administration’s written strategy for Syria, as required in the NDAA, which was skeletal, from my perspective, I look forward to delving a bit more in detail into the tools and U.S. international political will to execute that strategy.

I would like to hear whether you believe U.N. Security Council Resolution 2255 has lived up to the path we thought it once could because it seems the roads we need to be traveling on are crumbling.

Earlier this year, in an attempt to free imprisoned extremists, ISIS launched a massive jailbreak in Hasakah. They attacked a Syrian prison with car bombs and gunmen in a battle that lasted more than a week.

On top of that, the Assad regime and Hezbollah are manufacturing addictive amphetamine pills called Captagon, effectively turning Syria into a narco state, trafficking the drug throughout Europe and the Middle East to obtain hard currency despite sanctions.

With the U.N. mandate for cross-border humanitarian aid expiring next month, there is a real question as to whether Russia will support an extension, particularly as the war in Ukraine has ushered in a food crisis that has hit Syria and a number of its neighbors.

We need to continue to prioritize our response to this dire humanitarian situation. We must continue to support our partners in Jordan, Lebanon, Turkey, and across Europe who have absorbed the Syrian refugee community that amounts to 6.8 million people worldwide, added to this another 6.7 million who have been displaced within Syria, leaving an entire generation of Syrian children growing up with dim prospects of ever returning home or the possibility of a bright future.

So to close, let me lay out what I see as priorities that the U.S. and the international community must continue to hold the Assad regime accountable for its crimes. We need a comprehensive strategy, one that enforces fully the robust set of U.S. sanctions as a means to build leverage that will sharpen Assad’s choices and maintain his political isolation.

This includes using such sanctions against Assad’s benefactors in Moscow and Tehran. It also means sending the clear signal that we

cannot tolerate a return to business as usual with Assad and his murderous regime.

A strategy would lean in with aggressive U.S. diplomacy to continue to marshal the international community in support of this leverage and to reinvigorate the political process.

To this end, I am glad that the NEA Bureau now has an appointed and confirmed leader in you, Assistant Secretary. However, there remain a number of nominees for vital positions in the Middle East that need to move forward, including, crucially for Syria, Tamara Wittes as USAID's Assistant Administrator for the Middle East.

A U.S. strategy would continue to prioritize bringing its own resources and the resources of the international community to bear on Syria's humanitarian crisis while being judicious to focus our assistance in ways that does not benefit the regime.

It would include how to help—continue to help—Syria's neighbors, especially Jordan and Lebanon, who have shown incredible hospitality to those fleeing Assad's brutality, but nevertheless are bearing a significant strain.

To that end, we need a full court press at the United Nations to address a possible Russian veto of the mandate for the last remaining border crossing for desperately needed humanitarian assistance, coupled with a ready to implement strategy for pushing that assistance if and when Russia uses its veto.

Putin cannot be allowed to hold desperate Syrians as ransom for demands of relief in the Ukrainian context. That strategy should include new consideration of Russia's role in Syria following its invasion of Ukraine and the steps needed to reduce Russian activities while denying Iran and Hezbollah the ability to fill any vacuum created by Russia's preoccupation with Ukraine.

It should also address Turkey's role in Syria, taking into consideration its hosting of millions of refugees and its position as a launch point for humanitarian assistance, to its destructive campaigns against our Kurdish partners in the fight against ISIS, including renewed threats to invade northern Syria.

It would further flesh out steps needed to counter the danger posed by Hezbollah and the Iranian weapons it traffics across Syria, and it should lay out concrete steps to be taken to secure the release of U.S. citizens Austin Tice and Majd Kamalmaz, who have been detained by the Assad regime since 2012 and 2017, respectively.

It must provide a path forward that allows unfettered humanitarian access and war crime investigations, and it must provide a long-term legal strategy for ensuring that the horrors that Bashar Al-Assad and his regime have inflicted on the Syrian people do not go unanswered, and it should describe how the U.S. can help rally the weight of international pressure on Assad to pursue the political path to unfreeze this conflict.

On this, Congress has been clear. We overwhelmingly passed the Caesar Syrian Civilian Protection Act, whose primary purpose is to sanction companies or individuals who facilitate Assad's brutality whether they are doing business with the Syrian Government or its security services, providing aircraft or spare parts, and I would like to see the Administration use all these tools.

We cannot simply allow the regime to return to business as usual. We cannot turn our backs on the Syrian people and we cannot give up supporting them as so many desperately try to work towards a free and democratic Syria.

America's values, its principles, and its reputation on the world stage hang in the balance.

With that, let me turn to Senator Risch, the ranking member.

**STATEMENT OF HON. JAMES E. RISCH,
U.S. SENATOR FROM IDAHO**

Senator RISCH. Thank you very much, Mr. Chairman. Let me put my statement into context before I start and that is there is no daylight between the chairman and I on the Syrian issue.

I think he has, as clearly as can be, laid it out, and I am going to talk about it a little bit more and then we will turn it over to you.

Now more than ever, particularly in the face of Putin's brutality in Ukraine, it is absolutely crucial we confront Assad's ongoing crimes against the Syrian people.

Over the past 12 years, the Assad regime, with the support of its Russian and Iranian backers, has carried out countless chemical weapons attacks on innocent civilians, intentionally targeted hospitals and schools, used starvation as a weapon of war, and forced the disappearance of thousands.

The world had never seen atrocities on this scale since the Second World War and what we are uncovering now in Ukraine.

These crimes are well documented. In addition to the Caesar file, the international community has amassed hundreds of thousands of government documents linking these crimes directly to Bashar Al-Assad.

Stephen Rapp, former U.S. Ambassador-at-Large for War Crimes, has argued we have more evidence against the Assad regime than we did against the Nazis in Nuremberg.

In a previous hearing, we heard directly from the Caesar Act's namesake about the regime's continued atrocities. Today, we will hear from another brave Syrian who risked his life to bring these accounts of gross human rights violations to the international community.

Accountability for Assad has been slow and mechanisms are few. Neither Syria nor the United States are members of the International Criminal Court and it remains a dangerously politicized body.

However, nations have begun to pursue accountability under their own domestic courts. I was heartened to hear of the recent conviction of a senior Assad regime official in Germany who was involved in the torture of Syrian civilians on a mass scale.

This is a start, but we need to do more. We must establish a more robust, formalized accountability mechanism.

Turning to Syria policy, moving forward, the United States has long maintained a policy of economic and diplomatic isolation to force a political solution to the Syrian conflict.

Unfortunately, that long-standing policy is beginning to crumble and I remain concerned this Administration has accepted Assad's rule as a foregone conclusion.

Worse, I fear this Administration is tacitly approving outreach to the regime. Caesar sanctions enforcement has been lacking and the Administration's support for energy deals through Syria to Lebanon violates the Caesar Act.

Further, I am deeply concerned with the Administration's funding of so-called early recovery projects in regime-held areas. These activities cross the line against Caesar-prohibited reconstruction and open the door to normalization with Assad.

The Administration's stated Syria policy consists of four lines of effort: counter the Islamic State, maintain the ceasefire in Syria, expand humanitarian access, and seek accountability for crimes.

While all these are laudable, it is my concern that the Administration's efforts have expanded beyond humanitarian access and into the realm of reconstruction while we have seen little movement on seeking accountability to the Assad regime.

It is virtually—it is vitally important that the U.S. hold the line against rehabilitating the regime. Current and future autocrats are watching our actions. We cannot send the message that we will forget these atrocities over time and welcome Assad back to the international community. We cannot.

In that right, I am gravely concerned by the number of our Arab partners who have increased formal and informal relationships with the regime in recent years, including through the establishment of official diplomatic outposts in pursuit of economic relationships. The UAE's outreach has been particularly problematic.

The law on normalization and reconstruction is clear. Any engagement with the Assad regime, whether diplomatic or economic, must be met with a firm response using the tools laid out in the Caesar Act.

We must ensure our policy does not entrench the Assad regime, energize its progress under the U.N. Security Council Resolution 2254, and is commensurate with American values.

In that light, I asked unanimous consent that a recent video documenting regime war crimes in Tadamon, Syria, be added to the record. While exceptionally difficult to watch, it is vitally important that we put these crimes out in the light of day.

So to the witnesses, again, thank you for being here. The chairman and I have talked now about the situation, about the problems. Unfortunately, we get a lot of witnesses who come here and just reiterate what we have said.

We have outlined the problems. We have given you the tools with the Caesar Act. We want to hear how you are going to use them to do what you have said is the policy of the United States.

Thank you again for being here.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Risch, and your video will be included in the record, without objection.

[EDITOR'S NOTE.—The video referred to above can be found at the following link: https://drive.google.com/file/d/16sdYjaxGSF2MjxSPaS2TDgzBRky_sxdK/view. The video will also be retained in the permanent record of the committee.]

The CHAIRMAN. We will start our witness testimony. We will start off with Secretary Leaf and then Assistant Secretary Stroul.

Your full statements will be included in the record without objection. We would ask you to summarize them in about 5 minutes or so, so we can enter into a conversation with you.

With that, Secretary Leaf, you are recognized.

STATEMENT OF THE HONORABLE BARBARA LEAF, ASSISTANT SECRETARY OF STATE FOR NEAR EASTERN AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Ms. LEAF. Chairman Menendez, Ranking Member Risch, distinguished members of the committee, for the past year the Administration has led our allies and partners in crafting a common diplomatic approach to Syria and pursuing concrete actions to improve the lives of Syrians and protect vital U.S. national security interests.

Let me be frank with you. After more than a decade of conflict, prospects remain limited for advancing a political solution worthy of Syrians who bravely demanded change more than 10 years ago.

Syrians today are also hungrier and more impoverished than they have been at any point in the conflict with over 12 million food insecure. The ultimate responsibility for this continued tragedy rests with Bashar Al-Assad, backed by Russia and Iran, who has brought his country to the brink of ruin and remains intransigent.

The Administration has led international coordination on Syria in the face of this intransigence. We focused on bettering conditions for Syrians, pursuing justice for those wronged by the regime, mitigating the risks to Syria's neighbors of this terrible conflict.

We have the following priorities: defeating ISIS and Al-Qaeda, increasing access to humanitarian aid, keeping violence down by maintaining ceasefires, promoting accountability for the Assad regime's atrocities.

These are all critical steps on the path to advancing a just political settlement under 2254. We continue to strongly support U.N. Special Envoy Pedersen's efforts and, in fact, I look forward to speaking with him this week.

Of course, we remain absolutely committed to working relentlessly to bring home fellow American citizens wrongfully detained or held hostage in Syria to include Austin Tice.

In terms of reducing suffering on the ground, humanitarian needs are higher than ever, compounded by the pandemic, historic levels of drought, decades of mismanagement and corruption and, of course, the terrible effects on global food security of Putin's war on Ukraine.

Expanding humanitarian access throughout Syria is central to our strategy.

Last year, we successfully negotiated a new resolution—renewal of a resolution for 2585 to keep the sole border crossing open in northwestern Syria and we are deeply committed to doing the same this year.

We have also been committed from day one to the enduring defeat of ISIS, preserving our military presence in the northeast, coalescing international support to increase stabilization funding.

We press countries of origin to repatriate their nationals from northeast Syria, including foreign terrorist fighters, and in areas

liberated from ISIS, stabilization assistance and new economic opportunities will help address growing economic insecurity and keep ISIS at bay.

On existing ceasefires, I would note we are deeply concerned by recent increased rhetoric from Turkey about potential military moves into the north of Syria and we have stepped up our diplomatic engagements to attempt to stop that.

I would note that in the past 2 years, violence in Syria is at its lowest ebb compared to other decades—other periods in the decades, but we are working assiduously to keep it so.

The Administration is committed to promoting accountability and justice, and enduring peace and stability in Syria will not be possible without justice for the Syrian people, and I am mindful that your next panel will include testimony from the brave Syrian whistleblower known as the Gravedigger, whom I had the honor to meet and whose harrowing account of atrocities in Syria shook me to the core.

We will continue to promote accountability for Assad and his atrocities. Our sanctions, including those under the Caesar Act, are critical elements in that regard. We are grateful to Congress for adding to the bipartisan effort to broaden our toolkit and will continue to use all of our tools, including Caesar, again, to press the regime.

All of our efforts also support wider security and regional stability to offset the deleterious effects that Assad's criminal war has had on Syria's neighbors. Iranian forces in Syria, including the IRGC, Hezbollah, Iran-backed armed groups threaten the security directly of our allies and partners, most certainly Israel and Jordan, and they play a destabilizing role in Syria.

In that regard, the U.S. wholly supports Israel's ability to exercise its inherent right of self-defense.

Finally, while I have outlined the necessary building blocks for regional stability and prerequisites to building a road to a political resolution in Syria, I want to be clear on what we have not done in Syria and what we will not do, which is support efforts to normalize or rehabilitate Bashar Al-Assad in any way, lift sanctions on the regime, or change our position opposing reconstruction in Syria until there is authentic, enduring progress towards a political solution.

Bashar Al-Assad and the coterie around him remain the single largest impediment to that goal. They must and will be held accountable.

Thank you very much.

[The prepared statement of Ms. Leaf follows:]

Prepared Statement of Ms. Barbara Leaf

Chairman Menendez, Ranking Member Risch, distinguished members of the Committee, for the past year this Administration has led our allies and partners in crafting a common diplomatic approach to Syria and pursuing concrete actions to improve the lives of Syrians and protect vital U.S. national security interests.

Let me be frank with you. After more than a decade of conflict, prospects remain limited for advancing a political solution worthy of the Syrians who bravely demanded change more than 10 years ago. Syrians today are also hungrier and more impoverished than they have been at any point in this conflict, with over 12 million food insecure.

The ultimate responsibility for this continued tragedy rests with Bashar al-Assad, backed by Russia and Iran, who brought his country to this terrible state and remains intransigent, refusing to provide Syrians any hope for a better future.

This Administration has *led international coordination* on Syria in the face of this intransigence. We have focused on bettering conditions for Syrians, pursuing justice for those wronged by the regime, and mitigating the risk to Syria's neighbors of the effects of this disastrous conflict.

We believe that pursuing the following priorities: defeating ISIS and al Qa'ida; increasing access to humanitarian aid; keeping violence down by maintaining ceasefires; and promoting accountability for the Assad regime's atrocities are critical steps on the path to advancing a just political settlement to the Syrian conflict consistent with UN Security Council Resolution 2254. We continue to strongly support UN Special Envoy Pedersen's efforts to reach a political resolution to the crisis.

And of course, we remain absolutely committed to working relentlessly to bring home U.S. citizens wrongfully detained or held hostage in Syria, to include Austin Tice.

In terms of reducing suffering on the ground inside Syria—humanitarian needs are higher than ever, compounded by the COVID 19 pandemic, historic levels of drought, decades of mismanagement and corruption by Assad and his cronies, and the terrible effects on global food security of Putin's war on Ukraine.

Expanding humanitarian access throughout Syria is central to our strategy. Last year, we successfully negotiated with members of the UNSC, including Russia, to adopt UN Security Council Resolution 2585 and keep the Bab al-Hawa border crossing open, allowing the continued delivery of life-saving aid to over three million people in NW Syria. We are now working closely with Security Council members, UN leadership, and allies to maintain and expand the cross-border mandate before UNSCR 2585 expires this July.

This Administration has also been committed from day one to the enduring defeat of ISIS—preserving our military presence in the northeast and coalescing international support to increase stabilization funding. We have pressed countries of origin to repatriate their nationals from northeast Syria, including foreign terrorist fighters. In areas liberated from ISIS, stabilization assistance and new economic opportunities will help address growing economic insecurity; restore essential services; bolster livelihood opportunities; and support critical initiatives against malign influence, be it Iran or its proxies.

On existing ceasefires—I would note that we are deeply concerned by recent increased rhetoric from Turkey about potential escalation in Northern Syria and we have stepped up our diplomatic engagements to try and continue to de-escalate any tensions. At the same time, I would note that in the past 2 years, violence in Syria is at its lowest ebb compared to other periods in this decade-long conflict and we have worked to keep it low by pressing armed actors to avoid escalation and keeping ceasefire lines calm, speaking out forcefully against any threat of renewed violence.

The Administration is also committed to *promoting accountability and justice*. An enduring peace and stability in Syria will not be possible without justice for the Syrian people. I am mindful your next panel will include testimony from the brave Syrian whistleblower known as the "Gravedigger," whom I had the honor to host at the White House and whose harrowing account of atrocities in Syria shook me to the core. We will continue to promote accountability for the Assad regime's atrocities and to support the brave individuals working to bring Assad and his regime to justice.

Our sanctions, including those under the Caesar Act, are critical elements in the fight for accountability. We are grateful to Congress for the bipartisan efforts to broaden our toolkit. We will continue to use all our tools, including the Caesar Act, to press the Assad regime. In July and December of 2021, we imposed sanctions on groups and individuals who undertook human rights abuses in Syria, including in prisons and detention centers, as well as through chemical weapons attacks.

All of our efforts also support wider security and regional stability, to offset the deleterious effects Assad's war has had on Syria's neighbors. Iranian forces in Syria, including the IRGC, as well as Hizballah and Iran-backed armed groups, threaten the security of our allies and partners, including Israel and Jordan, and play a destabilizing role in Syria. The United States wholly supports Israel's ability to exercise its inherent right of self-defense. We know that until Iran's military and intel networks, its weapons inside Syria, are reduced, the crisis in Syria will continue unabated. Similarly, we recognize and are deeply grateful to Turkey, Lebanon, and Jordan for hosting millions of Syrian refugees; we remain committed to working with them to mitigate the spillover effects of Syria's war.

Finally, while I have outlined the necessary building blocks for regional stability and prerequisites to building a road to a political resolution in Syria—I want to be

clear on what we have not done in Syria, and what we will not do, which is: support efforts to normalize or have not done in Syria, and what we will not do, which is: support efforts to normalize or have not done in Syria, and what we will not do, which is: support efforts to normalize or rehabilitate Bashar al-Assad; lift sanctions on the regime; or change our position opposing reconstruction in Syria until there is authentic, enduring progress towards a political solution.

Bashar al-Assad and the coterie around him remain the single largest impediment to that goal. They must be held accountable for the actions they have undertaken that violate international law, even as we work to find ways to advance our other priorities.

I would be happy to take your questions at this time and discuss any of these points in more depth.

The CHAIRMAN. Thank you.
Secretary Stroul.

STATEMENT OF DANA STROUL, DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR THE MIDDLE EAST, U.S. DEPARTMENT OF DEFENSE, WASHINGTON, DC

Ms. STROUL. Chairman Menendez, Ranking Member Risch, distinguished members of the committee, it is an honor to testify before you today, particularly because U.S. policy for Syria is an issue set I spent significant time working on with my colleagues on both sides of the aisle as a professional staff member for this committee.

It is also a pleasure to join Assistant Secretary Leaf in her first testimony before you leading the State Department's NEA Bureau.

Senators, DoD's role in Syria is limited by geography and mission. The department supports the lines of effort identified and outlined by Assistant Secretary Leaf, but our activities on the ground are solely focused on the enduring defeat of ISIS.

To achieve this objective, DoD, as part of the Global Coalition to Defeat ISIS, works by, with, and through vetted capable partner forces in northeast Syria and in the vicinity of the al-Tanf Garrison in southern Syria.

DoD also remains capable of rapidly deploying forces to conduct operations in other areas of Syria, exemplified by the February 22 raid that resulted in the death of former ISIS leader Abu Ibrahim al-Hashimi al-Qurayshi.

ISIS remains a real and potent threat. The group continues to conduct attacks and maintains the intent to direct, support, and inspire attacks across the globe and against the homeland.

In northeast Syria, the Syrian Democratic Forces, or SDF, remain our most capable partner in the D-ISIS fight. The Counter-ISIS Train and Equip Fund—CTEF—is an essential tool for enabling the SDF and other vetted partners to achieve the enduring defeat of ISIS.

Tremendous thanks to Congress for your continuing support in authorizing and appropriating CTEF funds. We direct CTEF toward basic life support, stipends, detention facility construction, training, and sustainment.

Military tools alone cannot achieve ISIS' enduring defeat. The international community must do more to prevent ISIS from reconstituting by, number one, increasing support for stabilization in areas liberated from ISIS and, number two, prioritizing reducing the ISIS fighter population and displaced persons camps currently managed by the SDF across Syria.

This includes more than 10,000 ISIS fighters and approximately 60,000 displaced persons. The department is placing urgent emphasis on enabling the SDF to provide for the humane and secure detention of these populations and working with the SDF to grow and professionalize the guard force responsible for securing these facilities.

The January 2022 ISIS attack in Hasakah is a reminder that ISIS is still a serious threat and sees these detention facilities as an area from which to reconstitute its forces.

Countries of origin must repatriate, rehabilitate, reintegrate, and, where appropriate, prosecute their nationals residing in northeast Syria. DoD supports State Department efforts by providing logistical support to countries willing to bring their nationals home.

Furthermore, we support efforts to work with the Government of Iraq to accelerate the pace of its repatriation efforts.

Beyond DoD's focus on the D-ISIS mission, I do want to touch briefly on the threats that pose a risk to forces or a risk to mission in Syria.

Number one, Iran. Iran enables its aligned militias in Iraq and Syria to execute indirect fire and unmanned aerial system—UAS—attacks against U.S. and coalition forces. The department will not hesitate to take necessary and proportionate action in self-defense to protect our service members.

Number two, Russia. Syria remains the one area in the world where U.S. and Russian forces operate in close proximity on a daily basis. The coalition maintains deconfliction channels with the Russian military to protect coalition forces and reduce the risk of inadvertent escalation or miscalculation.

Number three, Turkish military operations in northern Syria. We are working to maintain focus on the D-ISIS mission, ensure the safety of the civilian operation in northeast Syria, and, above all, the protection of U.S. and coalition forces.

Large-scale incursions will undermine and jeopardize these core missions and priorities. We have communicated our concerns to Turkey across the U.S. Government.

It should go without saying here that Iran and Russia's military interventions and ongoing activities inside Syria in service of the Assad regime have enabled brutal violence and human rights abuses against the Syrian people.

DoD supports the State Department's whole-of-government strategy to end this violence by focusing on concrete actions to improve the lives of Syrians and address the underlying causes of this conflict.

Thank you, Senators. I look forward to your questions.

[The prepared statement of Ms. Stroul follows:]

Prepared Statement of Ms. Dana Stroul

Thank you Chairman Menendez, Ranking Member Risch, and Members of the Committee. It is an honor to testify before you today, alongside Assistant Secretary Leaf, to discuss the Department of Defense (DoD) mission in Syria and how DoD's activities align with the United States' whole-of-government Syria policy.

In Syria, the Department is committed to maintaining its military presence to achieve the enduring defeat of ISIS. DoD works by, with, and through vetted, capable partner forces in northeast Syria and in the vicinity of al-Tanf Garrison in southern Syria to fulfill this mission. DoD also remains capable of rapidly deploying forces to conduct operations in other areas of Syria, exemplified by the February

2022 raid that resulted in the death of former ISIS leader Abu Ibrahim al-Hashimi al-Qurayshi. In both Syria and Iraq, the United States operates as part of the Global Coalition to Defeat ISIS, which brings together 80 nations and five international organizations to provide an array of military capabilities, funding, and political support.

Even as much of global attention has moved on from ISIS since the defeat of its so-called caliphate, ISIS remains a real and potent threat. The group operates primarily in small rural-based cells focused on conducting ambush attacks against security forces and plotting periodic high profile attacks in urban areas. ISIS also tries to infiltrate population centers by exploiting sectarian and other demographic tensions, including by targeting community and tribal leaders for assassination. ISIS maintains the intent to direct, support, and inspire attacks across the globe and continues efforts to rebuild its organization and re-establish a viable insurgency to regain territorial and social control.

In northeast Syria, the Coalition partners with the Syrian Democratic Forces (SDF), who have proven a capable and dependable partner to maintain pressure on ISIS. The SDF continues to demonstrate increased capabilities to plan and conduct unilateral Defeat (D)-ISIS operations, including disrupting smuggling networks and conducting capture/kill raids on improvised explosive device (IED) facilitation and assassination cells, clearance operations, wide-area security operations, and route clearance activities. Coalition presence and support remains critical to enabling SDF operations. In particular, the SDF relies on Coalition air support, including intelligence, surveillance, and reconnaissance (ISR), and benefits from Coalition advice and support to maintain pressure on ISIS.

DoD is authorized to provide assistance to vetted partners in Syria under Section 1209 of the National Defense Authorization Act for Fiscal Year 2015, as amended, and through the Counter-ISIS Train and Equip Fund (CTEF) appropriation. CTEF remains an essential tool for enabling the SDF and other vetted partners to achieve the enduring defeat of ISIS. Current CTEF support to vetted Syrian partner forces include basic life support services, stipends, detention facility construction support, guard and security force training, and sustainment.

Despite the Coalition's progress in maintaining pressure on ISIS, military tools alone cannot achieve the group's enduring defeat. DoD's counterterrorism activities are a critical pillar nested within a State Department-led whole-of-government and Coalition strategy to ensure the enduring defeat of ISIS. The international community must do more to stabilize areas liberated from ISIS, by addressing the economic and social conditions that facilitated ISIS's rise. Moreover, long-term solutions are urgently needed for the over 10,000 ISIS fighters in SDF custody and the approximately 60,000 displaced persons in al-Hol and al-Roj camps. Through its military presence, DoD supports civilian-led humanitarian and stabilization efforts to address these underlying causes of instability.

The Department is placing urgent emphasis on enabling the SDF to provide for the humane and secure detention of fighters in SDF custody. Seeking to reconstitute its ranks, ISIS executed a complex attack in Hasakah in January 2022 on the largest SDF-managed facility for detained ISIS fighters in northeast Syria. The SDF was able to foil ISIS's efforts due to its swift response to the attack, which resulted in numerous SDF casualties. Congressional support on this issue is critical—particularly the FY 2022 National Defense Authorization Act waiver for select funding caps that otherwise limit the amount DoD can spend on D-ISIS related construction projects in Iraq and Syria. The goal is to ensure that the SDF can securely and humanely maintain custody of ISIS detainees, instead of relying on re-purposed school houses and other buildings in which a majority of detainees are currently held. DoD is also working with the SDF to grow and professionalize the guard force responsible for securing these facilities. These new facilities will also help enable critical U.S. stabilization priorities, to ensure detainee access to medical care, and provide youth detainees with distinct programming and facilities to address their safety and rehabilitation.

Regarding al-Hol, the Department continues to work with the SDF to disrupt ISIS activity and networks that threaten the camp's residents as well as the broader population of northeast Syria. This support includes efforts to reinforce the camp's physical security architecture, increase the number of security forces operating in the camp, and ensure those forces are appropriately trained to provide security. These improvements will also enable greater access and services for camp residents, ameliorating the acute humanitarian crisis. As part of this effort, DoD is working closely with interagency partners, including the State Department, to facilitate coordination with camp administration and nongovernmental organizations.

The most durable solution to the challenges at these detention centers and displaced persons camps is for countries of origin to repatriate, rehabilitate, re-

integrate, and where appropriate, prosecute their nationals residing in northeast Syria. To this end, DoD supports State Department efforts by providing logistical support to countries seeking to bring their nationals home. Furthermore, recognizing that Iraqis comprise a majority of the population at al-Hol, DoD continues to support State Department efforts to work with the Government of Iraq to accelerate the pace of its repatriation efforts.

Syria is one of the most crowded and contested military operating environments in the world. Numerous potential spoilers could slow or jeopardize progress on the D-ISIS campaign in Syria, including attacks from Iran-aligned militia groups, escalation with Russian forces, and the potential for a new Turkish offensive in northern Syria.

First, Iran enables its aligned militias in Iraq and Syria to conduct indirect fire and unmanned aerial system (UAS) attacks against U.S. and Coalition forces. Attacks against DoD personnel are unacceptable and the Department will not hesitate to take necessary and proportionate action in self-defense to protect our service members. Iranian forces and their partners and proxies play a destabilizing role in Syria and also threaten the security of our allies and partners, including Israel. The United States recognizes Israel's inherent right to take actions necessary for self-defense. Until the presence of the Iranian military and its weapons is reduced, regional instability will persist.

Second, Syria remains the one area in the world where U.S. and Russian forces operate in close proximity on a daily basis. The Coalition maintains air and ground de-confliction channels with the Russian military to protect Coalition forces and reduce the risk of inadvertent escalation or miscalculation. The United States continues to urge Russia to adhere to mutual de-confliction processes and not to take any provocative action. Movements and interactions that are not properly de-conflicted are a concern, but the professionalism of U.S. service members in Syria has been essential to preventing these interactions from escalating. Russia's military campaign in service of the Assad regime has enabled brutal violence and human rights abuses against the Syrian people, including the deaths of innocent civilians, the displacement of hundreds of thousands of Syrians, and the destruction of large parts of the country.

Finally, Turkish senior leader comments regarding renewed operations in northern Syria risk a negative impact to the D-ISIS mission. The United States expects Turkey to uphold the October 17, 2019, Joint Statement, in which Turkey committed to halt offensive operations in northeast Syria. Any escalation risks disrupting D-ISIS operations, impacting the safety of the civilian population, and jeopardizing the security of SDF-managed detention facilities holding ISIS fighters. The United States recognizes Turkey's legitimate security concerns—and regularly communicates to all sides the need to deescalate tensions. However, any new offensive could further undermine regional stability and put at risk U.S. forces and the Coalition's campaign against ISIS.

The CHAIRMAN. I thank you both.

We will start a series of questions.

Let me ask you both, without the benefit of further details, the strategy that it was provided by the Administration seems largely to be a continuation of what is already being done in Syria.

Can you provide further details on the strategy that can shed light on whether and how it represents a course correction from earlier attempts to address the crisis?

Simply put, what about this is different from what has been already done, and if there are no significant changes, what makes you think it will work now after 11 years of conflict?

Ms. LEAF. Chairman, thank you for that question.

I am not sure I would call it a course correction as such, but rather the Administration undertook a thorough-going evaluation of the situation in Syria as it is presented today and defined core U.S. national security interests, as I outlined, and elaborated a set of ways to pursue them.

This is a part of a larger multilateral effort in the set of discussions that we are having with partners in the region, partners in

Europe. Obviously, Russia's war on Ukraine has substantially taken attention towards that conflict and away from Syria.

I would just emphasize to you that I plan to make Syria a priority within the bureau, within the Department of State, to marshal a whole-of-government approach to enhance, sharpen—as you noted, as the ranking member noted, sharpen the pressure on Assad and work in very close collaboration with Geir Pedersen to define how we might best use the leverage that we have—the isolation, enhance the isolation, enhance the pressure on Assad to get substantial gains.

I think, among other things, I would say, even if the political peace seems very much blocked right now, there are a whole series of things that lie within the regime's ability to change which would be the conditions that—such as accountability for the disappeared, ceasing conscription, setting conditions for the safe return of IDPs and refugees.

So I view all of these pieces assembled as being the elements that we can pursue in close coordination with—

The CHAIRMAN. Let me tell you what I hear from leaders in the region and basically their argument is, look, you all are not doing anything about Assad. He is still there. We need to deal with it in the absence of seeing any concrete measures.

I mean, you saw that the UAE hosted Assad on the eleventh anniversary of the Syrian uprising, which is a rather callous moment to host him, if any moment would have been good.

What further steps are the Administration taking to prevent countries like the UAE, but others from normalizing ties with the Assad regime?

Ms. LEAF. Chairman, one thing that I have looked at very closely is sort of the difference between the rhetoric and the sort of—the misinformation, disinformation, much of it propagated by Damascus, by its backers—the Russians and the Iranians—to suggest that there is a sweeping wave towards Assad in the region.

The fact of the matter opinion is quite divided with a number—a significant number of Arab states having no desire to travel down that road.

What I hear from some of the partners of ours in the region, the theory of their case is, well, there is an Arab voice—Arab voices missing in Damascus for too long. The way to get at mitigating, diminishing, pushing out Iranian presence and Iranian activities in Syria is to reinsert that Arab voice.

That is the theory of their case. I, frankly, am wholly skeptical. I think Assad takes from every direction and he gives nothing in return and what I have—what I intend to urge is that that engagement must produce results for the benefit of the Syrian people.

The CHAIRMAN. Two final questions.

We have the emergent cross-border issue that will expire. How do you see that playing out, and is a political solution under U.N. SCR 2254 still viable? It seems rather moribund to me, but—even though I think it is a desirable path—but there is no energy behind it.

Ms. LEAF. To your first question, Chairman, 2585, last year Russia lofted the same threat of a veto and the Administration—across the Administration worked assiduously to bring like-minded coun-

tries together to corral the votes in the Council and we had a 15 to 0 passage of that resolution.

We are doing a similar aggressive diplomatic strategy. If anything, there is even a greater sense of consensus around the urgency and the critical nature of a border access point—cross-border access point and, if anything, we are going to look for further such points. We are very committed to that.

As to 2254, look, I agree there is not a lot of room for optimism right now. I am an eternal optimist, but more to the point, I am relentlessly focused on making progress on this file.

Whether it is in the first instance on the humanitarian conditions for the Syrian people, measures that lie within Assad's remit to grant, but I also intend to work aggressively on the political aspects.

The CHAIRMAN. I hope you are right about the cross-border issue. That was pre-Ukraine, and that makes it far more difficult.

Senator Risch.

Senator RISCH. Thank you. I agree, Mr. Chairman. I think the situation with the Russians is going to be a lot tougher now than it was last time we went through that.

About 10—a little over 10 years ago, I was in this room sitting here and we had people sit in the chairs you are sitting in and they assured us that Assad could not last more than 30 days.

That was over 10 years ago and, of course, he is still there, and during that 10 years he has committed offenses that it is hard to find anyone who has ever been on this planet before that has done worse. Certainly, there are some that have done the same, but he is right up there.

When you see something like him being welcomed by another country as some type of a distinguished head of state, it is sickening, really, and particularly when that is being done by states that purport to be friends of ours and share our values.

There is nothing in welcoming this man as a conquering hero that reflects America's values at all. I hope you will continue in the strongest terms to communicate to those people how nauseating that is to us. The chairman and I have both done that and we would, certainly, welcome the Administration to join in that.

What we are going through in Ukraine is somewhat like this now. We cannot have this thing end just as what has happened in Syria where, like you pointed, the hostilities have cranked down, but we cannot have this end and say, okay, it is over.

No, it is not over. This will never be over until the people are held to account for what they have done and we are a long, long ways away from that. I think the one case I referred to in Germany is merely scratching the surface.

This is something that has got to go on for a long time. I would appreciate hearing from each of you, your efforts, as the chairman and I have done, to push back on allies of ours from doing what they appear to be doing and saying, well, it is over. No, it is not.

Ms. LEAF. Senator, I could not agree with you more. I spent 3 years in post-conflict Bosnia about 8 years after the guns had fallen silent.

It was a devastated country, and years later it is still socially, economically, the walking wounded, and there was a deep acute

feeling among the public that accountability was missing and that they were forced to live cheek by jowl with people who had only a few years earlier killed—massacred—their loved ones.

I know how the failure for accountability haunts a society and that is why I am deeply committed to this piece of it because a society without the means to gain accountability, to understand where their loved ones went, who was responsible, and how they will be held accountable is a society that simply cannot heal.

I am completely dedicated to that proposition.

As to your comments 10 years ago, I will admit at the time I was working on Iraq. I was a deputy assistant secretary for Iraq. I was deeply concerned about the spillover effects of Syria's roiling conflict, that it would act as a bellows on Iraq and, indeed, it did.

I was never confident that Assad would fall, not because I had a crystal ball, but I think it is in the nature of such regimes that they cling. They are the last man to go down and they do not crack easily.

All of that said, I will—my own conversations with our partners in the region, be they very close or not so close, will be informed by these values. I was shocked to see Bashar Al-Assad welcomed as any head of state by the UAE.

We have made that clear to the Emiratis that it is really just enormous propaganda value and nothing more. I will continue those efforts as a key piece of my engagements.

Senator RISCH. I appreciate that. I am almost out of time.

Ms. Stroul, you made reference—passing reference in your opening statements to the prisoner situation in northeast Syria. Both the chairman and I have had heads of state and others from the region underscore what a really serious problem this is and that it is a powder keg.

What can you tell us, A, about the situation you see there—what you see there today and what your efforts are to do something about it?

Ms. STROUL. Thank you for that question, Senator.

First of all, as I noted in my opening statement, the only long-term viable solution both for the future stabilization and stability of this area and for the enduring defeat of ISIS is the reduction of this population and the repatriation of these ISIS fighters to their countries of origin.

Some will need to go back beyond Iraq and Syria. We, led by the State Department, are continually engaging through diplomacy and offering support to those countries.

Number two, tremendous efforts both through the United Nations, through the U.S. Government, and through our partners in the coalition to support the Iraqi Government. The majority of these fighters are Iraqi in origin. Then, of course, a long-term solution for the reintegration of Syrian fighters into their communities, which will be difficult without a broader political process in Syria.

That is a long-term proposition and will require intense and painstaking diplomacy supported by humanitarian and stabilization aid, which we will continue to do.

In the short term, we are focused on ensuring that facilities are secure and humane for the housing of these fighters and that the SDF, who are bearing the burden for the international community

of securely and humanely housing these detainees, have the support that they require.

Number one, we are working with the authorities Congress gave us to construct purpose-built facilities for the secure and humane detention of ISIS fighters and ensuring that SDF guards at these detention areas have the proper training to address the needs of this population and securely continue to detain them.

Senator RISCH. Thank you. My time is up.

Thank you, Mr. Chair.

The CHAIRMAN. Thank you.

Senator Cardin is with us virtually.

Senator CARDIN. Thank you, Mr. Chairman, and let me thank both of our witnesses.

Secretary Leaf, I want to follow up on the accountability issue because it is extremely concerning to know the wealth that Assad has been able to accumulate through corruption and the way that he has led Syria and the misuse of power, and to see him welcomed—and you said that you made it clear to the UAE.

There are other countries in the region that have done similar types of accommodations for the Assad regime, which is contrary to our policies, that have good ties, strong strategic partnerships, with the United States.

Can you sort of drill down a little bit more with us as to the game plan on isolating the Assad regime, particularly in the region, and how we are engaging our traditional strategic partners in the region to make it clear that the welcoming of Assad is not welcomed here in the United States?

Ms. LEAF. Thank you, Senator, for that question.

Over the course of the past year, I would say, you have had a couple of really high-profile events such as Bashar Al-Assad being hosted in the UAE. There have been phone calls and other interactions between some regional governments and the regime.

We have not highlighted every time we have had those discussions, but I can assure you that they are ongoing with each and every government in the region, and I would just add last year there was quite a bit of RUMINT and more than RUMINT that there was consideration of unfreezing, essentially, reinstating Syria's membership in the Arab League.

That is a sovereign decision for the League and its members, but suffice to say we had a number of conversations and, in the end, there was no appetite for that and that is why I said earlier there is the effort ongoing by the regime to convey—to paint a picture that it is being reembraced by the region.

It is not the case, but we are making sure that it is not the case. As I said earlier, I plan to use a variety of tools to that end to sharpen his isolation and it will be part of the roadmap with every one of our chiefs of mission and chargés.

I hope, eventually, that all of our missions will be led by confirmed ambassadors, but they will have as part of their playbook that conversation with their host government to ensure that we muster the greatest, deepest sense of leverage on Assad against all the elements of 2254.

Senator CARDIN. Let me talk a little bit about what the Assad regime has done in trying to reach out to the Syrians who disagree

with him and that are in other countries, the use of Interpol. Of course, the Congress has acted on the TRAP Act.

What strategies do we have in order to make it clear that we will not allow the international organizations such as Interpol to be able to be manipulated by the Assad regime? What reforms are we working on and how much success have we had?

Ms. LEAF. Senator that is something I will need to get more deeply briefed on, but suffice to say I recognize that this is a key piece of our approach.

We do not want the abuse of Interpol to, essentially, go after dissidents or even just everyday Syrians living abroad—expatriates—pressured by the regime. I will make that part of the playbook.

Senator CARDIN. I appreciate that.

Lastly, let me just underscore we have a lot of tools at our disposal, including enhanced sanctions and other ways that we can express our concerns about the continued conduct of the Assad regime.

I would suggest that the timing on some of these issues could very well be impacted by the—what is happening in the region as far as Assad being welcomed in other countries.

It is an issue that I think we have to be very sensitive as to how we handle the timing of our activities to make it clear that we do not accept Assad being welcomed as a normal partner in the region.

Ms. LEAF. That is point well taken, Senator. Thank you.

Senator CARDIN. Thank you, Mr. Chairman.

Ms. LEAF. That is a point well taken.

The CHAIRMAN. Thank you.

Senator Portman is with us virtually.

Senator PORTMAN. Thank you, Chairman. Appreciate it. Secretary Leaf, thanks for your testimony today.

For what it is worth, my sense is that other countries in the region are looking to us to figure out what is our plan long-term for Assad, and until we have a clearer picture and can give them a better sense of what we intend to have happen, I think it is difficult for us to get them to help us in terms of isolating him and certainly not developing a normal relationship with him.

So our U.S. policy on Assad, does he deserve any official role in the post-civil war Syria—those are questions, I think, have to be answered.

That is not my question today because you have talked about that issue, unless you are interested in answering that.

I want to focus instead on two issues. One is food and using food as a weapon. We have seen President Putin do this in Ukraine. He is doing it as we talk. We have also seen Assad and his supporters in Russia do that.

The Russian diplomats at the United Nations Security Council have consistently abused their veto power, as you know, to gradually close down these aid corridors going into Syria and aid groups from around the world who have been trying to feed some of the, literally, starving people in Syria, are frustrated by it. Russia is making their work much harder.

I guess they believe that by taking away this ability for NGOs to help on the food front, that it forces people to rely on Assad and

somehow that his legitimacy would be enhanced by that. One, I would like to know whether you think that is true.

My question to you is there is a resolution coming up next month to hopefully reauthorize the one remaining border crossing for aid that is still being used, so the one corridor left.

Will Russia veto that resolution and what are you doing and what is Ambassador Linda Thomas-Greenfield doing to engage other countries to ensure that this resolution passes and that these food corridors—this one last food corridor can continue?

Your comments on all that would be appreciated.

Ms. LEAF. Thank you, Senator.

To your question of food as a weapon and is this—is the theory of the case that by making people—Syrians—more food insecure, it makes them more dependent Assad, I mean, I think, frankly, the answer is a bit simpler. It is just cruelty for cruelty's sake. It is brutality. It is punitive. It is because they can do it.

All of that said—and that it was the sorry record of over a decade of the conflict.

As to your question about 2585, we are already well underway in terms of a very methodical and aggressive effort to have that expanded—to have Bab al-Hawa renewed as a cross-border check-point—as a cross-border access point into northwestern Syria and we will look for further access points.

It is more critical this year than even last year when it was quite urgent that that be maintained. Food insecurity is all the greater because of Putin's brutal war on Ukraine and what it has done to lock up Ukrainian wheat stores and other commodities in the ports—Odessa and other ports.

So it is more critical than ever, and the humanitarian community is fixated on it. The donor community is fixated on it and, frankly, I think there is a very wide consensus already that that cross-border point must be renewed.

Senator PORTMAN. You have anticipated my second question, which was about Ukraine and whether, indeed, that the Black Sea blockage that the Russians are insisting on—the blockades, particularly, of Odessa—are having an impact on Syria as they are having an impact on global food insecurity, and you said it does have an impact and, in fact, that those grains from Ukraine, including the wheat that is part of these humanitarian aid packages is necessary to export because it is keeping people alive. I thank you for that.

On the SDF issue, this is a constant frustration with Turkey. As you know, the Turks believe that somehow the SDF is a significant threat to them and, once again, my understanding is they have threatened to go on the offensive against some of our allies and the SDF and the SDF has even signaled in some cases, as I understand it, they might be willing to partner with the illegitimate Assad regime out of desperation to be able to repel these attacks.

One, do you agree with that assessment and, two, have you engaged with your Turkish counterparts to urge them not to attack our allies in Syria and, if so, what has been their response?

Ms. LEAF. Thank you, Senator.

The Turkish Government is very well aware of our views. We have had a series of high-level engagements with them. I have not

yet—I am about a week or so into my job. I am looking for an early opportunity to engage the government on this.

Any venture, any military operation, across the border into northern Syria, first and foremost, puts the civilian population in the crosshairs and, secondly, severely puts at risk a critical mission that the global D-ISIS coalition—the U.S.—is undertaking and, obviously, it puts into the crosshairs around partners in that mission. We are completely unstinting in our efforts with the Turkish Government to back them off on this ill-considered venture.

Senator PORTMAN. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman.

Just to do a follow-up on that question, is Turkey going to back off on this venture? I mean, we are expressing our concern, but so far they have not seemed very amenable to respond to our concerns, not only on this issue, but in other areas.

Ms. LEAF. To be quite candid, Senator, I could not give you the assurance that they are going to.

Senator SHAHEEN. Thank you.

Deputy Assistant Secretary Stroul, last August you were before this committee and you gave a very thorough whole-of-government approach toward addressing ISIS fighters, just as you did this morning with Senator Risch when he raised concerns about the ISIS detainees.

Unfortunately, the situation has gotten worse since that time, not better, and we have passed legislation to create an ISIS detainee coordinator who, right now, as I understand, is dual-hatted to look at counterterrorism as well as ISIS detainees. I think that is probably not the best way to get something done in that area.

Can you talk about what we need to do to actually have a functioning detainee coordinator who can do the kinds of things that you have laid out so eloquently with Senator Risch that need to be done to address this problem?

Ms. STROUL. Thank you for that question, Senator.

On the specific question of identifying one coordinator, I am going to defer to Assistant Secretary Leaf on how that—how she intends to address that now that she is in her position.

Senator SHAHEEN. Great.

Ms. STROUL. I will just say from a DoD perspective, within the authorities and resources we have, number one, is what we can do in the near to medium term, which is support the SDF and ensuring that these facilities where ISIS fighters are housed—detainees—are more secure and more humane.

Then at the al-Hol and al-Raj displaced persons camps, again, it is not a military mission. Those are humanitarian camps, but what we can do is support the SDF by giving them the tools and the training for addressing the security and humanitarian needs of that unique population set as well.

Third, of course, is engaging constantly with the SDF about ensuring that humanitarian NGO and U.N. access to these populations—

Senator SHAHEEN. I do not want to cut you off.

Ms. STROUL. No problem.

Senator SHAHEEN. Let me ask Assistant Secretary Leaf then to respond, please.

Ms. LEAF. Senator, I have had several discussions about al-Hol in particular with the CENTCOM commander, General Kurilla, and he and I are going to work together on the set of issues around al-Hol.

I hope to make an early trip to Iraq, for one, and engage with the government since so many of the women and children in that camp and also, of course, the fighters in Hasakah are of Iraqi origin.

I am going to also, obviously, work very closely with CT on this issue because it does really require beyond the D-ISIS coalition's efforts to secure the camp to ensure constant humanitarian support to the residents of the camp.

Ultimately, we have got to get the camp down, and I have seen the numbers over the last couple of years go from 73,000, 60,000. They are now, actually, I think, around 56,000. We have just got to be relentless on this effort and I do plan to work to that effect with CT.

Senator SHAHEEN. So do you expect to have an ISIS detainee coordinator who will be functioning in that capacity?

Ms. LEAF. Honestly, Senator, I do not know. I will take your question back and I will come back to you on that.

Senator SHAHEEN. So even though we passed legislation that says that needs to happen, that has not happened yet?

Ms. LEAF. It has not happened yet. As you said, the CT Bureau is double-hatted, but I will take your question back.

Senator SHAHEEN. Well, Mr. Chairman, clearly, I think we need to pass legislation. If we are going to—if we are really going to see something done in this area and be serious about it, then we have to have somebody who is in charge of that.

While I understand that CT is still a problem, when other Middle Eastern leaders are coming to members of this committee and saying, this is a problem that has to be addressed and we cannot do it by ourselves, then we need to figure out how to get this done, and so far, we are not making much progress.

I want—I have one final question and that is Secretary Menendez talked about Captagon in his opening remarks, and we are seeing more and more that the availability of Captagon is not only helping to fund the Assad regime, but it is also creating an even more destabilizing synthetic drug trade.

We are already dealing in the United States with fentanyl. I have seen that very directly in my home state of New Hampshire so I know the potential problems from the synthetic drug trade.

So what can we do to help address that and are you confident that the Lebanese Armed Forces can help control that trade that is coming across the border with Lebanon?

Ms. LEAF. Senator, I think the dimensions of the trade, the production and the trafficking, which, by the way, yes, as you said, this is something that is associated with members of the Assad family, the regime, ISIS, you name it, criminal and terrorist elements from Lebanon to Syria are involved in that.

I do think it is an effort that goes well beyond the limits of one actor however much they may attempt to deal with it. We have had

discussions with the Jordanians, Saudis, others, who are deeply concerned about the spreading—the toxic nature of this trade and what it is doing to their society.

I will make it part of my mission to work this with all of these governments. We do, in fact, have a number of U.S. agencies who are already engaged with regional partners in information sharing, coordinating operations, and targeting of financial and trafficking networks and we just really need to enhance those efforts.

Senator SHAHEEN. Thank you.

It is an another reason why we need to ensure that the Lebanese Armed Forces continues to function.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Kaine.

Senator Kaine. Thank you, Mr. Chairman. Just a personal word, congratulations on your son's achievement yesterday. That was very, very—just exciting to see.

I want to ask about refugees and I want to ask about Syrian refugees and asylum seekers in neighboring countries and the effect they are having in those countries. I do not want to ask about our policy here in the United States. Let me begin with neighboring countries.

Sizable—6 million refugees and asylum seekers, sizable populations in Lebanon, Jordan, Turkey, elsewhere, certainly, some in refugee camps, many just kind of living as they can in the societies and, obviously, in small countries—Lebanon—the number of refugees compared to the population is sizable, very taxing on the school system and other services.

In Jordan, a very water-poor country without many water resources, these refugee communities are significant challenges for them.

So to talk about just work we are doing, even—we have challenging relationships with Turkey now, but Turkey is hosting huge numbers of refugees, both in camps and in society.

What are we doing with the neighboring countries to help them deal with the refugee issue so they do not become real trouble spots in countries that have their own internal challenges to deal with?

Ms. LEAF. Thank you, Senator Kaine.

You have touched on one of the most enduring, troubling, tragic dimensions of Assad's war on his own people, which is this essential displacement of half of the population either internally or externally, and as you said, this has been an enormous set of stressors on countries that are already stressed.

Lebanon, you would think, would have broken by now. Jordan equally struggles at times, both in terms of the scarce water resources, but creation of jobs and so forth.

Turkey has something on the order of 4 million people and it has become a hot topic domestically. We are using the generosity of the American taxpayer and, of course, of this Congress.

We are using the funding streams that we have to offset in every way possible this burden, and one of the things, as I touched upon earlier, was my desire to work in this space that would help to set conditions in the first instance in Syria for IDPs to return, again, in a safe and secure unmolested manner to their villages.

The U.N. assesses, and we agree, that conditions writ large are not there for the safe, voluntary—and I stress voluntary—dignified return of refugees and, indeed, there is some question whether Assad—or maybe less a question than a conviction that Assad is happy to keep all of those refugees outside his borders.

We work with each country in turn to assist with the nature of the pressures and the problems that hosting these refugees presents, and I will say we led—Ambassador Linda Thomas-Greenfield led our May pledging conference and announced over, I think, \$808 million in assistance, which will help towards that end.

Senator Kaine. Let me switch to the United States. The previous Administration drove down the refugee admissions to quite a low level compared to our historic norms. President Biden indicated that we would raise the refugee cap back up to about 120,000.

Last year—2021—we allowed 1,200 Syrian refugees into the United States, and just by order of magnitude that was 1,200 in a year when we brought 76,000 Afghans into the United States within a period of 90 days.

We have made a pledge to 100,000 Ukrainians because of the turmoil there should be able to come to the United States. I support that on the Afghan side. I support that on the Ukrainian side.

The Syria numbers are pretty low, and they have been in refugee status for some time. So it is not as if they are just brand new in terms of being vetted. Many of these have been vetted through U.N. refugee processes for some time now.

What do you understand the Administration's plan to be with respect to additional Syrian refugees to the United States?

Ms. Leaf. Senator, this is something that is under review. I do not have a firm answer for you today. I will come back to you with that.

I am—will be having consultations with my colleague and friend, Julieta Noyse, who, of course, sits over this responsibility. I will get you an answer on that.

I agree that the numbers are really quite low. The needs are enormous, and my concern is that we manage these set of stressors on the neighboring countries with a variety of tools, including welcoming Syrians to the United States.

Senator Kaine. Thank you.

I yield back, Mr. Chair.

The Chairman. Thank you. I have no other members virtually or here, so I have one final question.

Ms. Stroul, there have been conflicting accounts of the effect that Russia's invasion of Ukraine has had on its posture in Syria and the overall security situation there. Russian airstrikes have continued, but perhaps at a reduced tempo.

There are now reports that Russia is scaling back its presence on the ground in Syria, raising concerns that Iran may be filling the vacuum.

Have you seen a notable change in Russia's Syria posture because of Ukraine and, if so, how and where has Iran taken advantage of that change?

Ms. Stroul. Thank you for that question, Mr. Chairman.

No, we have not seen a notable change in Russian activities in Syria nor in its commitment to backing Assad in its brutal campaign that terrorizes Syrian people.

I should note here, again, that Russian forces are still active in Syria. They operate in close proximity to U.S. forces in Syria. It is a testament to the professionalism of the U.S. forces that there has not been an inadvertent escalation or miscalculation.

We are there, of course, for the enduring defeat of ISIS. Although we have seen Russian disinformation and misinformation about its work against ISIS in Syria, there is no indication that they are taking meaningful action against that mission set.

The CHAIRMAN. Okay.

This has been alluded to, but the January prison break in northeastern Syria as well as other complex attacks and the open extortion of civilians in Syria and Iraq are, at worse, a reminder that ISIS remains a threat in both countries even after the end of the physical caliphate.

What gaps have these recent attacks exposed in the SDF's capacity to secure prisons and continue the hunt for ISIS cells, and what is the Administration doing to address these gaps and to boost SDF capacity?

Ms. STROUL. Thank you for that question.

The SDF are under tremendous pressure, both because they are operating in an area that has not stabilized or recovered since the depravities of ISIS holding territory. There are food insecurity—food security challenges in northeast Syria that are particularly acute, placing stress on both SDF, the SDF family members, and their communities, and, of course, having access to medicines, supplies, et cetera, are very complicated in this part of northeast Syria.

What the U.S. military is doing with the coalition is using the authority and appropriations Congress has granted us through CTEF funding to continue to provide stipends, training, and equipment focused exclusively on defeating ISIS and supporting the humane and secure detention of those ISIS detainees and, again, just trying to support the SDF.

I should note again here that the SDF will be under even more strain to maintain the focus we want it to maintain on ISIS should there be a large-scale Turkish invasion into northern Syria.

The CHAIRMAN. All right.

I understand that Senator Van Hollen has logged on under the wire here, so let us go to him, and then Senator Risch has a question.

Senator Van Hollen.

Senator VAN HOLLEN. Thank you, Mr. Chairman, and thank you to both our witnesses.

That is a good jumping off point for my question, really, following up on Senator Portman's question.

Has the Administration made clear to Turkey in no uncertain terms that an attack on Kurdish groups in northern Syria is unacceptable to the United States? After all, as has been said, the SDF is critical to the fight against ISIS. So have we communicated that that is a clear no-go zone for the United States?

Ms. LEAF. Yes, Senator.

Senator VAN HOLLEN. Ambassador Leaf, and then Ms. Stroul.

Ms. STROUL. Let me just add to what Ambassador Leaf just confirmed, which is that we are focused on the enduring defeat of ISIS, on maintaining protections for the civilian population in northeast Syria and, of course, on the protection of U.S. forces and coalition forces.

Large-scale incursions either by Turkish military or by Turkish-supported opposition in Syria would have a negative impact and jeopardize our commitment to the D-ISIS mission. We make that clear consistently.

Senator VAN HOLLEN. Thank you.

As you know, Turkey has indicated that they would like to purchase additional F-16s and upgrades for some of their existing F-16s. How would a Turkish military action in northern Syria impact the Administration's decision-making on that?

Ms. LEAF. Senator, it is predecisional and I would not have anything that I could offer you today.

Senator VAN HOLLEN. I hope we are communicating very clearly to Turkey that that would be an unacceptable step. As we know, Turkey is currently threatening to hold up the admission of both Finland and Sweden to NATO because of those countries' support for Syrian Kurds. So it seems to me a moment where we have to communicate very clearly to Turkey what the red lines are here.

Let me ask you about economic support in northern Syria, and I want to commend the Administration for the granting of general licenses.

Ambassador Leaf, can you talk a little bit about how those additional economic support funds are being implemented on the ground?

Ms. LEAF. In terms of General License 22, Senator, this came about through the very helpful suggestion by the chairman and Senator Rubio that we look to enhance the opportunities for economic regeneration in the areas liberated from ISIS and that is what this license is all about is assisting the communities, the people of those areas, to engage in commercial activity and so forth that will create resiliency and put at bay the prospects for ISIS returning to those areas.

Senator VAN HOLLEN. Are there any new initiatives that have been undertaken? Can you just talk a little more specifically about how some of those funds are being used?

Ms. LEAF. I am sorry, Senator. I thought you were talking about the general license. You are talking about economic support?

Senator VAN HOLLEN. Actually, I was—I did mention both. You are right. In terms of the general license, how is that—have you seen any positive impacts to date from that?

Ms. LEAF. It is a relatively new development. I will dig into to that and come back to you with a more detailed assessment as to how that—what impact that is happening—having, rather.

Senator VAN HOLLEN. Thanks.

[EDITOR'S NOTE.—The requested information referred to above follows:]

Northern Syria remains a challenging environment for economic activity. Issuing this General License was a first step towards improving economic conditions in non-regime areas of northern Syria; U.S. and third-country companies, Syrian diaspora

groups, and local authorities in northern Syria have conveyed their interest in bringing investment to the region. We continue to have discussions with regional partners, local authorities, and private sector entities about ways to further encourage commercial activity in non-regime areas and address barriers to private sector investment in northwest and northeast Syria.

My final question relates to the upcoming July vote in the U.N. Security Council about the humanitarian corridor, and I understand that Senator Risch asked about this and you indicated that we went through this last year and, of course, at the end we were able to maintain the corridor. Obviously, big things happened since last July and this July—the Russian invasion of Ukraine.

What would be the impact if Russia was to veto it or prevent that action this year?

Ms. LEAF. Senator, not to put too fine a point upon it, it would trigger a massive humanitarian crisis. There is no substitute for the Bab al-Hawa cross-border access point.

As part of last year's discussions, the 2585 language included a commitment that cross-line assistance would also be prioritized and, indeed, there have been those efforts throughout the year.

To give you a sense of the scale, something on the order of 1 and a half million Syrians are serviced through Bab al-Hawa on an average month. There have been four cross-border conveyances of materiel and foodstuffs and other commodities to Syrians in the northwest over the course of the year. The last one, I think, was able to provide provisions for about 43,000 Syrians. So the scale is entirely different.

The U.S. is committed to getting humanitarian assistance through to the needy through all possible means, but there is no question that cross-border access is the single most important piece of that.

Senator VAN HOLLEN. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. We have colleagues that have now joined us.

Senator Young.

Senator YOUNG. Thank you, Chairman.

Ms. Stroul, as you know, Senator Kaine and I have been working to repeal the 1991 and 2002 authorizations for the use of military force, and my understanding is that Operation Inherent Resolve does not rely on either of these two justifications. Rather, it is authorized pursuant to the 2001 AUMF.

Is that accurate?

Ms. STROUL. Yes, Senator. That is accurate.

Senator YOUNG. Okay.

I just want to confirm my understanding. Would repeal of the 2002 and 1991 AUMFs negatively impact our mission or endanger our service members whatsoever in Syria under Operation Inherent Resolve?

Ms. STROUL. The Administration's review is that repeal of the 2002 AUMF would be unlikely to constrain our reasonably foreseeable range of operations in Syria or Iraq, or to impact our ability to protect U.S. national security. There are no ongoing military activities that rely solely on the 2002 AUMF as a domestic legal basis.

Senator YOUNG. Right. The 1991 AUMF is so far into the past that it is really not even at issue in most people's minds. Is that accurate?

Ms. STROUL. Yes, it is accurate.

Senator YOUNG. Okay.

Does DoD have the authorities and resources necessary to counter Islamic State in the eastern Syria security area and to conduct related counterterrorism operations?

Ms. STROUL. Yes, Senator. As a matter of domestic law we rely on the 2001 AUMF to authorize the use of force in Syria against al-Qaeda and ISIS.

Senator YOUNG. All right. Thank you.

Put me on record. I still think it is a good idea since we are allies with the Iraqi Government, the Iraqi people, to send that message that we are not any longer at war with them. The 2002 AUMF was, of course, targeted at Saddam Hussein's regime.

Assistant Secretary Leaf, despite your opening statement, I am concerned the Administration is signaling it is open to some normalization through its brokered deal to deliver gas to Lebanon via a pipeline in Syria.

The Assad regime will receive gas in recompense for facilitating this flow. This seems in direct contravention to our policy in Syria and counter to the intent of the Caesar Act.

How does the Lebanon gas deal not violate U.S. sanctions barring transactions with the Syrian Government?

Ms. LEAF. Senator, thank you for that question and it is a great opportunity to lay out what we are intending—what we are hoping to do through this prospective arrangement, and I would just stress that no decisions have been made because no contracts have been finalized. There is a process underway right now.

Let me start by saying there is a process underway right now to finalize those contracts between the various governments. Let me start by saying that the driver for any such arrangement is the benefit of the Lebanese people.

Lebanon has been in a powerless state for several years and is now on the verge of state collapse—of societal collapse. We are trying through a variety of measures to put a floor under such a prospect because the repercussions for the Lebanese people are one thing, but the repercussions for the wider region would be even greater for Israel, for Jordan, and others.

We are working on a variety of measures and this is one of them. This was proffered by regional governments, regional governments coming forward with regional solutions—that is Egypt and Jordan—transferring Egyptian natural gas via Jordan and, as you said, through Syrian pipelines.

There is—as we understand it, there is no cash transfer of any kind to the Syrian Government. It would be in kind, and I would stress the Lebanese people have about 2 hours of electricity today.

Senator YOUNG. Sure.

Ms. LEAF. It would be a matter of minutes of power provided to—

Senator YOUNG. I do not have a lot of time.

Ms. LEAF. I am sorry.

Senator YOUNG. It is your belief, because you alluded to our allies and having done this in consultation with at least some of the regional allies—you do not think this sends mixed messages or any sort of negative message to allies who are fighting against the Assad regime and countries in the region who are concerned about isolating the Assad regime and holding Mr. Assad accountable?

Ms. LEAF. Senator, I think it is—I think people are very clear who this is intended for, and I will tell you, the king of Jordan is one of the most concerned of our partners about the prospect of collapse in Lebanon and he would like to do whatever is possible to mitigate that prospect.

Senator YOUNG. Thank you both.

The CHAIRMAN. Thank you.

Senator Coons.

Senator COONS. Thank you, Chairman Menendez, Ranking Member Risch, and thank you to our panel both for your service and for your testimony.

As we all know, Russia's unprovoked attack on Ukraine has garnered significant global attention, but it is critical that we also sustain our focus on an engagement with Syria, a country where Russia's engagement, exploitation, meddling, commission of human rights abuses have led to massive suffering and widespread displacement.

More than 14 million people inside Syria are in need of humanitarian aid and nearly all—97 percent—of the Syrian population lives under the poverty line.

As chairman of the Appropriations Committee responsible for humanitarian assistance, I keep pushing for robust assistance, including for Syrian refugees and those most vulnerable as this conflict grinds on into its 11th year.

I think it is critical we do everything in our power to maintain humanitarian cross-border access into northwestern Syria and to continue pressing for other routes of humanitarian access.

I am concerned the prospect of a Russian veto at the Security Council when the cross-border mandate renewal comes up this July will lead to further suffering. Russia has used its seat on the Security Council to weaken international resolve across a wide range of issues to spread disinformation.

How are we working—if I might, Assistant Secretary Leaf, how are we working with other like-minded Security Council members to prevent a veto and to counter Russian influence within the Security Council?

Ms. LEAF. Thank you for that question, Senator.

It is an abiding preoccupation for us in the Department of State for our mission in New York, and we are working all channels.

I would just say that there are some pretty significant players in this space in terms of their channels with Russia. One of them is, in fact, Turkey.

Turkey will be directly affected by the scale of a humanitarian crisis unleashed by Russia vetoing this border crossing and I know that the Turkish Government is quite engaged in those discussions, as are a number of others.

As I have looked at this and as we are working together hand-in-hand with other partners outside the Council and in, I think there is a very deep consensus on this matter.

Russia will stand alone, completely alone, if it does go forward with this. Really, this is a strictly humanitarian matter and I am not going to say whether I am optimistic or pessimistic at this point. I am just very focused on getting the results that we need.

Senator COONS. One of the things I have been focused on is the food crisis that is resulting from Russia's unprovoked and illegal attack on Ukraine, the way in which the 400 million people who were fed by Ukrainian agricultural products last year are now at risk of famine. Something like 12 and a half million Syrians suffer from food insecurity, according to the World Food Programme.

What is the status of the food supply in Syria? What actions is the Administration taking to address the critical need to get access to the agricultural products of Ukraine and how might we address both the cooking oil and food shortages brought about by Russia's invasion of Ukraine and continued blockade of the Black Sea ports of Ukraine?

Ms. LEAF. Senator, in fact, I know that there are efforts underway in a number of channels in our government to get to the heart of the problem, which is the blockade of Ukraine's ports, the targeting, of course, of Ukraine's wheat and other supplies.

You are absolutely right that Syria is made all the more vulnerable by—Syria's population is made all the more vulnerable by Putin's war in Ukraine and so is Lebanon next door. Lebanon used to import something on the order of 80 percent of its needs from Ukraine and, of course, the port explosion blew to pieces all of the supplies.

We are focusing our humanitarian assistance and, certainly, our early recovery efforts in this space as part of a larger effort to identify how we can get to the most vulnerable populations.

Senator COONS. If I might ask one last question.

For both of you, how is Russia repositioning as a result of the war in Ukraine and to what extent are you seeing the likelihood of increased Iranian involvement in Syria as the Russians' principal security focus as their ongoing war in Ukraine?

Ms. STROUL. Thank you, Senator, for that question.

We have seen no meaningful changes in Russia's intervention in Syria and its support to the Assad regime or in its commitment to backing the Assad regime in its continued war against the Syrian people in Syria.

With respect to Iran, Iran's ultimate objectives in Syria and for the region have also not changed. Iran remains committed to both pushing U.S. forces and the United States out of the region and it continues its commitment to supporting a network of violent proxies and terrorists in terrorizing and destabilizing regional governments, as well as threatening Israel.

From a Department of Defense perspective, our commitment to pushing back on these activities and supporting Israel and her inherent right to self-defense also has not changed.

Senator COONS. Thank you. Thank you both for your testimony.

Thank you, Mr. Chair.

The CHAIRMAN. Thank you.

Senator Cruz.

Senator CRUZ. Thank you, Mr. Chairman. Good morning to each of you.

Assistant Secretary Leaf, I want to begin by asking you questions about the Administration's plan to route Egyptian gas to Lebanon through Jordan and Syria and, in the process, using the energy infrastructure of the Iranian-controlled Assad regime.

In January, the United States Ambassador to Lebanon said that Lebanon did not need to worry about American sanctions for this scheme and that, indeed, the U.S. had conveyed assurances to that effect.

I publicly stated at the time that that was exceptionally poor advice, that Lebanon should absolutely worry about violating U.S. sanctions and so should every other country involved in these schemes.

I added that Congress would strongly oppose the Biden administration trying to enrich Assad and, indeed, we have seen and heard some of that opposition already today.

Congress, to say nothing of this committee, will ensure that United States sanctions are fully ensured—enforced. The actions of this Administration are endangering the American allies involved in these deals and exposing them to acute future sanctions risks.

It is also worrying that the Biden administration, again, has been deliberately vague about this Middle East policy. Administration officials sometimes say they will provide letters, licenses, or waivers to exempt countries from sanctions on Assad. Other times they have said, oddly enough, that the sanctions passed by Congress do not apply at all.

I would like to ask you about that. Last October, Under Secretary Nuland said that one scheme “falls under the humanitarian category. No sanctions waiver would be required in this instance.”

Even earlier, the State Department's energy envoy said—had said that gas deals do not count as transactions at all.

I would like you to be specific. Is it your understanding that the energy project to bring Egyptian gas to Lebanon via Jordan and Syria would be exempt from Caesar Act sanctions or would it require waivers and licenses to avoid sanctions exposure?

Ms. LEAF. Thank you, Senator, for those questions.

We have not seen the final details of these contracts so I reserve judgment. We have made no decision. We have made no commitments of exemptions, waivers, or what have you.

We will look at the details of these contracts. Treasury, OFAC, State, will look at these details and make a finding then.

What we have seen, what we have been privy to in terms of the arrangements that are under discussion, would involve the World Bank providing a 2-year loan that would also be conditioned on far-reaching extensive reform of the electricity sector to put it on a sounder, enduring footing.

Once the World Bank looks at this, we would look at the details of the contract and make a judgment at that time.

Senator CRUZ. Are the public reports accurate that you have given assurances that sanctions would not apply?

Ms. LEAF. No, they are not accurate. What I am aware of we have given what are termed preassurances that governments may

engage in discussions—discussions—about these arrangements. The final decision will be the final decision by the Treasury—Department of Treasury.

Senator CRUZ. I will note that the final decision by Treasury will not, in fact, be the final decision.

There will be successor administrations, and in successor administrations, I think, it is quite likely that a future Administration will immediately move to restore pressure on Iran and its proxies, and is very likely to revoke any waivers or licenses granted and, as a result, the conduct of the Biden administration is exposing our allies to a serious and acute risk of sanctions.

Ms. LEAF. Senator, this—these set of arrangements—of prospective arrangements came about precisely because of the concern on the part of the governments of Jordan and Egypt and, indeed, a number of others about the prospect for the state of Lebanon to collapse, given the diminishing level of energy available, the resort to propaganda stunts by Hezbollah to bring in sanctioned Iranian oil, oil that did not go to the public, did not go to the national electricity grid. Just disappeared into the black market.

This is a way of transparently—the theory of the arrangement is that it will transparently provide that life-sustaining, economic-sustaining, economy-sustaining energy to the public because otherwise the state and the society itself is on the point of collapse with all of the repercussions.

Senator CRUZ. That may be the theory of the arrangement, but it does not give the Administration the ability to disregard binding and mandatory sanctions passed by Congress.

Ms. LEAF. Of course.

Senator CRUZ. A final question.

You mentioned Hezbollah, and the United States has spent billions of dollars over the last two decades to build up the Lebanese Armed Forces.

Are you aware of the Lebanese Armed Forces stopping Hezbollah weapons convoys into Lebanon and how many times?

Ms. LEAF. I would have to look at that in detail and come back to you with an answer, sir.

Senator CRUZ. Is it concerning that we are giving billions to an armed forces that is not in any meaningful way opposing Hezbollah?

Ms. LEAF. What I could say is the following about the Lebanese Armed Forces. They are on the verge of being the only remaining national institution that has the capability to sustain the security and to mitigate some of the effects of Lebanon's collapse.

They are the one institution nationally that is trusted by the Lebanese public. They are struggling to carry out their responsibilities. The last thing we want to see is the LAF collapse as well.

Senator CRUZ. Thank you.

The CHAIRMAN. Thank you.

Senator Risch has some final questions. Then we are going to move to a very important second panel.

Senator RISCH. Very briefly, Mr. Chairman, because we do need to move to the next group.

I am not satisfied with the discussion we have had about the lack of Caesar sanctions and I have got some matters I want to

pursue there, not totally unlike what Senator Cruz has been pursuing.

The answer that Syria is going to be paid in kind in no way exempts it since from Caesar sanctions. So what I would like to do is I would like to propound some questions for the record, please, and ask that they commit to respond to those.

The CHAIRMAN. Absolutely.

Senator Markey, I had just announced we are going to go to the next panel, but since you have just arrived in the nick of time, we will recognize you.

After this—I am just making a public announcement—we are moving to the next panel. If someone has not arrived here they will have to submit their questions for the record.

Senator MARKEY. Thank you, Mr. Chairman.

Wednesdays every committee schedules at 10 o'clock, and while you can be ubiquitous in some instances here, it is very difficult only because of the distances you would have to travel.

So I apologize, Mr. Chairman, and to the committee members.

The Assad regime repeatedly broke the century-old taboo against the use of chemical weapons. We obviously want to eliminate the scourge of chemical weapons, which is all the more important given the threat that Russia could use chemical weapons in its illegal war in Ukraine.

On Syria, we know that the Organization for the Prohibition of Chemical Weapons has not received certain requested information from Syria, and the deployment of the OPCW declaration assessment team has been delayed because of difficulties acquiring visas to enter Syria.

Assistant Secretary of State Leaf, what is your department doing to work on getting an inspection team into Syria to verify the elimination of Syria's declared and nondeclared chemical weapons program?

Ms. LEAF. Thank you, Senator, for that question.

There is no doubt that the Assad regime's retention of the capability of using these terrifying weapons against its own public has to remain a top priority—is a top priority.

I will commit to you that I will put my own personal efforts to that end to clear the way for this team to get into Syria and to do its work.

Senator MARKEY. Yes. I think we have to put special emphasis on it, given what the implications are for Ukraine, because there is complete uncertainty as to the sustainability of the Russian incursion, and desperation could breed actions that are otherwise unacceptable.

Deputy Assistant Secretary Stroul, according to the Syrian Observatory for Human Rights, over 40,000 Syrians have registered to fight on behalf of Russia in Ukraine and deployment is now beginning.

Is there anything the United States and its partners can do to prevent thousands and thousands of Syrian mercenaries from successfully transiting to Ukraine?

Ms. STROUL. Thank you for that question, Senator.

We have also seen the open source reporting about large numbers of Syrians being relocated by Russia to the Ukraine theater of war.

We have not seen large-scale movements like that on the ground. If there are smaller groups, ones and twos here and there, fine, but we have not seen and our intelligence assessments does not see large-scale movements. We are continuing to monitor that very closely.

Senator MARKEY. Okay. So you are saying that 40,000 number has not translated in Ukraine into operational troops for the—

Ms. STROUL. Yes, Senator. That is what I am saying. I also think it is important to take note of the massive amounts of disinformation and misinformation in the environment by Russia both in the Syria theater and in the Ukraine theater.

Senator MARKEY. Again, that disinformation that you are referring to is that there are Syrian troops there or that there are not Syrian troops there?

Ms. STROUL. We have not seen indications of large—tens of thousands of forces from Syrian fighters being moved to Ukraine. That is disinformation.

Senator MARKEY. Okay. Great. Thank you. That is very helpful to be clarified. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

With the thanks of the committee to both of you for your testimony, we look forward to continuing to engage with you.

As you can see, there is about a dozen members who came here, so this is a topic of great significance. For the—and you are both excused. Thank you.

For the purposes of the committee's information, it is the chair's intention, in consultation with the ranking member, to move through the second panel to hear their testimony and then we will see how far we can get to questions, and as we call upon them to join us in the hearing room, we will just introduce them.

After 11 years of conflict, Syria remains as far as ever from a durable solution to the conflict that will allow Syrians to live in peace and dignity.

In those 11 years, one of the few constants to the conflict has been the Assad regime's barbarous treatment of fellow Syrians with the active support and participation of Russia and Iran, from barrel bombs and double tap airstrikes on first responder to the regime's industrial-scale torture and murder of dissidents, actors, and their family members in a network of detention facilities.

The numbers give a grim accounting of the suffering unleashed on Syrians by the regime that would claim to govern them: over half a million killed, nearly 7 million internally displaced, 6.6 million registered as refugees around the world—more than half of Syria's pre-war population—14.6 million inside of Syria in need of humanitarian assistance.

The numbers alone do not provide a full sense of the horrors inflicted by the regime and the continuing importance of holding Bashar Al-Assad and his Syrian cronies and Russian and Iranian enablers accountable for their crimes against Syria's people.

We would like to welcome a man known only as the Gravedigger, who will provide a harrowing and courageous eyewitness account of the regime's atrocities and its attempt to literally bury the evidence of those crimes by burying its victims in mass graves.

Although we normally ask witnesses to limit their spoken testimony to 5 minutes, we have agreed to allow the Gravedigger 10 minutes for his opening statement to allow the full weight of his testimony to be felt.

I would also like to welcome Professor Milena Sterio, the Charles R. Emrick, Jr.-Calfree Halter & Griswold Professor of Law at the Cleveland Marshall College of Law. Professor Sterio is an expert on international criminal law and international human rights law.

She has written extensively on atrocity accountability in general and its application to the Syrian conflict, in particular.

Thank you both for joining us today. With that, we will recognize—both of your statements will be fully included for the record.

With that, we will recognize the Gravedigger for his remarks.

**STATEMENT OF THE GRAVEDIGGER,
WITNESS TO MASS GRAVES IN SYRIA**

[The following statement and answers were delivered through an interpreter.]

The GRAVEDIGGER. Thank you, Chairman Menendez.

Thank you, Chairman Menendez and Ranking Member Risch, for holding this hearing, and thank you, Senator Risch, for inviting me to speak.

I am honored to give testimony before this storied committee. Thank you for giving me a chance to bring my voice to the United States Congress, government, and, most importantly, to the American people, whose democracy inspired our revolution in Syria over a decade ago.

On March 11, 2020, the military photographer and defector Caesar shared his story with you. Every day he photographed bodies that had been detained, tortured, murdered in Syrian regime dungeons.

The signs of torture were clear and the photographs were here on display in front of your honorable committee. You saw it with your own eyes, innocent civilians experiencing the most brutal methods of torture—burning, strangulation, sodomy, and, ultimately, death, all for daring to dream of a free Syria.

Now, over 2 years later, nothing has changed in Syria. The Assad regime is no less brutal. The Syrian people are no less at risk. How many more times does a witness to war crimes need to sit in front of you and describe the horrors of the Assad regime?

I hope that by sharing my story it may spark something inside you and maybe even renew hope for the future of Syria. Every time I tell my story, it takes a toll on me, but all I have is my voice and I will speak until I cannot anymore.

I was witness to mass graves in Syria from 2011 to 2018 where men and women, children and elderly, were tortured, executed, gassed, and bombed by the Assad regime, Iran, and Russia, and carelessly thrown into trenches, their fate unknown to loved ones.

Their lives have been lost. They cannot be saved, and they demand accountability. The reason I am sharing my story today is to

tell you that they are digging mass graves right now to bury more victims of Assad, Iran, and Russia.

I am a civilian. Before the war, I was an administrative employee of the Damascus municipality. My job was to help families make final preparations for their loved ones' passing. Each funeral was dignified with religious prayers and rituals and all were properly laid to rest. Family members were given an opportunity to say goodbye and the sanctity of every grave was respected.

In 2011, my office was visited by regime intelligence officials and I was ordered to work for them, and when the regime asks for something; you do not say no.

I was not prepared for the horror of my duties. Every week, twice a week, three trailer trucks arrived packed with 300 to 600 bodies of victims of torture, bombardment, and slaughter.

Twice a week three to four pickup trucks with 30 to 40 bodies of civilians that had been executed inside Saydnaya Prison also arrived for disposal in the most inhumane way.

After 7 years of bearing witness to these atrocities, thanks to God and the ineptitude of the regime, I was able to escape Syria and follow my family to Europe.

There, it was not only my duty, but my honor to testify before the German National Court in Koblenz and seek some semblance of justice to hold war criminals accountable for the ongoing atrocities in Syria.

I have never been able to forget what I saw, the countless bodies I buried. It keeps me up at night and I will never sleep soundly carrying this burden. No one should because these massacres are still happening.

There are, according to conservative estimates, at least 150,000 missing unaccounted for Syrians. Their families have no closure, holding out hope for any bit of information.

My heart is heavy with the knowledge that many are at this very moment experiencing inhumane torture at the hands of the Assad regime and some I know exactly where they are piled up into mass graves that are still being dug today. I know this because others who worked with me on the mass graves have very recently escaped and confirmed what we have been hearing.

The Syrian people have suffered enough. Over the 11 years of war, hundreds of thousands of innocent civilians have not just been executed, but starved, tortured, raped, burned, and murdered in the most sadistic ways anyone can imagine.

Men and women, children and elderly, innocent people, slowly tortured to death, screaming in the darkness while the world looks the other way. Those lucky enough not to be imprisoned live in fear every day, fear of being targeted with chemical weapons, cluster bombs, and internationally banned weapons.

Among those murdered are Americans, including journalists and humanitarian workers. I will never forget how Assad's forces ridiculed and laughed about the fact that they tortured, murdered, and buried Americans and Europeans, too.

As the leader of the free world, America should set the example and live up to its values. The international order depends on it.

When the international community fails to condemn crimes against humanity, genocidal massacres, the bombardment of hos-

pitals and schools, enforced disappearances in detention, criminal regimes will continue to push the limits unhindered.

Russia, by its own admission, tested over 200 weapons on civilians in Syria. The international community looked the other way, and now Russia is using those same weapons and tactics in Ukraine that it honed in its 7 years waging war against the Syrian people.

Where is the line? Chemical weapons against innocent civilians was not the line in Syria. The playbook of these tyrants is written and I fear the worst for the Ukrainian people.

Enabling Assad enables Putin and stopping Assad hurts the Russian dictator. We must finally learn from the past and not let this never again moment happen yet again.

I lived with death for 7 years with dead bodies and soulless intelligence officers. It might seem unimaginable to you so let me share some of the horrors that have never left my mind.

One day, one of the trailer trucks with hundreds of bodies dumped its content of these hundreds of bodies, dead mangled corpses, into the trench in front of us. Unexpectedly, we saw a flicker of movement. There was a man near death, but still alive, desperately using his last reserve of energy to signal to us that somehow he was still alive.

One of the civilian workers started crying, said that we had to do something. The intelligence officer supervising us ordered the bulldozer driver to run him over.

The driver could not hesitate or else he would have been next. He ran over the man in the trenches, killing him. As for the young man in our workshop who dared to shed tears over the victim of Assad's regime, we never saw him again.

Once I had—I was told to visit a farm of an intelligence officer. When I arrived, there was about 10 intelligence officers—senior officers. They were eating and drinking alcohol, and more surprisingly, there were over 15 young men handcuffed, blindfolded, and naked on the ground.

One of the intelligence officers ordered one of the soldiers to untie the civilians and let them go. The blindfolds and handcuffs were removed, and I remember the confusion and the fear in a young man's eyes. An intelligence officer asked what they were waiting for to the young men. He told them to run and they took off.

Then another officer grabbed his rifle and picked the young men off one by one. Every last one was murdered, and then Assad's officers continued with their festivities.

I buried so many children tortured to death and I remember them all. I buried a mother still holding her infant to her breast as their lifeless bodies were thrown into the trench among the others.

One day I was at a military hospital where the bodies are processed before being sent to the mass graves, and there was a body of a little girl only 6 or 7 years old. Her little lifeless body showed signs of terrible torture.

The doctor at the hospital took me aside and told me he was ordered to write that she died of cardiac arrest. In reality, she had

died as she was being continuously and horrifically raped by 11 senior—by 11 Assad regime intelligence officers.

As members of the United States Senate, you all have the power to change the world. By sharing my story, I am taking this burden off of my shoulders and sharing it with you all.

This is now on your shoulders, on your conscience. Take heed of what is happening in Syria. Although hundreds of thousands have already been murdered and disappeared and millions displaced, the worst is still yet to come.

It can be prevented. I beg of you do not wait a second longer. I beg of you to take action.

Recently, I was contacted by a bulldozer driver that worked during the same time that I worked there. There is a video that he has submitted that I would like to submit for the record.

Thank you.

[The prepared statement of the Gravedigger follows:]

Prepared Statement of The Gravedigger

Thank you, Chairman Menendez and Ranking member Risch for holding this hearing, and thank you Senator Risch for inviting me to speak. I am honored to give my testimony before this storied committee. Thank you for giving me a chance to bring my voice to the United States Congress, government, and most importantly to the American people whose democracy inspired our revolution in Syria over a decade ago.

On March 11, 2020 the military photographer and defector Caesar shared his story with you. Every day, he photographed bodies that had been detained, tortured, and murdered in Syrian regime dungeons. The signs of torture were clear, and the photographs were here, on display in front of your honorable committee. You saw it with your own eyes. Innocent civilians experiencing the most brutal methods of torture—burning, strangulation, sodomy, and ultimately death. All for daring to dream for a free Syria.

Now, over 2 years later, nothing has changed in Syria. The Assad regime is no less brutal, the Syrian people are at no less risk. How many more times does a witness to war crimes need to sit in front of you and describe the horrors of the Assad regime?

I hope that by sharing my story, it may spark something inside you, and maybe even renew hope for the future of Syria. Every time I tell my story, it takes a toll on me. But all I have is my voice, and I will speak until I can't anymore.

I was witness to mass graves in Syria from 2011 to 2018 where men and women, children and elderly, were tortured, executed, gassed, and bombed by the Assad regime, Iran, and Russia and then callously thrown into trenches, their fate unknown to loved ones. Their lives have been lost; they cannot be saved. And they demand accountability. But the reason I am sharing my story today, is to tell you that they are digging mass graves right now to bury more victims of Assad, Iran, and Russia.

I am a civilian. Before the war, I was an administrative employee of the Damascus municipality. My job was to help families make final preparations for their loved ones' passing. Each funeral was dignified with religious prayers and rituals, and all were properly laid to rest. Family members were given the opportunity to say goodbye, and the sanctity of every grave was respected.

In 2011, my office was visited by regime intelligence officials, and I was ordered to work for them. When the regime asks for something, you don't say no.

I was not prepared for the horror of my duties. Every week, twice a week, three trailer trucks arrived, packed with 300 to 600 bodies of victims of torture, bombardment, and slaughter. Twice a week, three to four pickup trucks with 30 to 40 bodies of civilians that had been executed in Saydnaya Prison, arrived for disposal in the most inhumane way.

After 7 years of bearing witness to these atrocities, thanks to God and the ineptitude of the regime, I was able to escape Syria and follow my family to Europe. There, it was not only my duty, but my honor to testify before the German national court in Koblenz, and seek some semblance of justice to hold war criminals accountable for the ongoing atrocities in Syria.

I have never been able to forget what I saw; the countless bodies I buried. It keeps me up at night, and I will never sleep soundly carrying this burden. No one

should, because these massacres are still happening. There are, according to conservative estimates, at least 150,000 missing and unaccounted for Syrians. Their families have no closure, holding out hope for any bit of information. My heart is heavy with the knowledge that many are, at this very moment, experiencing inhumane torture at the hands of the Assad regime, and some—I know exactly where they are—piled into mass graves that are still being dug today. I know this because others who worked with me on the mass graves have very recently escaped and confirmed what we have been hearing.

The Syrian people have suffered enough. Over the 11 years of war, hundreds of thousands of innocent civilians have not just been executed, but starved, tortured, raped, burned, and murdered in the most sadistic ways one can imagine. Men and women, children and elderly, innocent people slowly tortured to death, screaming in the darkness while the world looks the other way. Those lucky enough not to be imprisoned live in fear every day, targeted with chemical weapons, cluster bombs, and internationally banned weapons. Among those murdered are Americans, including journalists and humanitarian workers. I will never forget how Assad's forces ridiculed and laughed about the fact that they tortured, murdered and buried Americans and Europeans too.

As the leader of the free world, America should set the example and live up to its values—the international order depends on it. When the international community fails to condemn crimes against humanity—genocidal massacres, the bombardment of hospitals and schools, enforced disappearances and detention-criminal regimes will continue to push the limits, unhindered.

Russia, by its own admission, tested over 200 weapons on civilians in Syria. The international community looked the other way, and now, Russia is using those same weapons and tactics in Ukraine that it honed in its 7 years waging war against the Syrian people. Where is the line? Chemical weapons against innocent civilians was not the line in Syria. The playbook of these tyrants is written, and I fear the worst for the Ukrainian people. Enabling Assad enables Putin, and stopping Assad hurts the Russian dictator. We must finally learn from the past and not let this never again moment happen, yet again.

I lived with death for 7 years; with dead bodies and soulless intelligence officers. It might seem unimaginable to you, so let me share some of the horrors that have never left my mind. One day, one of the trailer trucks dumped its contents of several hundred dead, mangled corpses into the trench in front of us. Unexpectedly, we saw a flicker of movement. There was a man near-death desperately using his last reserve of energy to signal to us that somehow, he was still alive. One of the civilian workers, crying, said that we had to do something. The intelligence officer supervising us ordered the bulldozer driver to run him over. The driver could not hesitate, or else he would have been next. He ran over the man in the trenches, killing him. As for the young man who had dared to shed tears over the victim of Assad's regime, we never saw him again.

Once, I had to visit the farm of an intelligence officer. When I arrived, there were about 10 of them there eating and drinking. More surprisingly, there were also 15 young men handcuffed, blindfolded, and naked on the ground. One of the intelligence officers ordered another soldier to untie the civilians and let them go. The blindfolds and handcuffs were removed, and I remember the confusion and fear in the young men's eyes. An intelligence officer asked what they were waiting for, and told them to run, and they took off. Then, another officer grabbed his rifle, and picked the young men off, one by one. Every last one was murdered, and then Assad's officers continued on with their festivities.

I buried so many children tortured to death, and I remember them all. I buried a mother still holding her infant to her breast as their lifeless bodies were thrown in the trench. One day, I was at Tishreen military hospital where bodies are processed before being sent to the mass graves, and there was a body of a little girl only 6 or 7 years old. Her little lifeless body showed signs of terrible torture. The doctor at the hospital took me aside and told me he was ordered to write that she died of cardiac arrest, but in reality she had died as she was being continuously and horrifically raped by 11 Assad regime intelligence officers.

As members of the United States Senate, you all have the power to change the world. By sharing my story, I am taking this burden off of my shoulders, and sharing it with all of you. This is now on your shoulders, and your conscience. Take heed of what is happening in Syria. Although hundreds of thousands have already been murdered and disappeared, and millions displaced, the worst is still yet to come. It can be prevented but I beg of you—do not wait a second longer. Take action.

The CHAIRMAN. Thank you. That is the same video I believe Senator Risch has asked for consent and it is included in the record.

[EDITOR'S NOTE.—The video being referenced can be found at the following link: https://drive.google.com/file/d/16sdYjaxGSF2MjxSPaS2TDgzBRky_sxdK/view. The video will also be retained in the permanent record of the committee.]

The CHAIRMAN. Thank you very much, Gravedigger. Professor Sterio, you are recognized.

STATEMENT OF DR. MILENA STERIO, THE CHARLES R. EMRICK JR.-CALFEE HALTER AND GRISWOLD PROFESSOR OF LAW AND LL.M. PROGRAMS DIRECTOR, CLEVELAND-MARSHALL COLLEGE OF LAW, CLEVELAND, OHIO

Dr. STERIO. Good morning, Chairman Menendez, Ranking Member Risch, and members of the committee. It is an honor to testify before you today.

It is also a privilege to share this platform with the other individuals testifying before the committee and, especially, the Gravedigger.

The conflict in Syria has continued over the past 11 years and has resulted in the commission of countless atrocities such as mass executions, widespread rapes, systematic torture, and repeated use of chemical weapons against civilians.

These crimes require prosecution from a global deterrence standpoint. In light of the ongoing conflict in Ukraine and the ordering of atrocities there by Russian leaders, establishing accountability for those who ordered the commission of atrocity crimes, whether in Syria or in Ukraine, has become paramount.

Accountability options for the prosecution of Syrian leaders range from prosecutions in the courts of Syria and prosecutions in the national courts of various countries under the principle of universal jurisdiction, to the establishment of a hybrid tribunal for Syria and prosecutions in the International Criminal Court at The Hague in the Netherlands.

First, prosecutions in the courts of Syria. Assuming that there may be a transition of leadership in Syria at some point in the future, a new Syrian regime may be interested in imposing accountability on individuals associated with the Assad regime.

Examples of countries where domestic courts have investigated similar crimes after a change in the governing regime include East Timor, Cambodia, and Colombia.

If prosecutions were to occur in the Syrian courts, the international community, including the United States, could assist Syria by supporting the establishment of specialized internationalized chambers dedicated to the prosecution of atrocity crimes within the Syrian judicial system.

Such internationally-supported domestic chambers have already been created in Iraq, in Bosnia, as well as in the context of piracy prosecutions in Kenya and in the Seychelles.

Second, prosecutions in various national courts under the principle of universal jurisdiction. Universal jurisdiction provides every state with the authority to prosecute a limited category of offenses generally recognized as of universal concern regardless of where the offence occurred, the nationality of the perpetrator, or the nationality of the victim.

Crimes over which universal jurisdiction extends include piracy, slavery, war crimes, crimes against peace, crimes against humanity, genocide, and torture.

In the context of the Syrian conflict, some national level courts have already relied on the principle of universal jurisdiction to initiate investigations and prosecutions.

For example, on January 13, 2022, the Higher Regional Court in Koblenz, Germany, convicted senior Assad government official Anwar Raslan for a crime against humanity and sentenced him to life in prison.

In February 2021, the same German court also convicted Raslan's co-defendant, Eyad al-Gharib, and a new case is currently being prosecuted in the courts in Frankfurt, Germany.

A number of other European states have begun prosecuting Syrian perpetrators found in their territory and some of these states include France, Sweden, Switzerland, Austria, and the Netherlands.

Third, the establishment of a hybrid tribunal for Syria. Hybrid tribunals are courts that combine elements of international and national prosecutions and some recent examples of these hybrid tribunals include the Special Court for Sierra Leone, the Extraordinary Chambers in the courts of Cambodia, and the Special Tribunal for Lebanon.

Many have already advocated for the creation of a hybrid tribunal for Syria. Such a tribunal could be created through an agreement signed by the United Nations General Assembly or Secretary General and the Government of Syria, or through a Security Council resolution.

Both options are unlikely in the context of Syria at the present, but these options are important accountability avenues and should remain part of any future accountability discussions regarding Syria.

Fourth, prosecutions at the International Criminal Court. The ICC is the only permanent International Criminal Court and it is located at The Hague in the Netherlands and has jurisdiction over genocide, crimes against humanity, war crimes, as well as aggression.

In the context of Syria, the ICC is a limited option. Syria is not a member state of the ICC, and as this court has jurisdiction only in situations where the alleged perpetrator is a citizen of a member state or if the alleged crime takes place on the territory of a member state, the court can only launch prosecutions against individuals who committed crimes in Syria, but who are nationals of ICC member states.

Moreover, although in theory a case can be referred to the ICC through a Security Council resolution, any such resolution regarding Syria is unlikely in light of the Russian and Chinese veto.

The ICC is an important global accountability option at a theoretical level and its involvement in Syria should continue to be explored.

One current idea is a group of human rights lawyers has recently advanced the argument that crimes committed in Syria have a link to Jordan, where many of the victims have fled to, in order to cre-

ate territorial jurisdiction for the court as Jordan is a member state.

As this testimony has documented, there is a pressing need to establish accountability for atrocities committed during the Syria conflict. Different accountability options, as mentioned, include prosecutions in Syrian courts, national level prosecutions under the principle of universal jurisdiction, the establishment of a hybrid tribunal for Syria, as well as prosecutions at the International Criminal Court.

It is time that the international community, with support from the United States, act towards accountability. Imposing accountability on Syrian leaders in particular is paramount in the wake of the ongoing conflict in Ukraine and the commission of atrocities there by Russian forces.

It is crucial to establish that accountability attaches to all those who order the commission of atrocities, whether they be located in Syria or in Ukraine.

Thank you.

[The prepared statement of Dr. Sterio follows:]

Prepared Statement of Dr. Milena Sterio

INTRODUCTION

Good morning Chairman Menendez, Ranking Member Risch, and members of the Committee. It is an honor to testify before you today. It is also a privilege to share this platform with the other individuals testifying before the committee.

The conflict in Syria has continued over the past 10 years, and has resulted in the commission of countless atrocities, ordered and orchestrated by the Syrian Government as well as by other non-state actors, rebel and terrorist groups.¹ The need for accountability for such atrocities committed by Syrian officials, rebel commanders, and terrorist leaders has grown. As documented by the United Nations Human Rights Council's Independent and International Commission of Inquiry, the atrocities in Syria are among the worst in history.² They include mass executions, widespread rapes, systematic torture, intentionally targeting hospitals, and repeated use of chemical weapons against civilians. The vast majority of international crimes have been committed in a methodical fashion by the Syrian Government, encouraged by the long-standing culture of impunity. These crimes require prosecution to bring justice for the victims, deter vigilantism, and prevent recurrence.³ In particular, crimes ordered by Syrian Government leaders require prosecution from a global deterrence standpoint: in light of the ongoing conflict in Ukraine, and the ordering of atrocities there by Russian leaders, establishing accountability for those who order the commission of atrocity crimes—whether in Syria or in Ukraine—has become paramount.

Accountability options for the prosecution of Syrian leaders who have ordered the commission of atrocity crimes range from prosecutions in the courts of Syria and prosecutions in the national courts of various countries under the principle of universal jurisdiction, to the establishment of a hybrid tribunal for Syria, and prosecutions in the International Criminal Court at The Hague.

PROSECUTIONS IN THE COURTS OF SYRIA

While the Assad regime remains in power, it is unlikely that Syrian courts will investigate and prosecute any government leaders who have ordered the commission of atrocity crimes. However, assuming that there may be a transition of leadership in Syria at some point in the future, a new Syrian regime may become interested in imposing accountability on individuals associated with the Assad regime. Should that be the case, then Syrian courts would have territorial jurisdiction over any crimes committed in Syria and would be well-placed to investigate and prosecute the commission of such crimes. Examples of countries where domestic courts have investigated similar crimes after a change in the governing regime include East Timor, Cambodia, and Colombia.⁴

If prosecutions were to occur in the Syrian courts at some point in the future, the international community could assist Syria by supporting the establishment of spe-

cial internationalized chambers dedicated to the prosecution of atrocity crimes within the Syrian judicial system. Such internationally-supported domestic chambers have already been created in Iraq, in Bosnia, as well as in the context of piracy prosecutions in Kenya and in The Seychelles.

In order to prosecute Saddam Hussein, the deposed leader of Iraq, as well as other members of his regime, the Iraqi Special Tribunal was established in 2003 through an Iraqi law approved by the United States. Located in Baghdad, the Court was a domestic tribunal that employed domestic judges, prosecutors, defense attorneys, and applied Iraqi law. The tribunal was heavily supported by the international community, particularly the United States, which provided various forms of support and training for the Court's personnel. Thus, this tribunal is a model of an "internationalized" domestic court: a justice mechanism embedded in the domestic system of the relevant nation, aided by various international organizations and authorities in order to enhance its effectiveness. The Iraqi Special Tribunal successfully convicted Saddam Hussein, and in addition, has prosecuted several other members of the deposed Ba'athist regime.⁵

The Bosnian War Chamber is a specialized domestic chamber that handles various war crimes cases, either handed down by the International Criminal Tribunal for Yugoslavia as part of its completion strategy, or investigated on its own. The Chamber is a domestic tribunal within the Bosnian judicial system; it applies local law and it is located in capital city of Sarajevo. The Chamber, however, employs a mix of international staff, as well as local Bosnian Serbs, Croats, and Muslims. Like the Iraqi Special Tribunal, the Bosnian War Chamber has benefitted from generous international support, and its processes have been "internationalized" to ensure procedural quality of prosecutions and to guarantee the delivery of justice pursuant to international standards.⁶

Finally, more recent examples of internationalized domestic chambers include special piracy courts in Kenya and the Seychelles, where captured Somali pirates are being transferred for prosecution under the national systems of these two countries. A piracy chamber has developed in Mombasa, Kenya, where several successful prosecutions have taken place since 2006. Kenyan piracy courts are domestic; they also employ Kenyan lawyers, apply Kenyan law, and are located in this host nation. In the Seychelles, piracy prosecutions have been taking place since 2009 in the Supreme Court located in the capital city of Victoria. The Seychellois prosecutions are conducted using local law by Seychellois judges, prosecutors, and defense attorneys. The piracy prosecutions in both Kenya and the Seychelles have benefited from international assistance by the United Nations Office of Drugs and Crime, which has provided both monetary and logistical support, as well as personnel in the form of "loaned" prosecutors, defense attorneys, translators, and interpreters. In this sense, piracy prosecutions in Kenya and the Seychelles, although conducted in national courts, have been "internationalized," due to support and involvement by the United Nations.⁷

Thus, if domestic-level prosecutions were to occur in the courts of Syria, such prosecutions could occur either at regular Syrian courts or at specialized internationalized chambers created through the support of the international community.

PROSECUTIONS IN VARIOUS NATIONAL COURTS UNDER THE PRINCIPLE OF UNIVERSAL JURISDICTION

Syrian perpetrators of atrocities can be prosecuted by different national-level courts of various countries under the principle of universal jurisdiction. Universal jurisdiction provides every state with the authority to prosecute a limited category of offenses generally recognized as of universal concern, regardless of where the offense occurred, the nationality of the perpetrator, or the nationality of the victim. While other bases of jurisdiction require connections between the prosecuting state and the offense, the perpetrator, or the victim, universal jurisdiction assumes that every state has a sufficient interest in exercising jurisdiction to combat egregious offenses that states universally have condemned.⁸

There are two premises underlying universal jurisdiction. The first involves the gravity of the crime. Crimes subject to universal jurisdiction are so threatening to the international community or so heinous in scope and degree that they offend the interest of all humanity, and any state may, as humanity's agent, punish the offender. The second involves the *locus delicti* (place of the act). Crimes subject to universal jurisdiction occur in territory over which no country has jurisdiction or in situations in which the territorial State and State of the accused's nationality are unlikely to exercise jurisdiction, because, for example, the perpetrators are State authorities or agents of the State.⁹

There are two approaches to universal jurisdiction. The first is the “no safe haven” approach, pursuant to which states may exercise universal jurisdiction over perpetrators found in their territory to avoid becoming a refuge for perpetrators of grave international crimes. The second is the “global enforcer” approach, under which domestic courts conduct prosecutions on behalf of humanity. Under this second approach, investigations, indictments, and requests for extradition may be initiated even where the perpetrator is not located within the state’s territory.¹⁰

The first widely accepted crime of universal jurisdiction was piracy. For 500 years, States have exercised jurisdiction over piratical acts on the high seas, even when neither the pirates nor their victims were nationals of the prosecuting state.¹¹

In the aftermath of the atrocities of the Second World War, the international community extended universal jurisdiction to war crimes and crimes against humanity. Trials exercising this jurisdiction took place in international tribunals at Nuremberg, as well as domestic courts across the globe.¹² Some individuals faced trial in the states in which they had committed their crimes, but others were tried by other states in which they were later captured, surrendered, or found—including such far off countries as Canada and Australia.¹³ Thus, on the basis of universal jurisdiction, Israel tried Adolph Eichmann in 1961 and John Demjanjuk in 1988 for crimes committed before Israel even existed as a State.¹⁴ In extending universal jurisdiction to war crimes and crimes against humanity, an analogy was made between those offenses and piracy. Like piracy, the Nazi offenses during the war involved violent and predatory action and were typically committed in locations where they would not be prevented or punished through other bases of jurisdiction.

On December 11, 1946, the United Nations General Assembly unanimously affirmed the principles of international law recognized by the Charter of the Nuremberg Tribunal and the Judgment of the Tribunal, thereby codifying the jurisdictional right of all States to prosecute perpetrators of the offenses addressed by the Nuremberg Tribunal, namely war crimes, crimes against humanity, and the crime of aggression.¹⁵ The General Assembly has subsequently confirmed that no statute of limitations or amnesty may be applied to bar prosecution of such crimes and that all states have a duty to cooperate in their prosecution.¹⁶ International courts have repeatedly cited the Nuremberg precedent as crystallizing universal jurisdiction for the core international crimes under customary international law.¹⁷

In the 1990s, domestic courts of Denmark, Austria, and Germany relied on universal jurisdiction in trying Croatian and Bosnian Serb nationals for war crimes and crimes against humanity committed in Bosnia in 1992.¹⁸ Courts in Belgium cited universal jurisdiction as a basis for issuing arrest warrants and prosecuting persons involved in the atrocities in Rwanda in 1994, including cases that did not involve Belgian victims.¹⁹ And courts in Spain relied on universal jurisdiction to request the extradition of former Chilean leader, General Augusto Pinochet, for crimes against humanity committed during his reign.²⁰ Crimes over which universal jurisdiction extends include piracy, slavery, war crimes, crimes against peace, crimes against humanity, genocide, and torture.²¹

In the context of the Syrian conflict, some courts have already relied on the principle of universal jurisdiction to initiate investigations and prosecutions. Soon after the outbreak of the Syrian civil war, the German Federal Prosecutor’s War Crimes Unit opened several “structural investigations” into more than 2,800 crimes committed in Syria. This involves investigating specific structures within which international crimes have been allegedly committed rather than investigating specific persons.²²

This technique serves several purposes. First, it can enable the prosecutor to react swiftly when a suspect enters Germany in the future. Second, it can facilitate future proceedings in a third state or before an international court. Third, it can lead to the opening of an investigation against a specific individual and can serve as the basis for an international arrest warrant or extradition request.²³

Taking advantage of the thousands of Syrian refugees pouring into Germany starting in 2011, the staff of the German War Crimes Unit interviewed 200 witnesses in two structural investigations. One, based on the “Caesar photos,” is focused on crimes committed by the Syrian regime as captured in thousands of photos smuggled out by a former Syrian official. The other, based on interviews of Yazidi refugees in Germany, is focused on crimes committed by the ISIS terrorist organization against that ethnic group in Syria.²⁴ So far, the structural investigations have led to multiple investigations against more than two dozen suspects.

In June 2018, Germany issued an international arrest warrant for Syrian General Jamil Hassan, a member of Assad’s inner circle, charging him with war crimes and crimes against humanity. In February 2019, after the general traveled to Lebanon seeking medical treatment, Germany made a formal extradition request of Lebanon for Hassan’s surrender. A few days later, the United States Government issued a

statement supporting Germany's extradition request for the high-ranking Syrian official. By taking this step, the United States placed itself on the record in support of Germany's exercise of universal jurisdiction.²⁵

On Jan. 13, 2022, the Higher Regional Court in Koblenz, Germany, convicted senior Bashar al-Assad government official Anwar Raslan for a crime against humanity—in the form of killing, torture, serious unlawful detention, rape and sexual assault—and sentenced him to life in prison. Raslan was the former head of the Syrian General Intelligence Directorate's investigation department—specifically overseeing the investigations section of Branch 251 and later Branch 285, detention centers where officials held and interrogated suspected anti-government activists.²⁶ The court found it had been proved that Raslan was “a co-offender in a protracted and systematic attack that was launched against the civilian population of Syria, resulting in 27 people being murdered and 4,000 others having their physical freedom impaired in a serious manner, they also having been subjected to torture during their times in prison.”²⁷ In February 2021, the same German court also convicted Raslan's co-defendant, Eyad al-Gharib.²⁸

Germany is the first country to have launched these structural investigations related to Syria, and it established a model for other states wishing to serve the interests of a broader international fight against impunity. France has also embraced the strategy of structural investigations, with the limitation that French law requires that one or more of the victims of each case be a French national or that the suspect is located in French territory.²⁹ Using this authority, in 2018, a French court issued international arrest warrants for three high level Assad regime officials (Ali Mamluk, director of the National Security Bureau; Jamil Hassan, head of Syrian Air Force Intelligence, and Abdel Salam Mahmoud, director of an Air Force Intelligence investigative branch), charging them with complicity in the disappearance of dual French-Syrian nationals.³⁰

Meanwhile, a number of other European states have begun prosecuting Syrian perpetrators found in their territory under the “no safe haven approach.” Most of these have ended with convictions, such as the Austrian case against a 27-year old Syrian asylum seeker and former member of the opposition Farouq Brigade, who was sentenced to life in May 2017 for the multiple murders of government soldiers near Homs between 2013 and 2014.³¹ In Sweden, a 28-year old Syrian Asylum seeker and former member of the Free Syrian Army was sentenced to 8 years in 2013 for war crimes and torture.³² In September 2017, a collective of Swiss lawyers disclosed the existence of a criminal investigation into Rifaat Al-Assad—Syrian President Bashar Al-Assad's uncle, often referred to as the “Butcher of Hama”—for war crimes allegedly committed in 1982.³³ In the Netherlands, in 2020 and 2021, an Amsterdam court prosecuted a Syrian national on charges of war crimes and terrorism under the principle of universal jurisdiction.³⁴

As a result, after falling out of favor during the past 20 years, countries around the world are expanding the use of the global enforcer approach to universal jurisdiction to prosecute Syrian officials and rebels for war crimes and crimes against humanity. The prosecution of Syrian leaders for atrocity crimes in the national courts of different countries around the globe, under the principle of universal jurisdiction, is thus an important accountability option.

THE ESTABLISHMENT OF A HYBRID TRIBUNAL FOR SYRIA

In addition to national-level prosecutions under the principle of universal jurisdiction, another important accountability option is the establishment of a hybrid tribunal for Syria.

Hybrid tribunals are courts that combine elements of international and national prosecutions. They employ a mix of international and national judges; they apply both international and domestic criminal laws; they may be located in a host country whose violent past they may be attempting to address; and they strive to fulfill goals of international justice while also helping to promote the growth of the local judiciary, court system, and civil society in general. Recent examples of these hybrid tribunals include the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia (ECCC), and the Special Tribunal for Lebanon (STL).³⁵

The Special Court for Sierra Leone was established in 2002, through an international agreement between the United Nations and Sierra Leone, the host country. The Court had jurisdiction over atrocities that took place in 1996 during Sierra Leone's civil war. It was located in Freetown, the capital of Sierra Leone, but employed a mix of international and local judges. Its statute included both international law offenses and crimes derived from Sierra Leone, which were specific to the conflict that ravaged this nation for many years. The most prominent defendant prosecuted in the Special Court is Charles Taylor, the former President of Liberia,

who was accused of supporting violent rebel groups in Sierra Leone during the 1990s.³⁶ The SCSL completed its mandate in 2013 and formally closed; in its place, the so-called Residual Special Court for Sierra Leone was established in order to continue to carry out the Special Court's mandate. Many have described the Special Court as a model hybrid tribunal.³⁷

The ECCC was established in 2003, through an agreement between the United Nations Secretary-General and the Cambodian Government in order to try the former leaders of the Khmer Rouge regime for atrocities committed between 1975 and 1979 when Pol Pot ruled Cambodia and orchestrated a series of devastating policies, which resulted in the death of almost a third of the country's population. The ECCC is composed of a Pre-Trial Chamber, a Trial Chamber, and a Supreme Court Chamber; all the chambers consist of international as well as Cambodian judges. The Court also has an international and a domestic prosecutor. The Court's statute is a mix of international and domestic law offenses, similar to the statute of the aforementioned Special Court for Sierra Leone. Since 2009, the ECCC, located in the capital city of Phnom Penh, has prosecuted several high-level members of the Khmer Rouge regime.³⁸

The STL was created in 2007 by the Security Council to try persons responsible for assassinations, and those attempted, of prominent Lebanese political and media figures since 2004. In particular, the STL has investigated the assassination of former Prime Minister Rafiq Hariri. Because of security concerns, the STL was located at The Hague, unlike the aforementioned tribunals, which have all been located in host countries.³⁹ The Tribunal was composed of both international and Lebanese judges, but it applied Lebanese law. Also, unlike the aforementioned hybrid tribunals, which have had jurisdiction over both international and national crimes, the STL had jurisdiction solely over national crimes, as they relate to the Hariri assassination and other assassination attempts. Thus, this Tribunal did not investigate "traditional" international crimes, such as genocide, war crimes, or crimes against humanity, but instead has focused on terrorism. The STL had a 3-year mandate, which can be extended by the Security Council upon review. The Tribunal began its work in 2009, and it has already investigated several individuals and issued nine indictments.⁴⁰ The STL is different from the hybrid tribunals because it was created through the Security Council Chapter VII powers, but it contains similarities because its creation was requested by the Lebanese Government and because the tribunal employed so many features of domestic Lebanese law.

Many have already advocated for the creation of a hybrid tribunal for Syria.⁴¹ Such a tribunal could be created through a United Nations General Assembly or Secretary-General and the Government of Syria, similar to the SCSL and the ECCC. Or, such a tribunal could be established through a Security Council Resolution, such as the STL. Both options are unlikely in the context of Syria at the present. It is unlikely that the Assad government will agree to the creation of an ad hoc tribunal, and the Security Council remains paralyzed in light of the Russian and Chinese veto. However, these options are important accountability avenues and should remain part of any future accountability discussions regarding Syria.

PROSECUTIONS AT THE INTERNATIONAL CRIMINAL COURT

The International Criminal Court (ICC) Statute was negotiated in 1998; the Court became operational in 2002 and has commenced investigations in 17 situations, resulting in a total of 31 cases since its inception.⁴²

The ICC is the only permanent international criminal court. It is located at The Hague, in the Netherlands, and it has jurisdiction over genocide, crimes against humanity, war crimes, as well as aggression. While many have applauded the creation of the ICC as a tremendous development in the field of international criminal law, others have remained skeptical about its ability to accomplish many of the existing goals of international justice.⁴³ The ICC has limited resources and can only prosecute a handful of cases. Its jurisdiction is limited temporally, to 2002 onward, and its ability to hear any case depends on its ability to properly acquire power over a situation—the Court can exercise jurisdiction pursuant to a Security Council referral, pursuant to a referral by a state party, or pursuant to the prosecutor's decision to initiate an investigation.⁴⁴ In some instances, political forces and influences may prevent the Court from investigating a case. Finally, the ICC functions based on the "complementarity" principle⁴⁵; it can only exercise jurisdiction if a state is unwilling or unable to prosecute.⁴⁵

In the context of Syria, the ICC is a limited accountability option. Syria is not a member state of the ICC. As this Court has jurisdiction only in situations where the alleged perpetrator is a citizen of a member state or if the alleged crimes take place on the territory of a member state, the Court can only launch prosecutions

against individuals who committed crimes in Syria but who are nationals of ICC member states. Moreover, although in theory a case can be referred to the ICC through a Security Council resolution, any such resolution regarding Syria is highly unlikely in light of the Russian and Chinese veto. The ICC is an important global accountability option at a theoretical level, and its involvement in Syria should continue to be explored.⁴⁶

INTERNATIONAL, IMPARTIAL AND INDEPENDENT MECHANISM FOR SYRIA

Although the international community has thus not acted in terms of imposing accountability on Syrians who have committed atrocities during this decade-long conflict, the United Nations General Assembly has acted and has established the International Impartial and Independent Mechanism for Syria.

Despite significant evidence of atrocity crimes being committed by all sides to the conflict—particularly by government forces—the UN Security Council has been paralyzed by the Russian and Chinese veto, unable to take any steps towards accountability in Syria. In May 2014, Russia vetoed a Security Council resolution that would have referred the situation in Syria to the International Criminal Court.⁴⁷ Later, Russia vetoed a Security Council resolution that would have established an investigative mechanism to document Syrian use of chemical weapons and other atrocities. In all, Russia has vetoed 12 resolutions to prevent accountability of the Syrian Government since the outbreak of the Syrian civil war.⁴⁸

On December 21, 2016, the United Nations General Assembly took a historic step in establishing a Mechanism to investigate and preserve evidence of international crimes in Syria, the first time the Assembly has established such a body.⁴⁹ Despite objection by Russia, the General Assembly adopted Resolution 71/248 by a vote of 105 to 15 with 52 abstentions, creating the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, known in shorthand as the IIIM.⁵⁰

The IIIM is empowered to collect evidence from other bodies including the Independent International Commission of Inquiry established by the Human Rights Council, and to conduct its own investigations “including interviews, witness testimony, documentation and forensic material.”⁵¹ The General Assembly Resolution further envisages that the IIIM will analyze the collected evidence and prepare files of evidence that could be provided to “national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes, in accordance with international law.”⁵²

This was the first time in history that the General Assembly has established an investigative body to assemble and analyze evidence of international crimes for the purpose of preserving evidence for future international or domestic trials.

Article 10 of the UN Charter gives the General Assembly the power to “discuss” and make “recommendations” concerning “any questions or matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter.”⁵³ A limitation on this power is set forth in Article 12 of the Charter which stipulates that the General Assembly cannot make recommendations when the Security Council is exercising its functions with respect to a particular dispute or situation, unless the Council requests the General Assembly to do so.⁵⁴ But this limitation has been honored increasingly in the reach and was not seen as limiting the General Assembly’s involvement in major crises including the former Yugoslavia, Rwanda, Libya, and Syria over the past 30 years. As such, it is within the mandate of the General Assembly to consider questions of threats to peace and security in Syria and whether a referral to the ICC or the establishment of an ad hoc tribunal is warranted. Further, Article 22 of the Charter empowers the General Assembly to “establish such subsidiary organs as it deems necessary for the performance of its functions.”⁵⁵ Therefore, the General Assembly has the authority to establish a “subsidiary organ” to collect and assess the available evidence of international crimes in Syria in order to inform the General Assembly’s discussion and recommendations on these matters. Now, the evidence collected by the IIIM would undeniably not be used solely (or even primarily) for the purpose of the General Assembly’s discussion and recommendations, but it is not clear that additional uses of the information would render the creation of the IIIM beyond the power of the General Assembly.

The establishment of this novel institution by the General Assembly clearly evinces a fundamental power shift away from the Security Council and to the General Assembly caused by the international community’s frustration with the abuse of the veto to prevent action to deal with international atrocities.

On July 3, 2017, the Secretary General appointed as the head of the IIIM Catherine Marchi-Uhel, a former French judge with broad international experience trying and adjudicating war crimes. During her 27-year career, Marchi-Uhel has provided legal support to the International Criminal Tribunal for the Former Yugoslavia, the UN Mission in Liberia, and the UN Interim Administration Mission in Kosovo. She has also adjudicated for the Extraordinary Chambers in the Courts of Cambodia and served as Ombudsperson to the UN Security Council's Sanctions Committee. Before, that, she has served as Head of Chambers at the International Criminal Tribunal for the Former Yugoslavia, and as an international judge at the Pre-Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia.⁵⁶

At a lecture at Case Western Reserve University School of Law soon after her appointment, Marchi-Uhel said: "I believe that the creation of the Mechanism is an important demonstration of the international community's will to ensure that crimes committed in Syria do not go unpunished."⁵⁷ She noted that the Mechanism can play an immediate, significant role in supporting ongoing and future investigation of crimes committed in Syria by national prosecutors.⁵⁸

CONCLUSION

The massive number of Syrians that have fled the violence in Syria has had an undeniable impact on the international community's approach to international criminal justice. Over 1 million Syrian refugees have migrated to Europe, with 530,000 settling in Germany, 110,000 in Sweden, 50,000 in Austria, and smaller numbers in other countries.⁵⁹ Many of the refugees are victims of international crimes. Others are perpetrators. The issue of accountability was quite literally delivered to the doorsteps of the European States by the refugees arriving from Syria and there is reason to believe that the stream of universal jurisdiction cases will continue to increase in the coming years.

As this testimony has documented, there is a pressing need to establish accountability for atrocities committed during the Syria conflict. Different accountability options, as mentioned above, including prosecutions in Syrian courts, national-level prosecutions under the principle of universal jurisdiction, the establishment of a hybrid tribunal for Syria, as well as prosecutions at the International Criminal Court. The international community has already acted, through the United Nations General Assembly, to establish an investigative mechanism for Syria, the IIIM. It is time that the international community, with support from the United States, act toward accountability. Imposing accountability on Syrian leaders in particular is paramount in the wake of the ongoing conflict in Ukraine, and the commission of atrocities there by Russian forces. It is crucial to establish that accountability attaches to all those who order the commission of atrocities, whether they be located in Syria or in Ukraine.

The United States should continue to support accountability for Syrian leaders accused of having ordered the commission of atrocities. In particular, the United States could provide financial and logistical support to the IIIM, as well as to countries which have initiated domestic-level prosecutions under the principle of universal jurisdiction. The United States could also support the creation of an ad hoc tribunal for Syria. United States' support in closing the accountability gap in Syria is particularly important today, in the wake of the Russian aggression against Ukraine, from the perspective of both deterrence as well as the notion of individual criminal responsibility for leaders who order the commission of atrocities.

Notes

¹For a detailed timeline of the ongoing conflict in Syria, see MICHAEL P. SCHARF, MILENA STERIO & PAUL R. WILLIAMS, *THE SYRIAN CONFLICT'S IMPACT ON INTERNATIONAL LAW* 9–16 (2020).

²Wolfgang Kaleck & Patrick Kroker, *Syrian Torture Investigations in Germany and Beyond: Breathing New Life into Universal Jurisdiction in Europe?* 16 J. INTL CRIM. L. 165, 166 (2018).

³GARY JONATHAN BASS, *STAY THE HAND OF VENGEANCE: THE POLITICS OF WAR CRIMES TRIBUNALS* 284 (2000).

⁴See e.g., James D. Meernik, Angela Nichols and Kimi L. King, *The Impact of International Tribunals and Domestic Trials on Peace and Human Rights After Civil War*, 11 INTL STUDIES PERSPECTIVES 309 (2010).

⁵Michael P. Scharf, *Forward: Lessons from the Saddam Trial*, 39 CASE WESTERN J. INTL L. 1 (2007).

⁶Hybrid Justice, *The War Crimes Chamber in Bosnia and Herzegovina*, <https://hybridjustice.com/the-war-crimes-chamber-in-bosnia-and-herzegovina/>.

⁷Milena Sterio, *Piracy Off the Coast of Somalia: The Argument for Pirate Prosecutions in the National Courts of Kenya, The Seychelles, and Mauritius*, 4(2) AMSTERDAM LAW FORUM 104 (2012).

⁸Kenneth C. Randall, *Universal Jurisdiction under International Law*, 66 TEXAS L. REV. 785, 786 (1988).

⁹See *id.*; see also Lee A. Steven, *Genocide and the Duty to Extradite or Prosecute: Why the United States Is in Breach of Its International Obligations*, 39 VA. J. INT'L L. 425, 435 (1999).

¹⁰Devika Hovell, *The Authority of Universal Jurisdiction*, 29 EJIL 427, 439 (2018).

¹¹Randall, *supra* note 8.

¹²See Michael P. Scharf, *Universal Jurisdiction and the Crime of Aggression*, 53 HARV. INT'L L. J. 357, 390 (2012). Between 1945 and 2010, there were prosecutions for crimes under international law based on universal jurisdiction in 17 states (Argentina, Australia, Belgium, Canada, Denmark, Finland, France, Germany, Israel, the Netherlands, Norway, Spain, Sweden, Switzerland, United Kingdom, and the United States). Amnesty Int'l, UN General Assembly Should Support this Essential International Justice Tool (2010), <https://www.amnesty.org/en/wp-content/uploads/2021/07/ior530152010en.pdf>.

¹³R. v. Imre Finta [1994] 28 C.R. (4th) 265 (S.C.) (Canada); Polyukovich v. Commonwealth, (Austl. 1991) 172 C.L.R. 501.

¹⁴The Supreme Court of Israel held in the Eichmann case that “[t]here is full justification for applying here the principle of universal jurisdiction since the international character of crimes against humanity . . . dealt with in this case is no longer in doubt The State of Israel therefore was entitled, pursuant to the principle of universal jurisdiction and in the capacity of a guardian of international law and an agent for its enforcement, to try the appellant.” Attorney General of Israel v. Eichmann, 36 I.L.R. 277, 299, 304 (Isr. S. Ct. 1962). For a more detailed account of the Demjanjuk case, see Scharf, Sterio & Williams, *supra* note 1, at 100, n. 50.

¹⁵G.A. Res. 95, U.N. Doc. A/64/Add.1, at 188 (1946).

¹⁶See, e.g., Declaration on Territorial Asylum, G.A. Res. 2312, 22 U.N. GAOR, 22d Sess., Supp. No. 16, at 81, U.N. Doc. A/6716 (1967); United Nations Resolution on War Criminals, G.A. Res. 2712, U.N. GAOR, 25th Sess., Supp. No. 28, at 78–79, U.N. Doc. A/8028; Questions of the Punishment of War Criminals and of Persons Who Have Committed Crimes against Humanity, G.A. Res. 2840, U.N. GAOR, 26th Sess., Supp. No. 29, at 88, U.N. Doc. A/8429 (1971); United Nations Resolution on Principles of International Cooperation in the Detection, Arrest, Extradition, and Punishment of Persons Guilty of War Crimes and Crimes against Humanity, G.A. Res. 3074, U.N. GAOR, 28th Sess., Supp. No. 30 at 79, U.N. Doc. A/9030 (1973).

¹⁷Prosecutor v. Tadic, Case No. IT-94-1-1, Decision on Defense Motion for Interlocutory Appeal on Jurisdiction 62 (Int'l Crim. Trib. For the Former Yugoslavia Oct. 2, 1995); Prosecutor v. Ntuyuhaga, Case No. ICTR-96-40-T, Decision on the Prosecutor's Motion to Withdraw the Indictment (Int'l Crim. Trib. for Rwanda Mar. 18, 1999); Prosecutor v. Kallon and Kamara, Case Nos. SCSL-2004-15 AR72(E), SCSL-2004-16-AR72(E), Decision on Challenge to Jurisdiction: Lome Accord Amnesty 67-71 (Special Ct. for Sierra Leone, Mar. 13, 2004); Case No. STL-11-01/1 Interlocutory Decision on the Applicable Law: Terrorism, Conspiracy, Homicide, Perpetration, Cumulative Charging 103 (Special Trib. for Leb. Feb. 16, 2011).

¹⁸Scharf, Sterio & Williams, *supra* note 1, at 101–102 and n. 56.

¹⁹See Theodor Meron, *International Criminalization of Internal Atrocities*, 89 AM. J. INT'L L. 554, 577 (1995).

²⁰Human Rights Watch, *The Pinochet Precedent: How Victims Can Pursue Human Rights Criminals Abroad*, Nov. 1, 1998, <https://www.hrw.org/report/1998/11/01/pinochet-precedent/how-victims-can-pursue-human-rights-criminals-abroad>.

²¹Scharf, Sterio & Williams, *supra* note 1, at 102–103 (noting also that universal jurisdiction has been extended by treaty to other crimes, including several terrorism offenses).

²²Hovell, *supra* note 10, at 448.

²³Kaleck & Kroker, *supra* note 2, at 179–180.

²⁴*Id.*

²⁵Ryan Goodman, *Breaking: United States Supports Germany's International Arrest Warrant for Accused Syrian War Criminal*, JUST SECURITY (Mar. 6, 2019), <https://www.justsecurity.org/63079/breaking-united-states-supports-germanys-international-arrest-warrant-accused-syrian-war-criminal-a-rare-exercise-universal-jurisdiction-general-jamil-hassan/>.

²⁶Hayley Evans, *A Survey of Recent Developments and Trends in Universal Jurisdiction*, LAWFARE, Feb. 9, 2022, <https://www.lawfareblog.com/survey-recent-developments-and-trends-universal-jurisdiction>.

²⁷*Id.*

²⁸BBC, *Syria torture: German court convicts ex-intelligence officer*, Feb. 24, 2021, <https://www.bbc.com/news/world-europe-56160486>.

²⁹Kaleck & Kroker, *supra* note 2, at 173.

³⁰Trial International, *Universal Jurisdiction Annual Review 2019*, https://trialinternational.org/wp-content/uploads/2019/03/Universal_Jurisdiction_Annual-Review2019.pdf.

³¹Kaleck & Kroker, *supra* note 2, at 173.

³²*Id.*

³³Switzerland *Judicial Development*, in TRIAL International *Make Way for Justice ±4: Momentum towards accountability* 78, 79 (2018).

³⁴Alexandra Lily Kather, “Water Finds Its Way”? *Universal Jurisdiction as an Avenue for Justice in Syria*, ARTICLES OF WAR, Jul. 28, 2021, <https://lieber.westpoint.edu/water-finds-way-universal-jurisdiction-justice-syria/>.

³⁵Milena Sterio, *The Future of Ad Hoc Tribunals: An Assessment of Their Utility Post-ICC*, 19 ILSA J. INT'L & COMP. L. 237 (2013).

³⁶*Id.*

³⁷Special Court for Sierra Leone, Residual Special Court for Sierra Leone, <http://www.rscsl.org>.

³⁸See, e.g., Open Society Justice Initiative, *Performance and Perception: The Impact of the Extraordinary Chambers in the Court of Cambodia*, February 2016, <https://www.osji.org/publications/performance-and-perception-the-impact-of-the-extraordinary-chambers-in-the-court-of-cambodia>.

www.justiceinitiative.org/publications/performance-and-perception-impact-extraordinary-chambers-court-cambodia.

³⁹Special Tribunal for Lebanon, About the STL, <https://www.stl-tsl.org/en/about-the-stl>.

⁴⁰*Id.*

⁴¹RADWAN ZIADEH, ACCOUNTABILITY IN SYRIA: ACHIEVING TRANSITIONAL JUSTICE IN POSTCONFLICT SOCIETY (2020).

⁴²International Criminal Court, About the Court, <https://www.icc-cpi.int/about/the-court>.

⁴³For a discussion of challenges facing the ICC, see Milena Sterio, *The International Criminal Court: Current Challenges and Prospect of Future Success*, 52 CASE W. RES. J. INT'L L. 467 (2020).

⁴⁴*Id.*

⁴⁵Linda E. Carter, *The Principle of Complementarity and the International Criminal Court: The Role of Ne Bis in Idem*, 8 SANTA CLARA J. INT'L L. 165 (2010).

⁴⁶Patrick Wintour, *Human rights lawyers attempt to bring Syria war crimes cases to ICC*, THE GUARDIAN, Feb. 16, 2022 (describing efforts by human rights lawyers to argue that the ICC should have jurisdiction in Syria because some of the victims have fled to Jordan, which is a state party to the ICC).

⁴⁷I. Black, *Russia and China Veto UN Move to Refer Syria to International Criminal Court*, THE GUARDIAN, May 22, 2014.

⁴⁸RTE, *Russia's 12 Vetoes on Syria*, Apr. 11, 2018, <https://www.rte.ie/news/world/2018/0411/953637-russia-syria-un-veto>.

⁴⁹Alex Whiting, *An Investigation Mechanism for Syria: The General Assembly Steps Into the Breach*, 15 J. INT'L CRIM. JUST. 231 (2017).

⁵⁰UN Doc. A/71/L.48, Dec. 21, 2016.

⁵¹Secretary-General, Report of the Secretary-General on the Implementation of the resolution establishing the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, UN Doc. A/71/755, Jan. 19, 2017, at para. 12.

⁵²UN Doc. A/71/L.48, 21 Dec. 2016, at para. 4.

⁵³UN Charter, art. 10.

⁵⁴*Id.*, art. 12.

⁵⁵UN Charter, art. 22.

⁵⁶Scharf, Sterio & Williams, *supra* note 1, at 96.

⁵⁷Catherine Marchi-Uhel, *Klatsky Endowed Lecture in Human Rights*, 51 CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW 223–235 (2019).

⁵⁸*Id.*

⁵⁹*See generally* Scharf, Sterio & Williams, *supra* note 1, at 110.

The CHAIRMAN. Thank you.

Senator Risch.

Senator RISCH. Mr. Chairman, and, first of all, I want to thank our witnesses for testifying here today. Certainly, these are hard to listen to, but it is something that, as I said before, when this is over it is not over and it is important we keep this in front of everyone.

I am interested in the principle of universal jurisdiction. I think we are at the very early stages of what that will be in the overall scheme of things.

It was interesting to see it used, I think, probably for the first time in the German prosecutions, but I suspect that this body of law is going to grow and it will be interesting to follow that and that certainly will be an important aspect of the—our belief of never again and our belief that it is not over until we—until everyone has been held accountable that should be.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Thank you both for your testimony.

Ukraine is dominating the global headlines, but Syria is the place where the laws of war and accountability have been flouted for years. The Assad regime and Vladimir Putin have made the violation of international humanitarian law the norm in Syria, and the international community has largely failed when it comes to pursuing accountability for more than a decade of horrific violations in Syria.

Professor, I heard your exposition of the possibilities. One of the challenges truly frustrating obstacles to accountability, is the frequent inability to take the perpetrators into custody because they remain outside of any relevant legal jurisdiction.

Can you explain even in the face of that why it is so important to pursue these legal cases? Obviously, beyond the overriding importance of giving a voice and hope to the victims of these crimes, are there tangible diplomatic political benefits to pursuing perpetrators even when apprehension seems unlikely, especially in the context of a conflict like Syria?

Dr. STERIO. Thank you for the question.

Absolutely. It is important to pursue accountability, and before I answer your question let me just add that these cases that I mentioned in Germany, in those particular cases the perpetrators were actually in Germany. Some of them had sought asylum in Germany and were in German territory.

German prosecutors realized that they were there and were able to actually capture that moment, if you will, and arrest them in Germany and bring them to prosecution. Some of these trials are actually able to be conducted because these countries, mostly western European nations, have actually found the perpetrators to be on their territory.

Even in the absence of the ability to capture some of these individuals it is important to establish the principle of individual criminal responsibility for those who order the commission of atrocities or for those who commit atrocities themselves.

The short answer as to why is that it is the right thing to do. The slightly longer answer is that international law and international criminal law since Nuremberg—since the end of World War II—has established this principle of responsibility for those who commit these atrocity crimes.

The other reason that this is so important is from a global deterrence standpoint. Leaders like Vladimir Putin probably today do not expect that they will face accountability someday, but international criminal justice is patient and persistent, and many leaders have actually faced accountability for their action many decades after they committed or ordered those actions to be committed.

So it is important to establish accountability for global deterrence because it is the right thing to do, because international law provides for this principle of international criminal responsibility.

The CHAIRMAN. Thank you.

Finally, to the Gravedigger, your testimony at the trial in Koblenz was both brave and moving. What do you think made a conviction possible in that case?

The GRAVEDIGGER. I believe that the bravery of the victims and the witnesses—both the victims of the crimes of those that were arrested in Germany in the Koblenz case and the bravery of witnesses that came forward—is what helped bring about the conviction.

The CHAIRMAN. We appreciate that bravery and your testimony as to the horrors that Assad has inflicted on his own people. It is riveting, and I look forward to looking to the video, even though I am sure it will be rather consequential.

We appreciate the testimony of both of you. This record will remain open until the close of business tomorrow.

With the thanks of the committee, this hearing is adjourned.
[Whereupon, at 12:04 p.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

RESPONSES OF MS. BARBARA LEAF TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENEDEZ

Question. On UN Cross-Border. Are there members of the UN Security Council that you are concerned may side with Russia? We have heard particular concerns from the NGO community regarding India, Brazil and the UAE. If so, what leverage will the Administration bring to bear and would Congressional engagement be helpful in that regard?

Answer. We believe there is a clear humanitarian imperative to maintain the UN cross-border mechanism, and that this view is shared by the majority of Council members. We continue to work actively with our allies and partners as well as the United Nations and UNSC members in support of a re-authorization and expansion of this mechanism. We welcome engagement by Congress with those same member states in support of the mechanism.

Question. What is our contingency plan to sustainably ensure humanitarian assistance continues to get to people inside Syria even if Russia vetoes the mandate renewal?

Answer. We will use all means available to advocate for continued humanitarian access and to deliver U.S. humanitarian assistance to the Syrian people, including in the northwest, in coordination with the UN, NGOs, other donors, and partners. Preparations to date have confirmed our assessment that any contingency operations in the event of a non-authorization will only cover a fraction of the UN's current caseload of assisting 2.4 million people per month through cross-border aid. The Department is available to provide further details in response to this question in an appropriate setting.

Question. Normalization: The UAE's hosting of Bashar al-Assad around the 11th anniversary of the Syrian uprising was callous in its disregard for the suffering of the Syrian people and a worrying sign that regional partners may accept an Iranian and Russian client state back into the fold. I joined the Administration in expressing my opposition to such visits, but more concrete action must be taken to discourage normalizing ties with the Assad regime. An element of that is a firm signal to anyone who engages with Assad that the U.S. is prepared to use the Caesar sanctions the Congress has provided. What further steps is the Administration taking to prevent countries like the UAE from normalizing ties with the Assad regime?

Answer. We were profoundly disappointed and troubled by the UAE's apparent attempt to rehabilitate the international stature of Bashar al-Assad, who has overseen the death and suffering of countless Syrians. We have made clear to our partners both in the Middle East and beyond that we oppose normalizing relations with the Assad regime. In those discussions, we continue to underline the Assad regime's ongoing horrific atrocities against Syrians, as well as its continuing efforts to deny much of the country access to humanitarian aid and security. We make clear that U.S. sanctions remain in place and that companies, countries, and any other entities seeking to invest in Syria risk exposure to U.S. sanctions. The existence of those sanctions has also had a chilling effect on such investment.

Question. What further messaging can we expect and what consequences will the Administration consider imposing if countries continue to move forward?

Answer. We continue to remind our partners and allies that Bashar al-Assad is a brutal dictator responsible for the death and suffering of countless Syrians, the displacement of more than half of the pre-war Syrian population, and the arbitrary detention or disappearance of over 130,000 Syrian men, women, and children. We continue to emphasize to our partners that engaging with Assad while he continues to commit atrocities against innocent people would accomplish nothing but embolden the regime, prolong the suffering of the Syrian people, and undermine our shared goal to achieve an inclusive political solution consistent with United Nations Security Council Resolution 2254. We continue to make clear that U.S. sanctions re-

main in place and that companies, countries, and any other entities seeking to invest in Syria risk exposure to U.S. sanctions.

Question. Is the Administration prepared to use sanctions to limit and deter such normalization?

Answer. We continue to make clear that U.S. sanctions remain in place and that companies, countries, and any other entities seeking to invest in Syria could risk exposure to U.S. sanctions. The existence of the sanctions have a chilling effect on investment activity. The Department of State and USAID work closely with the U.S. Treasury Department's Office of Foreign Assets Control (OFAC), to ensure all partners are operating in accordance with the U.S. Syria sanctions program.

Question. Russia and Iran: One of the arguments I have heard in favor of normalizing relations with the Assad regime is that it is to fill the vacuum in Syria left by Russia's focus on Ukraine that will otherwise be filled by Iran. I also have heard the argument that bringing Assad closer to his neighbors will provide a means of containing and controlling him. I am skeptical of this logic. Have you seen a noticeable reduction in Russia's military or non-military support for the Assad regime and, if so, has it left a void that Iran is filling? How?

Answer. We have not seen any credible evidence of a significant reduction in Russia's military or non-military support for the Assad regime. In February, the Russian defense minister visited Damascus to discuss military cooperation between Russia and Syria. Russia's military campaign in Syria—and its direct support to the Syrian military—is continuing to contribute to massive destruction and the death or displacement of hundreds of thousands of civilians.

Question. What can we do to counter any increase in Iranian political influence in Syria without allowing for others to upgrade relations with Syria and lend Assad legitimacy?

Answer. Our likeminded allies and partners in Europe and in the Middle East agree that Iran continues to play a destabilizing role in Syria and undermine our shared goal to reach a political settlement consistent with United Nations Security Council Resolution 2254. We are committed to deterring, containing, and countering Iranian provocation in the region, including in Syria. We are also working closely with partners and allies to deny Assad restored status on the international stage, including by opposing the regime's reentry into the Arab League.

Question. Sanctions License for Northeast Syria: I am concerned by the economic situation across Syria but especially outside of regime-held areas and I believe that the recent announcement of a general license to Syria sanctions in non-regime-held Syria is a potentially useful tool returning some level of economic opportunity to those parts of Syria. At the same time, I am concerned about the potential for the regime to exploit this general license in order to evade sanctions, as I'm sure you are as well. So I want to understand better how you plan to administer and monitor the license. What steps is the Administration taking to prevent such sanctions evasion?

Answer. The Department of State is working closely with the Treasury Department's Office of Foreign Assets Control (OFAC) to ensure compliance with U.S. sanctions. The General License does not authorize transactions involving the Government of Syria or any other person whose property or interests in property are blocked pursuant to the Syrian Sanctions Regulations or the Caesar Act. Our Syria sanctions remain fully in force, including on the Assad regime. We will continue to monitor the impact of the General License and work closely with OFAC on compliance issues.

Question. Is the Administration willing to withdraw the general license in the event of significant sanctions evasions? How will you measure such possible evasions? If so, what are the red lines that would trigger a withdrawal of the license?

Answer. The Department of State will work closely with the Treasury Department's Office of Foreign Assets Control (OFAC) to monitor the effect of the General License within Syria and ensure compliance with U.S. sanctions. Syria General License 22 authorizes activities in specific geographical locations as described in the Annex to the license. The Administration developed this list with the intent to authorize activities only in identified non-regime-held areas of northeast and northwest Syria in support of ongoing U.S.-led D-ISIS stabilization efforts. We will continue our monitoring efforts to help make sure our efforts are reaching this goal. The Administration can revoke the General License at any time should the circumstances on the ground change and/or the license no longer meets the U.S. policy

objective of improving the economic situation in non-regime held areas of Syria liberated from ISIS.

Question. What is the capacity of the authorities in these non-regime areas to investigate, detect and stop regime attempts to exploit the general license?

Answer. Several agencies across the U.S. Government work closely in order to ensure compliance with U.S. economic sanctions, including the General License. In addition, local authorities in non-regime areas of northwest and northeast Syria have expressed support for existing sanctions on the Assad regime, including under the Caesar Act, and are developing regulatory structures to facilitate and manage economic development in northern Syria. The USG will encourage these authorities to promote economic investment in non-regime areas while conducting their own due diligence to comply with the terms of the General License, avoid violations of counter-terrorism sanctions, and minimize benefits to the Assad regime.

Question. What training, equipment or other assistance will the U.S. provide in order to boost that capacity?

Answer. The Department regularly engages with local actors responsible for affairs in northern Syria to discuss a range of issues, including economic development and U.S. sanctions. The Department has no plans to provide training, equipment, or other assistance related to sanctions enforcement, however, we will continue to encourage robust compliance with U.S. sanctions against the Assad regime. Sanctions enforcement falls under the authority of the Department of the Treasury, and the Department of State is working closely with the Treasury Department's Office of Foreign Assets Control (OFAC) to ensure compliance with U.S. sanctions.

Question. Captagon: Congress has become increasingly concerned by the Assad regime's manufacturing and trafficking of Captagon, a powerful amphetamine, throughout the region, often in partnership with Hezbollah. What assistance is the State Department and USAID providing to neighboring countries to both reduce demand for the drug and increase interdiction capacity?

Answer. Department of State programming, such as programs run by our Bureau of International Narcotics and Law Enforcement Affairs, seeks to strengthen the capacities of states' criminal justice and law enforcement agencies, better enabling countries to respond to narcotics issues within their borders. Furthermore, we are working with our law enforcement colleagues, such as the Drug Enforcement Administration (DEA), to identify ways to support and work with our foreign partners to interdict and investigate the trafficking of Captagon and other drugs, including through the exchange of information, identification of targets, and coordination of operations to combat Captagon trafficking and distribution. INL is conducting Captagon analysis through their international toxic adulterants database (ITAD). This analysis details the public health effects of Captagon, which countries are trafficking the most Captagon, and what substances are used in adulterating the contents of each seizure.

Question. What does the regime use the hard currency earned from Captagon for? How much of it is used to re-pay loans to Russia or Iran?

Answer. We assess elements affiliated with the Assad regime, as well as Hizballah and other terrorist groups in Syria and Lebanon have been associated with narcotics production and trafficking in Syria, including of Captagon, and likely profit from the illicit trade. The Department would be happy to share more information in a classified setting.

Question. U.S. Detainees: I was pleased and relieved to see the safe return of Trevor Reed to the U.S. but I remain gravely concerned for the safety of both Austin Tice and Majd Kamalmaz (MAH-jd KAM-il-mahz) who have been detained by the Assad regime since 2012 and 2017, respectively. What steps is the Administration taking to bring about their safe return? Can you provide an update on where their cases stand?

Answer. Bringing home U.S. nationals held hostage or wrongfully detained is a top priority for the Administration. The Special Presidential Envoy for Hostage Affairs (SPEHA) leads the diplomatic strategy for the safe return of hostages and wrongful detainees. President Biden and Secretary Blinken are personally committed to doing everything we can to bring U.S. nationals home who are held unjustly. We continue to seek the Syrian Government's assistance to help resolve these cases and, as the President has stated, we will continue to work through all available avenues to secure the return home of U.S. nationals.

Question. Will you commit to providing my staff with a classified briefing on the well-being and status of both Austin and Majd before the August recess?

Answer. Yes. We are committed to working closely with Congress to secure the release of Austin and Majd. The Special Presidential Envoy for Hostage Affairs (SPEHA) leads the diplomatic strategy for the safe return of hostages and wrongful detainees and continues to engage as appropriate in close coordination with relevant stakeholders across the U.S. Government to promote progress on these cases.

Question. ISIS-affiliated Detainees: It is estimated that there are approximately 2,000 non-Syrian, non-Iraqi foreign terrorist fighters in SDF custody and approximately 10,000 FTF-associated family members in displaced persons camps in NE Syria. The recent prison breaks by ISIS have highlighted the continuing need to reduce this population through repatriations. How are we engaging with other countries to ensure that ISIS-affiliated foreign nationals are repatriated and receive a fair trial, if warranted, and proper rehabilitation and reintegration in their home countries?

Answer. The January 20 ISIS attack on the Hasakah Provincial Internal Security Forces detention center in northeast Syria highlights the need for the international community to support and fully fund the Global Coalition to Defeat ISIS's initiatives to improve the secure and humane detention of ISIS fighters, including by strengthening detention facility security. The United States encourages countries of origin to repatriate, rehabilitate, reintegrate, and, where appropriate, prosecute FTFs and associated family members in northeast Syria. We provide logistical and other support to facilitate such repatriations on a case-by-case basis. We also assist foreign countries to develop and implement rehabilitation and reintegration protocols that are designed to ensure the safe and orderly return of those countries' nationals.

Question. What obstacles do we face in repatriating ISIS-affiliated foreign nationals and how are we addressing countries where detainees will not receive a fair trial?

Answer. The United States encourages countries of origin to repatriate, rehabilitate, reintegrate, and, where appropriate, prosecute FTFs and associated family members in northeast Syria. Political will remains the largest obstacle to repatriations, in addition to unwillingness to engage northeast Syrian authorities as non-state actors and legal challenges related to potential prosecution in areas of origin. The United States provides logistical and other support to facilitate repatriations on a case-by-case basis. We also assist foreign countries to develop and implement rehabilitation and reintegration protocols that are designed to ensure the safe and orderly return of those countries' nationals.

Question. What steps are being taken to improve humanitarian conditions for detainees in northeastern Syria?

Answer. The United States and Coalition continue to support the humane and secure detention of over 10,000 ISIS fighters in SDF custody. In the long-term, the only durable solution to this problem set is repatriation. State Department and DoD are placing urgent emphasis on improving the secure and humane detention of these fighters and are working together on construction and refurbishment of purpose-built detention facilities, as well as the training and professionalization of the SDF guard forces there. Congressional support on this has been critical—particularly the FY 2022 National Defense Authorization Act waiver for select funding caps that otherwise limit the amount DoD can spend on Defeat-ISIS construction projects in Iraq and Syria. We continue to urge countries to support and fully fund the Global Coalition to Defeat ISIS's initiatives to improve the secure and humane detention of ISIS fighters, including medical needs in detention centers. Current shortfalls include a lack of medical supplies, equipment, and nutritional supplements.

Question. U.S. Assistance: There is bipartisan concern over reports of the Assad regime's frequent interference in crossline assistance and attempts to use currency manipulation to skip aid dollars under its jurisdiction. At the same time, the needs across all of Syria are desperate and only getting worse. How does the U.S. plan on expanding humanitarian aid from regime held areas to northwest and northeast Syria?

Answer. The Administration is committed to expanding humanitarian access in Syria through all modalities, including crossline. We support efforts by the United Nations to move assistance from regime-held areas to Idlib and welcome the UN's plan for additional crossline shipments between June and December 2022. We also support and fund UN efforts to move aid crossline between regime-held areas and the northeast. However, crossline aid throughout the country remains constrained by insecurity and regime obstacles, which is why we maintain that cross-border aid into non-regime held areas is essential.

Question. What measures are in place to counter regime attempts to steer such crossline assistance towards more cooperative communities?

Answer. We take all possible steps to ensure that humanitarian assistance funded by American taxpayers reaches those for whom it is intended. We carefully monitor the risks associated with providing aid in all parts of Syria and work closely with our partners, other donors, and the United Nations on this issue.

Question. What measures are in place to prevent regime attempts at diverting or siphoning such assistance, including through currency manipulations?

Answer. We take all possible steps to ensure that humanitarian assistance funded by American taxpayers reaches those for whom it is intended. We carefully monitor the risks associated with providing aid in all parts of Syria, and our partners have robust monitoring and risk mitigation measures to prevent aid diversion. With respect to currency manipulation, a preferential exchange rate for aid provided in regime-held areas, which would be used for the UN's humanitarian transactions, is the best solution to minimize this risk. In addition, the majority of UN-provided goods in Syria are purchased outside of the country, and thus not affected by the Syrian pound's exchange rate. The United States helped establish a Regional Dialogue Mechanism with the UN and major donors in the field to enhance information sharing on issues of concern, identify risks, and agree on mitigation measures.

Question. What measures is the U.S. insisting on for UN assistance to prevent the diverting or siphoning of such assistance, including through currency manipulations?

Answer. We require our partners to have robust risk mitigation measures and monitoring to prevent aid diversion throughout Syria, and we take all possible steps to ensure that humanitarian assistance funded by American taxpayers reaches those for whom it is intended. We are pressing the UN to accelerate its negotiations for a preferential exchange rate for UN aid provided in regime-held areas. Additional mitigation measures are currently being discussed by donors.

Question. Rukban Camp: While the U.S. does not have a civilian or military presence at the Rukban internally displaced persons camp in southern Syria, camp conditions continue to worsen. While the security situation in the camp is currently stable, the continued deterioration of living conditions could lead to increased instability and security threats. How does the U.S. plan on working with the U.N. and relevant actors, including Jordan, to increase humanitarian access to the camp?

Answer. The Administration remains committed to increasing humanitarian access to all parts of Syria, which includes humanitarian access to Rukban. It is the Assad regime and Russia that have consistently blocked those efforts. The U.S. Government continues to support the UN's attempts to bring life-saving aid to the Rukban camp, and we remain in close contact with the United Nations and our partners about this effort.

Question. Donor Fatigue and the Secondary Impacts of Ukraine: Despite the fact that the U.S. continues to be the largest humanitarian donor to Syria, funding to meet the humanitarian needs in Syria is still lacking. The secondary impacts of Putin's illegal war in Ukraine are also being felt by vulnerable Syrians as fuel and food prices increase leading to a vicious cycle of decreasing aid needed to reach Syria's 12 million people who are food insecure. What are we doing to address the resource gap in Syria, particularly in regard to engagements with other governments? How can we in Congress help in ensuring our global partners also step up to the task?

Answer. We continually urge allies and partners to increase their support for Syrians. In one recent such example, Ambassador Thomas-Greenfield traveled to Brussels for meetings on May 10, during the U.S. Presidency of the UN Security Council, to emphasize that the United States has not forgotten the Syrian people, that continuing and expanding the UN cross-border mechanism is essential, and that our leadership of the humanitarian response is intended to rally—and not replace—the efforts of other donors. We welcome Congressional engagement with foreign governments to underline the need for increased funding, and greater burden-sharing, in response to the Syria crisis.

Question. Refugees: In a continued effort to draw Syrians back to their country of origin, President Erdogan has announced plans to construct buildings in the Idlib Province to house 1 million Syrian refugees. In the past, reports documented the deportation of Syrian refugees from Turkey to Syria, and President Erdogan has previously threatened to deport millions of Syrian refugees. Experts question whether under the current plans there would be large numbers of Syrians willing to return

given their fear of arrest by Assad's regime, lack of money to start over, or limited opportunities in an economy wrecked by years of war. Is the Administration monitoring returns of Syrians from Turkey to ensure that all returns are voluntary? How is the Administration working with international partners to monitor conditions for Syrian refugees who return to their country of origin?

Answer. We closely monitor statements by governments around the world—including our allies and partners—regarding Syrian refugees, and we regularly urge them to maintain protection for Syrians, to uphold their respective international obligations, to respect the principle of non-refoulement, and to ensure that any individual returns are voluntary, safe, and dignified. We are grateful for Turkey's continued support to over 3 million Syrian refugees who fled the conflict and recognize that Turkey is home to more refugees than any other country in the world. We support the efforts of the UN High Commission for Refugees (UNHCR) and others to monitor conditions in areas of return within Syria. However, we concur with UNHCR and Syrian civil society's assessment that Syria is not yet safe for refugee returns. Those returning risk facing unlawful or arbitrary detention, torture, and other ill-treatment including rape and sexual violence, and enforced disappearance.

RESPONSES OF MS. DANA STROUL TO QUESTIONS
SUBMITTED BY SENATOR ROBERT MENENDEZ

Question. Russia: While I appreciate your answer that there is no noticeable change to Russia's posture in Syria, I continue to be concerned by reports from regional partners that Russia is scaling back or changing its military presence on the ground in Syria, raising concerns that Iran is filling the vacuum.

Has the number of active duty Russian military personnel increased or decreased since Russia invaded Ukraine?

Has the number of personnel from Wagner or other Russian private military companies (PMCs) increased or decreased since Russia invaded Ukraine?

Has Russian military or PMC activity changed since Russia invaded Ukraine? If so, how?

Are the Russians consistently using the de-confliction line? Has their use of the deconfliction line increased or decreased since Russia invaded Ukraine?

Have there been any incidents of close contact or unprofessional conduct by Russian forces or PMCs like Wagner towards U.S. forces in Syria post Ukraine? If so, has the frequency of those incidents increased or decreased since Russia invaded Ukraine?

Answer. Russia has not significantly altered its force posture, including the number of active duty personnel, or its military activities in Syria since invading Ukraine. The Russian military continues to enable the Assad regime's brutal violence against the Syrian people. Coalition forces maintain air and ground de-confliction channels with the Russian military to protect Coalition forces and reduce the risk of inadvertent escalation or miscalculation; this engagement occurs daily and has not notably changed since Russia invaded Ukraine. The United States continues to urge Russia to adhere to mutual de-confliction processes and not to take any provocative action. Although Russian forces occasionally engage in unsafe and unprofessional behavior, there have not been any notable incidents of unprofessional close contact toward U.S. forces in Syria since Russia invaded Ukraine. DoD is aware of reports of Russian PMCs supporting Russia's invasion of Ukraine. However, DoD cannot verify from where these fighters arrived, or the numbers of fighters involved.

Question. Iran: Has the number of personnel from Iranian or Iran-backed forces like Hezbollah increased or decreased since Russia invaded Ukraine?

If so, can you attribute this change to a change in Russian military personnel in Syria?

What effect has this change had on the security of U.S. personnel operating on the ground in Syria and in the air and what has been the U.S. response?

Answer. There has not been a notable change in the number of Iranian or Iran-backed forces in Syria since Russia invaded Ukraine. Iranian military, economic, and political support to the Assad regime continues to enable and deepen the Syrian conflict and humanitarian crisis. Iran, Lebanese Hezbollah, and other Iran-aligned militia groups continue to threaten regional stability and the security of our allies and partners. Moreover, Iran continues to enable Iran-aligned militia groups to conduct attacks against U.S. and Coalition Forces. Attacks on Coalition forces are unacceptable, and as the President has made clear, we will not hesitate to take necessary and proportionate action in self-defense to protect our service members.

Question. ISIS: The January prison-break in northeastern Syria, as well as other complex attacks and the open extortion of civilians in Syria and Iraq are a worrisome reminder that ISIS remains a threat in both countries, even after the end of the physical Caliphate.

What gaps have these recent attacks exposed in the SDF's capacity to secure prisons and continue the hunt for ISIS cells? What is the Administration doing to address these gaps and boost SDF-capacity?

What is your assessment of ISIS's freedom of movement in Syria, Iraq, and between the two countries? More broadly, what do you assess is ISIS' current operational capability and the trajectory of its possible reassembly?

How is the Administration working with the SDF and Iraqi Security Forces to limit that freedom of movement across the Syria-Iraq border?

Answer. Although it no longer holds territory, ISIS remains a capable and dangerous threat. ISIS continues to operate primarily in small rural-based cells focused on conducting ambush attacks against security forces and plotting periodic *high profile* attacks in urban areas. ISIS also tries to infiltrate population centers by exploiting sectarian and other demographic tensions, including by targeting community and tribal leaders for assassination. ISIS maintains the intent to direct, support, and inspire attacks across the globe and continues efforts to rebuild its organization and re-establish a viable insurgency to regain territorial and societal control.

More than 10,000 ISIS fighters remain in predominantly makeshift and overpopulated detention facilities across northeast Syria guarded by the Syrian Democratic Forces (SDF), who are under significant pressure from multiple armed adversaries, a deteriorating economy inflamed by historic drought, and a potential Turkish operation into northern Syria. These detention facilities have historically been guarded by an undermanned, under-equipped, and undertrained SDF guard force.

To address these issues, DoD is continuing to leverage the Counter-ISIS Train and Equip Fund (CTEF) appropriation to work with the SDF through three lines of effort: (1) the construction of new detention facilities and the repair and renovation of some existing facilities to support humane and secure conditions in SDF detention facilities; (2) training and professionalizing the guard force responsible for securing these facilities; and (3) facilitating the repatriation of non-Syrian detainees to their home-countries through efforts led by the State Department. These efforts have been accelerated in the wake of the ISIS attack in Hasakah.

DoD also leverages CTEF to support vetted partner forces' efforts to secure their shared border from ISIS threats. For example, since 2020, DoD has provided the Iraqi Border Guard Force \$7.76 million in barrier material, \$6.5 million in equipment, \$1.25 million in uniform items, \$1.84 million in class IX repair parts, and \$55,000 in logistical support.

Question. Turkey: I am concerned by recent statements by President Erdogan and others in his government that Turkish forces will mount an offensive to expand the Turkish-controlled buffer zone across northern Syria.

What is the likelihood of such an operation and where along the Syria-Turkey border would it be most likely to happen?

What effect would such an operation have on the SDF's capacity as an effective U.S. partner in the fight against ISIS?

How have security cooperation and joint patrols between Russia and Turkey changed since Russia invaded Ukraine? Can we expect the Turks to try to fill in any vacuum that Russia leaves on the ground, especially in Kurdish areas like Manbij?

Answer. DoD remains concerned by Turkish leaders' comments regarding the potential for an operation in northern Syria. Although we recognize Turkey's legitimate security concerns regarding the Kurdistan Workers' Party (PKK), a U.S. designated foreign terrorist organization, the United States remains deeply concerned by the prospect of a Turkish offensive in northern Syria. Such an operation, which would likely draw SDF's attention, personnel, and resources away from the Defeat-ISIS fight, would put at risk the Coalition's campaign against ISIS and introduce more instability to Syria at a time when violence is at its lowest levels since the outset of the conflict. Any Turkish operation would effectively end a ceasefire that has been in place since 2019.

At risk are D-ISIS operations, but also the safety of the civilian population and the security of SDF-managed detention facilities holding ISIS fighters. ISIS remains committed to attacking these facilities to reconstitute its forces and would try to exploit any instability or loss of focus on the D-ISIS fight.

Although Russia does not appear to support Turkey's proposed operation in northern Syria, the two countries have continued to conduct joint patrols in parts of

northern Syria. Turkish operations could provide space for the Assad regime, Russia, and Iran to exploit instability and advance their aims.

Question. Captagon: Congress has become increasingly concerned by the Assad regime's manufacturing and trafficking of Captagon, a powerful amphetamine, throughout the region, often in partnership with Hezbollah.

What assistance is the Defense Department providing to partner forces in Syria or to neighboring countries to increase interdiction capacity?

Answer. DoD has provided training and equipment for border security operations pursuant to Section 333 of Title 10, U.S. Code, and reimbursement for border security operations pursuant to the authority in Section 1226 of the NDAA for FY 2016, as amended, to both Jordan and Lebanon, which has helped to bolster their counter-narcotics and counter-drug smuggling capabilities. The Government of Jordan identified Captagon and drug smuggling as a top national security priority, and, as of May 25, had seized approximately 20 million Captagon pills in 2022, in addition to seizing more than the 15.5 million pills in 2021, and 1.4 million in 2020. The United States has highlighted the importance of this issue to the Lebanese Armed Forces (LAF) as well. In 2022, the LAF have conducted several successful counter-narcotics operations, raided a large Captagon manufacturing plant, and seized vehicles at the border carrying large quantities of Captagon.

In addition, DoD CTEF-funded support enables the Syrian Democratic Forces (SDF) to conduct wide-area security in northeast Syria to enable the enduring defeat of ISIS. Such wide-area security can also have the additional benefit of disrupting efforts to counter narcotics trafficking in those areas.

DoD also provides intelligence analysis support to partners within the U.S. Government, including the Department Homeland Security's Homeland Security Investigations' and the Drug Enforcement Administration's actions, targeting illicit Captagon trafficking. In particular, these efforts are focused on finding and disrupting Captagon trafficking on the northern border of Jordan and in the greater Levant. DoD's ongoing efforts have helped identify primary targets and associated entities involved in Captagon trafficking, which are shared with U.S. law enforcement partners.

RESPONSES OF MS. BARBARA LEAF TO QUESTIONS
SUBMITTED BY SENATOR JAMES E. RISCH

Question. Is this Administration fully committed to upholding its legal obligations under the Caesar Syria Civilian Protection Act (22 U.S.C. 8791 note)?

Answer. Yes. The Administration is fully committed to upholding all legal obligations under the Caesar Act. Our sanctions, including those under the Caesar Act, are important tools as we seek to promote accountability for the Assad regime's atrocities, some of which rise to the level of war crimes or crimes against humanity. This Administration continues to prioritize holding the Assad regime and its supporters accountable for their actions. We look forward to consulting with Congress as we continue to use our Syria sanctions authorities, including the Caesar Act.

Question. Why has the Biden administration used Executive Orders as the authority for Syria sanctions rather than the Caesar Syria Civilian Protection Act? Are sanctions issued under EO compliant with the Caesar law?

Answer. The U.S. Government continues to prioritize holding the Assad regime and its supporters accountable for their actions targeting the Syrian people and we will not hesitate to use our Syria sanctions authorities, including the Caesar Act. Over multiple Administrations, the United States has announced roughly 700 sanctions designations related to Syria under the 11 Syria and Syria-related sanctions authorities available, including the Caesar Act and several Executive Orders (E.O.). These E.O.s give the Departments of the Treasury and State sanctions authorities to target various actors in Syria, including Assad regime officials, who are complicit in corruption, human rights abuses, support for terrorism, and other malign actions. Among other things, the various Syria E.O.s enable Treasury to promulgate regulations and provide for blocking of Caesar-designated persons, including blocking their imports, which we cannot block under the Caesar Act alone because of Section 7434. All property and interests in property of persons designated pursuant to the Syria E.O.s that are or come within the United States or the possession or control of U.S. persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. Additionally, entities owned 50 percent or more, individually or in the aggregate, directly or indirectly, by one or more blocked persons are

also blocked. This ensures the sanctions imposed are as robust as possible and constitute full blocking.

Question. Since the Biden administration took office, we've seen few Caesar sanctions. Under the previous Administration we saw months of sanctions targeting Assad, his family members, his security apparatus, and those building luxury properties on confiscated land. How do you explain the slow pace of designations under the Biden administration?

Answer. The Administration is fully committed to upholding legal obligations under the Caesar Act and values its role in promoting accountability. The Administration has taken multiple actions to promote accountability for human rights abuse in Syria. In July and December of 2021, we designated numerous Syrian regime officials in response to human rights abuses, including those committed with chemical weapons and those committed against detainees. We are continuing to seek opportunities to build evidence packages for new sanctions designations under the Caesar Act. We look forward to consulting with Congress as we continue this process.

Question. Have the Departments of State and Treasury been unable to identify suitable targets?

Answer. The Administration continues to work actively on an interagency basis to identify suitable targets for sanctions designations, including under the Caesar Act. We prioritize promoting accountability for the Assad regime for their actions targeting Syrians and we will not hesitate to use our sanctions authorities to address this issue. The Administration values the Caesar Act—which was passed by a bipartisan majority of the U.S. Congress—and its role in promoting accountability. Its “chilling effect” has successfully deterred countries and other entities from investing in Syria or engaging economically with Assad’s government.

Question. Why did the State Department dismantle and reduce the number of personnel assigned to the Caesar targeting team? To what extent did a lack of resources contribute to the Administration’s lack of Caesar sanctions enforcement?

Answer. Personnel changes within the U.S. Government occur at the start of every new Administration. We have a talented team of individuals across the interagency who continue to focus and coordinate on this issue. This Administration remains committed to using all tools at our disposal to promote accountability in Syria, including by issuing sanctions under multiple authorities and the Caesar Act.

Question. I'm deeply concerned with this Administration's support for energy projects that would benefit the Assad regime. Specifically, the movement of Egyptian gas through Jordan and Syria into Lebanon. Some sources cite an 8 percent transit fee payable to Assad. How are these energy projects not subject to sanctions under the Caesar Act?

Answer. We have not lifted or waived Syria-related sanctions in this case; we have not seen the final contracts. Under the proposed gas and electricity arrangements being negotiated by Jordan, Egypt, and Lebanon, we understand that the Syrian regime would receive no cash. Instead, it would receive in-kind gas/electricity for transiting Syrian territory; estimates suggest this would add a matter of minutes of electricity to Syria per day. No financial payments will be provided to Assad. The Departments of the Treasury and State will need to receive the final contracts from the parties and the final financing details from the World Bank before reviewing the details to assess any possible sanctions concerns.

Question. The State Department's energy envoy, Amos Hochstein, has asserted these deals are exempt from sanctions because Assad is likely to be paid in-kind, not in cash, for his participation in these deals. How do in-kind contributions to the Assad regime circumvent U.S. law and Caesar Act enforcement?

Answer. As Secretary Blinken has made clear, we have not lifted or waived Syria-related sanctions in this case. The Departments of the Treasury and State will need to receive the final contracts from the parties and the final financing details from the World Bank before reviewing the details to assess any possible sanctions concerns.

Question. Russia has been traditionally responsible for maintenance on the Syrian portion of the pipeline. How does this Administration plan to ensure the Gas Pipeline project does not benefit sanctioned Russian entities as they assault Ukraine?

Answer. The Departments of the Treasury and State will need to receive the final contracts from the parties and the final financing details from the World Bank before reviewing the details to assess any possible sanctions concerns.

Question. How does the Administration plan to address Syria's work with a sanctioned Russian entity, Stroytransgaz, with known connections to the Kremlin as it continues to undermine Ukraine's security? Does this Administration feel waiving sanctions on Stroytransgaz under E.O. 13662 is necessary to repair and maintain the Arab Gas Pipeline?

Answer. Speaking broadly, a number of Syrian and Russian entities involved in the Syrian economy are designated under various sanctions authorities. We are aware of reports that the Russian firm Stroytransgaz was involved in construction of the Syrian portion of the Arab Gas Pipeline, which was completed in February 2008. Stroytransgaz has been on the OFAC SDN list since 2014. The Departments of the Treasury and State will need to receive the final contracts from the parties and the final financing details from the World Bank before reviewing the details to assess any possible sanctions concerns.

Question. How much does Stroytransgaz and its subcontractors stand to gain from any deal related to the Arab Gas Pipeline financially?

Answer. Speaking broadly, a number of Syrian and Russian entities involved in the Syrian economy are designated under various sanctions authorities. We are aware of reports that the Russian firm Stroytransgaz was involved in construction of the Syrian portion of the Arab Gas Pipeline, which was completed in February 2008. Stroytransgaz has been on the OFAC SDN list since 2014. The Departments of the Treasury and State will need to receive the final contracts from the parties and the final financing details from the World Bank before reviewing the details to assess any possible sanctions concerns. We understand that there are no cash transactions involved in these contracts, but we will review the final contracts with U.S. law and sanctions as the framework for our decisions.

Question. Given that Stroytransgaz is under sanctions for its role in destabilizing Ukraine, do you not feel this project runs counter to the Administration's Russia policy?

Answer. We are aware of reports that the Russian firm Stroytransgaz was involved in construction of the Syrian portion of the Arab Gas Pipeline, which was completed in February 2008. The Departments of the Treasury and State will need to receive the final contracts from the parties and the final financing details from the World Bank before reviewing the details to assess any possible sanctions concerns.

Question. How does this Administration plan to ensure the "in kind" benefit to the regime will not be diverted to chemical weapons facilities, military bases, or prisons run by the Assad regime or its backers?

Answer. The Departments of the Treasury and State will need to receive the final contracts from the parties and the final financing details from the World Bank before reviewing the details to assess any possible sanctions concerns. With regard to the Syrian regime's military apparatus, the United States will continue to use all available tools, including Caesar Act sanctions, to further press for accountability for the ongoing atrocities of the Assad regime.

Question. The Arab Gas pipeline physically feeds Assad's military, intelligence, and detention facilities—in addition to civilian infrastructure. How does the pipeline not contribute to continued atrocities against the Syrian people given its physical proximity to these sites?

Answer. The Departments of the Treasury and State will need to receive the final contracts from the parties and the final financing details from the World Bank before reviewing the details to assess any possible sanctions concerns. Our understanding from the draft agreements is that the Syrian regime will receive in kind payments of natural gas and potentially electricity worth additional minutes per day of electricity. With regard to the Syrian regime's military apparatus, the United States will continue to use all available tools, including Caesar Act sanctions, to further press for accountability for the ongoing atrocities of the Assad regime.

Question. UNSCR 2254 calls for a ceasefire, a constitutional committee and free and fair elections that reflect the will of the Syrian people. Progress on 2254 has been frustrated at all turns, the constitutional committee has been hampered by regime intransigence, and the de facto ceasefire in Syria lacks any formal mechanisms. Is UNSCR 2254 an appropriate construct to further a political solution to the Syria crisis?

Answer. UNSCR 2254, unanimously adopted by the UN Security Council in 2015, remains the best internationally supported framework for advancing a political resolution to the Syria crisis. The Assad regime remains the real impediment to any

progress on the political process. The continued stalling tactics by the regime have resulted in no meaningful outcomes to date in the Constitutional Committee. I plan to continue to work closely with the United Nations as well as our partners and allies to push to find ways to advance all aspects of UN Security Council Resolution 2254, which include releasing arbitrarily detained persons, maintaining a nationwide ceasefire, and creating conditions that will eventually allow for the voluntary, safe, and dignified return of refugees.

Question. How can we accelerate progress on UNSCR 2254 provisions?

Answer. We are working closely with the United Nations and our likeminded allies and partners to advance the political process and continue to support the Syrian opposition, civil society, and other key Syrian stakeholders to reach an inclusive and lasting political solution consistent with United Nations Security Council Resolution 2254. We believe our priorities—keeping violence down, increasing access to aid, promoting accountability for human rights violations and abuses, and defeating ISIS and al Qa'ida—are important steps on the road to advancing a broader political settlement to the Syrian conflict consistent with UN Security Council Resolution 2254.

Question. Given reports of the Assad regime's diversion of humanitarian assistance, including through currency manipulation of UN-provided assistance, what mechanisms are in place to prevent diversion that would enrich the regime and its backers? Please provide details.

Answer. We require all of our partners to have robust risk mitigation measures and monitoring to prevent aid diversion throughout Syria, and we take all possible steps to ensure that humanitarian aid funded by American taxpayers reaches those for whom it is intended. We are pressing the UN to continue negotiating the resumption of a moving preferential exchange rate for UN aid provided in regime-held areas. Additionally, the United States helped establish a Regional Dialogue Mechanism with the UN and major donors to enhance information sharing on issues of concern, identify risks, and press for solutions. Most of the goods provided by the UN in Syria are purchased outside of the country, and thus not affected by the Syrian pound's exchange rate.

Question. Do you concur that the Assad regime stole \$100 million of aid money by manipulating exchange rates, as documented by analysts at the Center for Strategic and International Studies?

Answer. We have reviewed this analysis but do not concur with its assessment of the scale of currency-related losses. We agree that loss of any value is concerning, but we assess that currency-related loss is lower than the \$100 million estimated by CSIS. In addition, the UN notes the majority of the goods it provides in Syria are purchased outside of the country, and thus not affected by the Syrian pound's exchange rate. The gap between the official exchange rate and the unofficial rate has fluctuated over recent years, based on inflation and the financial crisis currently affecting the country. Official banks, which our partners are required to use in regime-held areas, follow the official exchange rate set by the Central Bank of Syria, with which the UN is seeking to address the effect of rates on humanitarian organizations through mechanisms such as preferred exchange rates.

Question. Does the State Department track amounts of aid stolen or otherwise diverted by the regime and its partners?

Answer. We take all possible steps to ensure that humanitarian assistance funded by American taxpayers reaches those for whom it is intended. We carefully monitor the risks associated with providing aid in all parts of Syria and work closely with our partners, other donors, and the United Nations on this issue. Exchange rate issues are not unique to Syria alone: they affect partners working in many countries experiencing significant economic distress. However, our partners inform us of these issues when they begin affecting their ability to effectively deliver and meet the terms of their contracts with the United States. The Department, USAID, and other international donors have been discussing these issues with partners in response to fluctuations of the Syrian pound, and we are currently working with the UN and other donors to address the issue.

Question. What is the best estimate of the total amount lost in the last 12 months?

Answer. We cannot definitively estimate the total amount of currency lost through the exchange-rate differential in the last 12 months, but we assess it to be comparable to other humanitarian contexts where official and unofficial exchange rates have diverged. Nevertheless, we are working closely with other donors and the UN

to address the issue through negotiations on a preferential exchange rate that will enable greater control over currency fluctuations.

Question. Please provide descriptions of the legal and programmatic distinction between early recovery, reconstruction, and stabilization expenditures in Syria in both northeast Syria and regime-controlled areas.

Answer. Early recovery programs are a form of humanitarian assistance based on community needs and humanitarian imperatives and conducted by independent and impartial humanitarian agencies across Syria, without direction from the Assad regime or other local authorities. It should not be confused with reconstruction, which is directed by the state in support of conflict transformation and entails political support to civil institutions. Stabilization assistance is driven by and implemented entirely in support of U.S. foreign policy goals, and only provided in non-regime held areas of Syria. The United States neither supports nor engages in reconstruction directed by the Assad regime, which would be designed to benefit its own narrow interests; nor will we do so absent authentic, enduring progress toward a political solution to the Syrian conflict.

Question. The Biden administration is supporting “early recovery projects” in regime-held areas, to include refurbishment of hospitals destroyed and damaged in Syrian regime airstrikes. How does the Administration characterize these projects? Are these projects a violation of the Caesar Act, why or why not?

Answer. Early recovery is a form of humanitarian assistance that aims to reduce immediate and protracted humanitarian needs by strengthening the self-reliance of affected populations, improving individual, household, and community welfare, and therefore reducing dependence on external assistance. The U.S. has long supported early recovery efforts across all parts of Syria. Official U.S. Federal Government business, including early recovery activities, in regime-held areas of Syria, such as the rehabilitation of health and other service infrastructure, are authorized pursuant to § 542.522 and § 542.211(d) of the Syrian Sanctions Regulations. The general license in § 542.516 of the Syrian Sanctions Regulations, the 2019 version of which was codified by the Caesar Act, authorizes nongovernmental organizations to support humanitarian projects to meet basic human needs in Syria, including early recovery activities.

Question. There are currently 10,000–12,000 displaced Syrians now living at a camp in Rukban, in the no man’s land that separates the Syrian and Jordanian borders. There had been more than 50,000 displaced persons living in Rukban, yet Russia and the Assad regime starved most of them out by refusing permission for deliveries by UN aid convoys—a clear violation of international humanitarian obligations. Until last March, a UN clinic on the Jordanian border provided treatment for the population at Rukban. The challenge of COVID is cited as the reason for the clinic remaining closed, but this means the population has no access to a physician, even when lives are at risk. It is our understanding that any remaining medical supplies or medical attention is smuggled in through outside channels and is rapidly dwindling.

What steps are this Administration prepared to take if Assad and his Russian backers continue to prevent aid from getting through to the thousands of displaced persons remaining at Rukban camp?

Answer. The Administration remains committed to increasing humanitarian access to all parts of Syria, which includes humanitarian access to Rukban. It is the Assad regime and Russia that have consistently blocked those efforts. The U.S. Government continues to support the UN’s attempts to bring life-saving aid to the Rukban camp, and we remain in close contact with the United Nations and our partners about this effort.

Question. What options remain for the camp’s population short of returning to Assad-held territory where they face the threat of enforced detention and disappearance?

Answer. We continue to explore all possible durable solutions for the residents of Rukban, and we routinely stress to the United Nations and our partners that any movements of individuals from the camp should be fully informed, safe, voluntary, and dignified.

Question. Will the Administration consider the provision of aid to Rukban via the U.S. garrison at al-Tanf in eastern Syria, which is less than 30 miles away?

Answer. We continue to review all options for improving the humanitarian situation in Rukban. The mission of our military forces at al-Tanf garrison is to defeat ISIS. We are ready to support future UN humanitarian convoys and reject efforts

by the Assad regime and Russia to impede UN access to the camp. The Administration stands ready to provide further details in an appropriate setting.

Question. After a year-long review, the Biden administration affirmed U.S. policy toward Syria would be based on a four-pronged approach: expanding humanitarian access, countering the threat of terrorism, upholding ceasefire agreements, and promoting accountability. Despite the ostensibly expansive nature of this Administration's approach to Syria policy, it seems as though the focus has almost exclusively been expanding humanitarian access.

The Caesar Act authorizes the Secretary of State to provide technical assistance to entities seeking proof of war crimes in Syria. What technical assistance has the State Department provided to date? To which entities has the Department provided assistance?

Answer. U.S. stabilization assistance supports Syrian and other civil society organizations (CSOs), to collect evidence of the regime's atrocities in Syria, some of which rise to the level of war crimes and crimes against humanity. This work has focused on gathering and analyzing evidence of atrocities, which may be used to build case files to prosecute those responsible for atrocity crimes. These efforts help provide critical evidence to both informal and formal mechanisms, such as the UN Commission of Inquiry, the International, Impartial, and Independent Mechanism (IIIM), and criminal proceedings in third countries under the principle of universal jurisdiction, to promote accountability. U.S. assistance also supports survivors of atrocities and their families with critical resiliency, mental health, and psychosocial support.

Question. What specific steps has the Biden administration undertaken to promote justice and accountability for war crimes in Syria?

Answer. The United States Government remains firmly committed to securing accountability for the atrocities the Assad regime continues to inflict upon Syrians. The Administration supports Syrian and other civil society organizations (CSOs) in their efforts to advance justice and accountability through activities that preserve and analyze documentation of human rights violations and abuses, contribute to criminal prosecutions, empower survivors of war crimes and support healing, and begin the process of identifying Syria's missing. Supporting Syrian CSOs, NGOs, and UN agencies in these capacities ensures relevant information and evidence are collected, secured, analyzed, and appropriately shared to promote and pursue accountability for those responsible for atrocities. In addition, a number of State Department grantees have provided critical data, information and expertise to prosecutions brought on the basis of universal jurisdiction for atrocities and crimes in Syria.

Question. To what extent do you feel there is an opportunity to coordinate between accountability mechanisms as relates to war crimes committed in Ukraine and those being perpetrated in Syria?

Answer. Because Syrians understand Russia's human rights abuses all too well, a number of Syrian civil society organizations are now assisting Ukrainians to document the atrocities committed in Ukraine, including by applying their technological expertise to preserve documentation of human rights abuses and violations. Additionally Syrian organizations are consulting with Ukrainian civil defense authorities on lessons learned including on medical evacuation, responses to bombing, as well as urban search and rescue. The State Department regularly consults with these organizations; we also support their work through elevating their research and activities. The State Department will consider all mechanisms to promote accountability, including sanctions, to reinforce respective efforts.

Question. What specific measures, beyond verbal condemnation, is the Administration taking to deal with Assad's continuing war crimes? What role can and should sanctions play in holding Assad and his backers accountable?

Answer. The Administration continues to support Syrian CSOs, as well as NGOs, and UN entities in their efforts to advance justice and accountability through activities that preserve and analyze documentation of human rights violations and abuses, contribute to criminal prosecutions, empower survivors of war crimes and support healing, and begin the process of identifying Syria's missing. We believe that sanctions are an important tool to press for accountability for the Assad regime and other perpetrators of abuses. In the past year, we sanctioned Syrian officials in the intelligence and security apparatus in connection with human rights abuses, as well as the regime-affiliated militia Saraya al-Areen, which participated in offensive operations which contributed to the mass displacement of Syrian civilians. We also sanctioned the armed opposition group Ahrar al-Sharqiya for human rights

abuses in northern Syria. We will continue to use our sanctions authorities, including the Caesar Act, to press for accountability.

Question. What specific measures is the Administration taking to deal with the ongoing torture and killing in Assad's prisons?

Answer. We continue to condemn and highlight ongoing violations and abuses, including through the three resolutions in the UN Human Rights Council and the Syria resolution in the UN Third Committee. In the past year, the Administration sanctioned eight Syrian prisons run by the Assad regime's intelligence apparatus, which reportedly have been sites of human rights abuses against political prisoners and other detainees. We have also sanctioned Syrian officials in the intelligence and security apparatus in connection with human rights abuses, and the regime-affiliated militia Saraya al-Areen, which participated in offensive operations which contributed to the mass displacement of Syrian civilians.

Question. What plans does the Administration have to hold the Assad regime accountable for its violations of the ban on chemical weapons?

Answer. We will continue to pursue accountability for the Assad regime at the OPCW and in other fora, including the UNSC. The United States spearheaded an April 2021 decision by the OPCW Conference of the States Parties condemning Syria's use of chemical weapons and suspending certain of Syria's rights and privileges under the Convention—the first time this authority has been used at the OPCW. We have fended off, and will endeavor to continue fending off, attempts by malign actors including Syria, Russia, Iran and China to weaken the OPCW's Syria accountability efforts, including their attempts to defund the attribution mechanism, the Investigation and Identification Team.

Question. In January, the chairman and ranking member of this committee, along with their counterparts in the House, sent a letter to Secretary Blinken in which they observed, "Tacit approval of formal diplomatic engagement with the Syrian regime [by America's Arab partners] sets a dangerous precedent for authoritarians who seek to commit similar crimes against humanity."

Have you threatened Caesar sanctions against countries normalizing with Assad?

Answer. We have made clear with our partners both in the Middle East and beyond that we vehemently oppose normalizing relations with the Assad regime. We discourage our partners from normalizing relations with the Assad regime and urge states considering engagement to weigh carefully the immutable fact that the Assad regime continues to subject Syrians to horrific atrocities and deny much of the country access to humanitarian aid and security. We also continue to make clear that U.S. sanctions remain in place and that companies, individuals or governments seeking to invest in Syria risk exposure to U.S. sanctions. The existence of the sanctions in itself has had a deterrent effect on such investment.

Question. What specific measures have you taken to push back against normalization with Assad?

Answer. We continue to make clear to partners in the Middle East and beyond that we oppose efforts to normalize with the brutal dictator Bashar al-Assad. We also oppose Syria's return to the Arab League and continue to oppose the reconstruction of Syria until there is authentic, durable progress towards a political solution. In discussions with partners, we continue to underline the Assad regime's ongoing horrific atrocities against Syrians, including over the last decade, as well as its continuing efforts to deny much of the country access to humanitarian aid and security. The United States will continue to lead the international community in pressuring the Assad regime—and its Russian and Iranian backers—to cease its brutal war against its own people.

Question. In your view, has the Administration been successful in dissuading our partners from pursuing active engagement with the Assad regime?

Answer. Most states continue to oppose normalization with the Assad regime absent significant and enduring progress on the political track. Additionally, there is no consensus among Arab League members to readmit Syria. We will continue to urge states considering engagement with the Assad regime to weigh carefully the ongoing horrific atrocities visited by the regime on the Syrian people, including over the last decade, as well as the regime's continuing efforts to deny much of the country access to humanitarian aid and security.

Question. You noted in your testimony that the Assad regime has used our regional partners' engagement to craft a narrative of a groundswell of support. What actions has the Department taken to combat this narrative?

Answer. We are profoundly disappointed and troubled by efforts from some states to repair the international reputation of Bashar al-Assad, who has overseen the death and suffering of hundreds of thousands of Syrians, the displacement of more than half of the pre-war Syrian population, and the arbitrary detention or disappearance of over 130,000 Syrian men, women and children. We continue to work with likeminded partners to urge states considering engagement with the Assad regime to weigh carefully the horrific atrocities visited by the regime on the Syrian people, including over the last decade, as well as the regime's continuing efforts to deny much of the country access to humanitarian aid and security.

Question. In a January letter to Secretary Blinken, the Chair and Ranking Members of the Senate Foreign Relations Committee and House Foreign Affairs Committee called on the Administration to use all tools necessary to cut off the Assad regime's access to illicit revenue streams, including those garnered through the Captagon trade. What is your assessment of the Assad regime's involvement in the Captagon trade?

Answer. We assess elements affiliated with the Assad regime, as well as Hizballah and other terrorist groups in Syria and Lebanon, have been associated with illicit narcotics production and trafficking in Syria, including of Captagon. Entities with known or suspected links to Assad regime officials and Hizballah are reportedly producing the drug in both Syria and across the border in Lebanon.

Question. Captagon smuggling clearly presents a very serious threat to our regional partners. What is this Administration's plan for addressing this threat?

Answer. This Administration is concerned about illicit narcotics trafficking originating in Syria and actively working on this issue. The U.S. Government is engaging with countries across the region, as well as other allies to increase coordination between governments to fight Captagon trafficking, including through the exchange of information, identification of targets, and coordination of operations to combat Captagon trafficking and distribution. We will use all available tools to address illicit narcotics trafficking originating in Syria, including, as appropriate, the Caesar Syria Civilian Protection Act.

Question. Why was Assad's income from Captagon omitted from the NDAA-mandated Assad wealth report?

Answer. The report on the Assad family's wealth described certain members of the Assad family potentially receiving financial gain from involvement in illicit drug trafficking, specifically Captagon. In providing the estimates for Assad's income, the interagency sought to include verifiable information that came from a range of sources. The Administration is available to provide further details in response to this question in an appropriate setting.

Question. Is countering the Captagon trade a pillar of U.S. policy toward Syria?

Answer. There is a robust interagency effort within the U.S. Government to counter the Captagon trade in the Levant. The Department of State coordinates with Treasury on the use of the Transnational Criminal Organizations Sanctions and the Foreign Narcotics Kingpin Sanctions programs to target transnational criminal actors and drug trafficking, respectively. We are committed to using all available tools to address illicit narcotics trafficking originating in Syria, including, as appropriate, the Caesar Syria Civilian Protection Act.

Question. What measures did last year's strategic review of Syria policy recommend to counter Captagon trade?

Answer. The U.S. Government seeks to combat the Captagon trade by working through diplomatic engagements with key regional and global partners to identify the extent of Syrian-origin Captagon production; cooperating directly with international law enforcement partners to disrupt the drug trafficking infrastructure directly and indirectly; using additional law enforcement and other tools to target individuals and entities associated with the Syrian narcotics infrastructure, which could include further legal actions or sanctions when appropriate; and increasing information exchange and cooperation with and assistance to countries in the region.

Question. Is the Administration already preparing an interagency strategy to address Captagon trafficking? If not, why?

Answer. The U.S. Government is already engaging with countries across the region, as well as other allies to increase coordination between governments to fight Captagon trafficking, including through the exchange of information, identification of targets, and coordination of operations to combat Captagon trafficking and distribution. The Department of State coordinates with Treasury on the use of the

Transnational Criminal Organizations Sanctions and the Foreign Narcotics Kingpin Sanctions programs to target transnational criminal actors and drug trafficking, respectively. We will use all available tools to address illicit narcotics trafficking originating in Syria, including the Syrian Sanctions Regulations and the Caesar Syria Civilian Protection Act, which may apply to persons whose illicit activities provide significant benefit to the Assad regime.

Question. What would be the consequences of a Russian veto of cross-border aid when the issue comes before the Security Council next month?

Answer. The loss of UN cross-border humanitarian access through the Bab al-Hawa crossing would have disastrous repercussions, cause a precipitous decline in assistance reaching the people of northwest Syria, and the attendant effects on the food security, health, and protection of its 4.1 million residents.

Question. What percentage of UN aid could be replaced by supplies from other sources?

Answer. Preparations to date have confirmed our assessment that any contingency operations in the event of a non-authorization of the cross-border mechanism would only cover a fraction of the UN's current caseload of assisting 2.4 million people per month through cross-border aid, which includes recipients of food, health, shelter, water and sanitation, and protection. The Department is available to provide further details in response to this question in an appropriate setting.

Question. In the event of a Russian veto, does the Administration have a plan to rapidly increase its ability to dispatch aid to northwest Syria?

Answer. We will use all means available to advocate for continued humanitarian access and to deliver U.S. humanitarian assistance to the Syrian people, including in the northwest, in coordination with the UN, NGOs, other donors, and partner countries. In any emergency response, including in Syria, we expect humanitarian agencies to prepare for all reasonable scenarios so life-saving aid keeps flowing to those who need it. However, any contingency operations in the event of a non-authorization will only cover a fraction of the UN's current caseload. Such operations would be constrained by both logistical challenges and the limits of funding, including our humanitarian appropriations provided by Congress. The Department is available to provide further details in response to this question in an appropriate setting.

Question. How many weeks or months would pass before this fallback plan could ship half as much aid to northwest Syria as the UN currently provides?

Answer. The Department is available to provide a detailed response to this question in an appropriate setting.

Question. How many months would be required for full replacement of UN-provided aid to northwest Syria?

Answer. We assess that any contingency operations in the event of a non-authorization will only cover a fraction of the UN's current caseload. We will use all means available to advocate for continued humanitarian access and to deliver U.S. humanitarian assistance to the Syrian people, including in the northwest, in coordination with the UN, NGOs, other donors, and partner countries.

Question. At this point in time, how likely does the Administration assess a Russian veto?

Answer. Russia has threatened to veto past resolutions and forced the closure of other UN-authorized border crossings. Last year, the Administration led an intensive diplomatic effort and was able to secure unanimous support of the cross-border mandate in the UN Security Council. We will devote our efforts to doing the same this year. The Department is available to provide a detailed response to this question in an appropriate setting.

Question. What concessions is the Administration prepared to offer to Moscow to prevent a Russian veto, or do you believe that we should not reward the use of desperate civilians as hostages?

Answer. We believe there is a clear humanitarian imperative to maintain the UN cross-border mechanism, and that this view is shared by the vast majority of Council members. Any negotiations in the UN to avoid a Russian veto will be conducted with the well-being of vulnerable Syrians as our core interest and objective, consistent with our Syria and Russia policies.

STATEMENT OF DR. MUHAMMAD BAKR GHBEIS, PRESIDENT, CITIZENS FOR A SECURE AND SAFE AMERICA EDUCATIONAL COMMITTEE, INC.

Mr. Chairman Menendez, Ranking Member Risch, and members of the Committee, we are all gripped with the horrors and destruction Vladimir Putin is raining down on Ukraine. The attacks on civilians and the murder of thousands of innocent souls have united the world in horror. But it is not the only place where a murderous government led by a dictator has killed countless men, women, and children.

For the past decade, the Assad regime—with the support of the Kremlin—has carried out a war against its own people. They have attacked civilians with the worst weapons of war. From chemical weapons to barrel bombs designed only to kill, Assad has murdered hundreds of thousands of Syrian citizens.

To take on Assad, the United States needs an active strategy to implement UN Security Council Resolution 2254, and the Biden administration needs to lobby the free world to align behind that. As spelled out in 2254, only an inclusive and Syrian-led political process that meets the legitimate aspirations of the Syrian people, including through the establishment of an inclusive transitional governing body with full executive powers, will allow Syria to have a future free from the death and destruction brought by Assad and his backers in Teheran and Moscow.

We're already starting to consider how to hold accountable those responsible for the war of aggression against Ukraine. Unfortunately, the world has not yet brought this level of seriousness and urgency to the imperative of justice for the killed, wounded, and missing Syrians.

Today, that is changing. This hearing discussing accountability for the crimes perpetrated by the regime of Bashar Assad is a critical step forward. Assad's crimes are so vast and the depravity so grave that the violations cry out for attention. I believe that the Committee's work will help provide a road map for one of the most vexing questions facing victims of crimes against humanity: how to bring to justice the leaders of regimes which commit horrific crimes in the names of their states.

The International Criminal Court is one obvious venue to haul indicted leaders in front of a judicial panel. But, several states, including the United States, Russia, and Syria, are not members of the ICC. Specific tribunals have been created to handle certain infamous acts of genocide. The Nuremberg Trials and the International Criminal Tribunal for the Former Yugoslavia adjudicated the crimes perpetrated by the Nazi and Milosevic regimes. But, those are sadly the exception, not the rule as creating an internationally-accepted court is exceedingly difficult.

Other mechanisms exist. Some countries have extraterritorial criminal laws under which they can try offenders from other countries indicted for war crimes and crimes against humanity. In fact, Germany recently convicted a Syrian military officer for crimes against humanity due to his links to the torture of more than 4000 people. Syrians around the world applauded this verdict in the hope that charges would be brought against other Assad lieutenants. But those laws are the cutting edge of international justice and most states don't have similar laws. Further, perpetrators must be found within the jurisdiction of that country or other countries to be arrested and charged.

So, Mr. Chairman Menendez, Ranking Member Risch, and members of the Committee, thank you for taking on the question of justice for victims of Assad's atrocities in Syria. The work of this Committee is vital in the effort to hold the Assad regime—and its backers in Moscow, Teheran, and elsewhere—accountable for their crimes.

ARTICLE FROM THE GUARDIAN DATED APRIL 26, 2022 TITLED, "MASSACRE IN TADAMON: HOW TWO ACADEMICS HUNTED DOWN A SYRIAN WAR CRIMINAL"

[EDITOR'S NOTE.—This article can also be found at: <https://www.theguardian.com/world/2022/apr/27/massacre-in-tadamon-how-two-academics-hunted-down-a-syrian-war-criminal>]



● This article is more than 1 month old

Massacre in Tadamon: how two academics hunted down a Syrian war criminal

After a rookie militiaman secretly watched a video of 41 people being brutally killed, he knew he had to

get the horrific images to
the outside world

Warning: this report
contains images readers
may find upsetting

by Martin Chulov, Middle East correspondent

A video still of an intelligence officer in Tadamon, Damascus, during the killing of at least 41 people.
Photograph: Guardian video

Tue 26 Apr 2022 21:00 EDT

On a spring morning three years ago, a new recruit to a loyalist Syrian militia was handed a laptop belonging to one of Bashar al-Assad's most feared security wings. He opened the screen and curiously clicked on a video file, a brave move given the consequences if anyone had caught him prying.

The footage was unsteady at first, before it closed in on a freshly dug pit in the ground between the bullet-pocked shells of two buildings. An intelligence officer he knew was knelt near the hole's edge in military fatigues and a fishing hat, brandishing an assault rifle and barking orders.

The rookie militiaman froze in horror as the scene unfolded: a blindfolded man was led by the elbow and told to run towards the giant hole that he did not know lay in front of him. Nor did he anticipate the thud of bullets into his flailing body as he tumbled on to a pile of dead men beneath him. One by one, more unsuspecting detainees followed; some were told they were running from a nearby sniper, others were mocked and abused in their last moments of life. Many seemed to believe their killers were somehow leading them to safety.



The gunman with a fishing hat in a still from the video. Photograph: Guardian video



Photograph: Guardian video

When the killing was done, at least 41 men lay dead in the mass grave in the Damascus suburb of Tadamon, a battlefield at the time in the conflict between the Syrian leader and insurrectionists lined up against him. Alongside piled heaps of dirt that would

soon be used to finish the job, the killers poured fuel on the remains and ignited them, laughing as they literally covered up a war crime just several miles from Syria's seat of power. The video was date-stamped 16 April 2013.

A paralysing nausea took hold of the recruit, who instantly decided the footage needed to be seen elsewhere. That decision has led him, three years later, on a perilous journey from one of the darkest moments of Syria's recent history to the relative safety of Europe. It has also united him with a pair of academics who have spent years trying to get him - the prime source in an extraordinary investigation - to safety while identifying the man who directed the massacre and persuading him to admit his role.



A hidden war crime: footage sheds light on horrors of war in Syria - video explainer

Warning: contains graphic images

It is the story of a war crime, captured in real time, by one of the Syrian regime's most notorious enforcers, branch 227 of the country's military intelligence service that also details the painstaking efforts to turn the tables on its perpetrators - including how two researchers in Amsterdam duped one of the most infamous security officers in Syria through an online alter ego and seduced him into spilling the sinister secrets of Assad's war.

Their work has cast an unprecedented light on crimes previously believed to have been widely committed by the regime at the height of the Syrian war but always denied or blamed on rebel groups and jihadists.



Photograph: Guardian video

Nine years later, as war rages in Ukraine, a playbook of state terror on civilian populations rehearsed in Syria is being redeployed by Russian forces, as Vladimir Putin's so-called special military operation turns into a brutal occupation of parts of the east of the country. Military intelligence units there have been at the forefront of savagery, instilling fear into communities through mass detentions and killings of the type that characterised Assad's brutal attempts to claw back power.



Photograph: Guardian video

Trained by Soviet and Stasi officers in the 1960s, Syria's security agencies learned well the art of intimidation. Often, the allegiance of those snatched at checkpoints was of little consequence; fear was the regime's most lethal means to cling to power and it used every means available to instill it. In this case, the victims were not insurrectionists but civilians who were unaligned to either side and had accepted Assad's protection. Their murders were widely seen in Tadamon as a message to the whole suburb: "Don't even consider opposing us."



Prof Uğur Ümit Üngör. Photograph: Alex Atack

In leaking the video, first to an opposition activist in France, and then to the researchers, Annsar Shahhoud and Prof Uğur Ümit Üngör, from the University of

Amsterdam's Holocaust and Genocide Center, the source had to overcome the fear of being caught and probably killed and the distress of potentially being cast out from his family - prominent members of Assad's Alawite sect, which holds the main levers of power in what remains of Syria.

He would eventually learn that even as hundreds of people around the world worked to bring Assad to justice for war crimes, the video would end up being a standout piece of evidence in the case against the Syrian leader.

But first, Annsar and Uğur needed to find the man in the fishing hat, and they turned to the only thing they believed could help: an alter ego.



A Syrian regime militiaman walks underneath anti-sniper screens on a devastated street near the frontline in Tadamon, January 2014. Photograph: Sipa US/Alamy

'Anna Sh'

Annsar had been a vocal critic of Assad since the outbreak of the Syrian war. Her family were members of a community that had largely retained good relations with Assad, but the conflict and the ensuing economic collapse strained alliances and Annsar increasingly found herself determined to hold Assad to account, no matter the personal price.

She moved to Beirut in 2013 and then to Amsterdam two years later, where she met Uğur in 2016. Both shared a drive to chronicle what they believed to be a genocide being committed in Syria. Piecing together the stories of survivors and their families was one way to do it. Speaking to the perpetrators themselves was another. Breaking the omertà code of the regime, however, was a task thought nearly impossible. But Annsar had a plan: she decided to turn to the internet, and find her way into the inner sanctum of the regime's security officials by pretending to be a fangirl who had fully embraced their cause.

“The problem was that the Assad regime is very difficult to study. You don't just walk into Damascus, waving your arms, saying well, ‘Hey, I'm a sociologist from Amsterdam and I would like to ask some questions,’” said Uğur, in the grand dark wood drawing room of the Holocaust and Genocide Centre. “We came to the conclusion that, actually, we need a character - and that character should be a young Alawite woman.”



Anna Sh

Posts

More ▼

Add Friend

Message

Do you know Anna?

To see what she shares with friends, send her a friend request.

Add Friend

Photos

See All Photos



The Anna Sh Facebook page. Photograph: Facebook

Ansar established that Syria's spies and military officers tended to use Facebook, and despite their secretive work lives, they tended not to make their social media settings

private. She decided on an alias, “Anna Sh”, and asked a photographer friend to shoot an alluring glimpse of her face. She then turned her homepage into a glowing tribute to Assad and his family and set about trying to recruit friends.

Day and night for the next two years, she scoured Facebook looking for likely suspects. When she found a taker, she told them she was a researcher studying the Syrian regime for her thesis. Eventually, she got good at it. She learned the regime mood of the time and, together with Uğur, tailored jokes and talking points that might help with an approach. Soon, Anna Sh became known among the security services as an understanding figure - and even a shoulder to cry on.

“They needed to talk to someone, they needed to share their experience,” she said. “We shared some stories with them. We listened to all the stories, not focusing only on their crimes.”

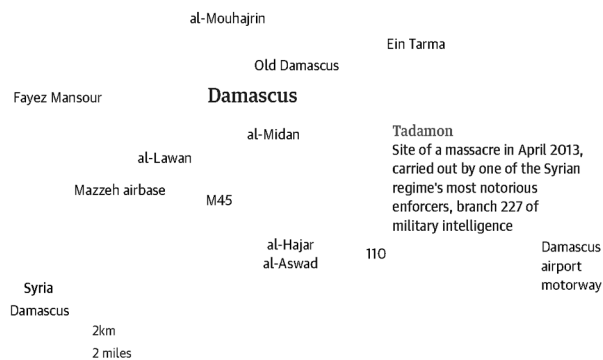
“Some of these people got attached to Anna,” Uğur continued. “And some of them started calling in the middle of the night.”



Photograph: Guardian video

Over the next two years, Annsar lived and breathed her new persona. At times she recoiled from who she had become - someone who had got into the minds of her prey and could at times understand them on a raw human level that eclipsed the clinical boundaries of her research.

But the snap back to reality was usually sudden. Many of those she had spoken to had been active parts of a killing machine, others were willing parts of the cabal that enabled them. Her health took a toll, as did her social life and her sanity. The prize was worth it, however. If she could find the gunman in the video, she could start to bring justice to the families of those he killed. And, maybe, she could start what few others had managed in the decade-long conflict: begin a process that irrefutably linked the Syrian state to some of the war's worst atrocities.



In March 2021, the breakthrough finally arrived. Anna Sh's Facebook following had by then won the confidence of more than 500 of the regime's most devoted officials. Among her trawls of their friends and photos, a distinctive moon face with a scar and facial hair stood out. He called himself Amgd Youssuf, and he looked very much like the gunman in the fishing hat that she had exhausted herself looking for. Soon afterwards, Annsar, or Anna Sh - by now it had become difficult to distinguish the two - received corroboration from a source inside Tadamon that the killer was a major in branch 227 of the Syrian military intelligence service.

"The relief was indescribable," she said. "Here was someone who held the key to it all. And now I needed to make him talk."

Annsar remembers well the moment she hit send on her friend request, and the excitement she felt when her prey accepted. After all this time, the bait had been set. Now she needed to reel him in. The first call was fleeting; Amjad was suspicious and ended the call quickly. But something in that initial conversation had whetted his

curiosity. The hunter had become the hunted. Was it the thrill of talking to a strange woman, the need to interrogate someone who dared to approach him, or something else? Either way, when Amjad video-called three months later, Annsar pressed record, and “Anna” answered the call.

After all these years, there he was; stern at first, very much in character as a spy who controlled all his conversations and readily deployed stony silence as a weapon. He uttered few words, and when he did speak he mumbled, forcing his listener to strain to hear him. Anna Sh did all she could to disarm Amjad, grinning sheepishly, giggling and deferring to him as he peppered her with questions, all delivered on his terms. Gradually his frozen face begins to relax, and Anna won the floor. She asked him about Tadamon.



Photograph: Guardian video

And then she asked a question that changed the tone of the whole conversation: “What it was like to go hungry, not to sleep, to fight, to kill - to fear for your parents, for your people. It’s a huge responsibility - you carried a lot on your shoulders.”

Amjad sat back in his chair, as if to acknowledge that somebody had finally understood his burden. From then on, he was in the interrogation seat. The conversation was no longer his. Anna had an answer for every one of his replies; building him up, putting him at ease and puffing his ego. Much like Jennifer Melfi was to Tony Soprano, she had become to him a therapist, a sounding board, a trusted woman that could get to know his mind without, it would seem, passing judgment.

“I don’t deny that I was excited talking to him,” said Annsar. “So I was smiling. Because wow, you’re talking to him. But to know their stories, we need to convince them that we are just researchers. So they open up. It’s not a result of one interview - it’s a result of four years undercover. Gradually, I learned to dissociate myself. I created this girl who is really admiring their deeds. It’s tough. After you close the laptop, you feel like it’s heavy stuff, but it’s needed. And I wanted to see him as a human.”

Throughout the summer of last year, Annsar and her alter ego, with Uğur often sitting just off screen, tried to persuade Amjad to talk. Getting inside the head of a killer was one thing, but gathering real information about why he did and extracting admissions was another. They trawled his Facebook profile for clues, and came across a photo of a younger brother, and poems Amjad had written after his death in early 2013, three months before the Tadamon massacre. Anna kept pestering him for another call, but he remained elusive. Then late one night in June, her Facebook messenger lit up. It was Amjad. Here was her chance to nail him down.

‘I killed a lot’

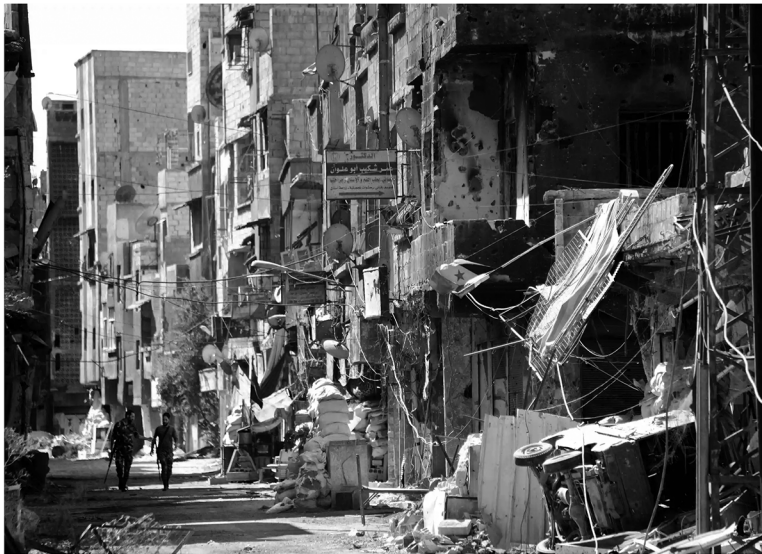
Amjad was more relaxed this time, dressed in a singlet with perhaps a drink or two on board. The floor was now his, or so he thought, and he began with small talk, trying to feel Anna out. She seized her moment and asked about his brother, and the feared killer and enforcer started to weep. Anna switched to Melfi mode as he told her he had to stay in the military despite the risk of his mother being forced to grieve another son. “You did what you needed to do,” he said.

And then came Amjad’s first real admission. “I killed a lot,” he said. “I took revenge.”

As if to recognise the gravity of the moment, Amjad shut down the conversation and ended the call. Over the next few months he was difficult to find, responding only on chats and asking when Anna was returning to Syria. Who was this woman who had gotten under his skin? When would he get the chance to interrogate her on his own turf and terms?

Amjad started to play the role of the jealous boyfriend, asking who Anna was with, whether she drank and where she was.

Annsar, meanwhile, was starting to feel that her alter ego had reached the limit of her powers, and that Anna Sh needed a rest, just as she did. The character had spoken to up to 200 regime officials, some of them direct perpetrators in murders, and others part of a community that had aided and abetted Assad's increasingly brutal attempts to cling on to power. They had started to speak among themselves about the mystery woman in all of their inboxes.



A bomb-damaged Tadamon area on 22 September 2013. Photograph: The Asahi Shimbun/Getty Images

Late last year, after Annsar had spoken to a woman who accused Amjad of assaulting her, she had had enough. All this empathising with perpetrators had started to seep into her soul. So, too, was living a character.

“Annsar also deserves to live,” she said. “And then the question was, where is Annsar? Who is Annsar now? Lost in the research? Anna was able to pretend in life and as an Alawite, pretend for hours here in Amsterdam. And I think Anna went so far, it’s not

only a digital identity. Where is the original person in all of this? Where is Annsar? So I decided to execute Anna.”

On a cold morning in January this year, Uğur and Annsar packed a small box with a printout of Anna’s Facebook profile, a sword used as a symbol by the Assad regime and some trinkets and drove to a nature reserve outside Amsterdam. There, they dug a hole and buried the character, with a startled dog walker the only other person to bear witness to the demise of a digital sleuth whose body of work would have made any real spy proud.

“I mean psychologists and therapists will tell you that if you have a particularly difficult period, you can mark that period with a ritual,” said Uğur. “So ritualising something actually helps you put it behind you. I thought, actually, good riddance.”

It was time for the two researchers to start focusing on the material they had collected and had not been able to process while so deeply immersed in the character they had just buried in a forest with a minute’s silence

“I laugh about her all the time,” reflected Annsar. “We always remember Anna.”

But there was one more thing they needed to do; confront Amjad with what they knew about him.

“Because how long do you want to go on courting a *mukhabarat* [intelligence] officer,” asked Uğur. “I think that the moment where he opened up about his brother, and that he committed revenge, that’s as close as you can get in this particular context.”

Over Facebook messenger, Annsar, using her real identity this time rather than “Anna”, sent Amjad a 14 second sequence of video.

“His first question was: ‘Is that me in the video?’ I said: ‘Yes it’s you.’ He said: ‘Yeah, it’s me. But what does this video tell? Nothing. I’m arresting someone, and that’s my job.’”

Realising the consequences of what he had just been shown, Amjad then railed against members of the National Defence Front, the militia that the rookie who had leaked the video had belonged to. He described them as thugs and killers and said he was not like them.

Then the subterfuge stopped, and Amjad defiantly embraced what he had done. “I’m proud of what I did”, he wrote in a message, before threatening to kill her and her family.

Neither Annsar nor Uğur have responded to Amjad since February and have blocked him from their social media accounts. However, he has tried to reach out several times. He is clearly nervous about what lies ahead, as well he may be. War crimes prosecutions in Germany have started to break the armour of impunity that has shrouded the Assad regime in Syria. Yet those court hearings do not contain the same overwhelming evidence as depicted in the Tadamon massacre video.

Before this story could be told, however, one man needed to get to safety - the person who had leaked the video to a friend in France, and then to Uğur and Annsar. Some time in the last six months, he started his dangerous journey.

The source's escape

Leaving the regime in Syria is never easy. Anyone hoping to travel to other parts of the country, or especially abroad, faces a long process of questioning before being allowed to do so. Although Assad retains power, the area he controls has shrunk, and two powerful overlords, Iran and Russia, have veto over many state decisions. Opposition groups retain control of the north-west, and the Kurds have aegis in the north-east. Syria remains broken and unreconciled; a place where even family members can be suspected of being traitors in waiting.

And that is how it was when a young man set off from the Syrian capital for Aleppo in the past six months on the first leg of a journey that would take him to the opposition-held north, then to Turkey and onwards to Europe.

The drive to Aleppo was a nervous one. He had been allowed to leave, but would the dreaded intelligence units catch up with him before he made it beyond their clutches? On Aleppo's northern outskirts, a colonel from the 4th division of the Syrian army pocketed a \$1,500 (£1,187) bribe in return for allowing the man across the no man's land separating both sides. The journey was delayed a day, as a Captagon shipment was readied by the 4th division to cross the same route. Shortly after, a truck carrying dozens of kilos of the stimulant, made and distributed by the regime and exported across the Middle East, made its way to the opposition-held north.

The source soon followed. Several weeks later, Annsar met him in Turkey, where gaps in the story of Tadamon were filled in over weeks of discussions, and notes for a war crimes prosecution steadily put in order.

In February, Uğur and Annsar handed over the videos and their notes, comprising thousands of hours of interviews, to prosecutors in the Netherlands, Germany and France. In the same month in Germany, came the first ever prosecution of another

Syrian military intelligence official, Anwar Raslan, for his role in overseeing the murder of at least 27 prisoners and torture of at least 4,000 others. He was convicted of crimes against humanity and has been imprisoned for life.



Children play football in a narrow street in Tadamon neighbourhood in the south of the Syrian capital of Damascus in 2018. Photograph: Louai Beshara/AFP/Getty Images

Annsar remains estranged from her family and in her words, is not the same person she was before she started this project. “But it was worth it,” she said. “It was exhausting, but I hope our work will help bring justice.”

Tadamon these days is a bustling part of the capital that looks like war never darkened its doorsteps. Much of the damage and the atrocities have been covered over by buildings, carparks, or piles of the flotsam and jetsam of conflict. Annsar and Uğur remain convinced that many more massacres took place there and have been piecing together locations and the names of those who went missing in the savage tussle for control of the suburb.

“The locals blame the regime,” said Uğur. “They know who killed their loved ones. The strange thing is that the people who were killed in this video were not dissidents, they were inside with the regime. You can see they are not malnourished. They are straight

from checkpoints, not dungeons. They were killed as a warning not to consider crossing sides. Their families deserve justice.”

The source, meanwhile, is safe outside Syria. In fleeing his surroundings - the innermost circle of the Assad regime - he has condemned himself to a life of exile. “He is happy with his decision,” said Annsar. “Sometimes people just want to do the right thing. If I’ve learned anything out of this, it’s that there’s good in people. That truth can still eventually see the light.”

