Starting in March 2011 as a civil uprising calling for liberal reforms, the unrest in Syria rapidly deteriorated into a proxy-led armed conflict involving multiple state-sponsored and non-state actors, including foreign militias and local armed groups. The current state of affairs in Syria and the uncertainty regarding its future raise numerous questions for scholars and practitioners of both international law and politics about justice within the context of a changing political reality in Syria.

This book contributes uniquely to the scholarship on the Syrian war, raising voices from the Middle East and beyond not often heard within this research context. The volume is divided into three sections: Part I sets the factual and legal framework for the Syrian conflict; Part II focuses on the implications of the conflict for the Syrian neighbourhood; and Part III analyses possible post-conflict scenarios. Together, they address the key themes and questions of the conflicts.

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THE SYRIAN WAR

Between Justice and Political Reality

Edited by

HILLY MOODRICK-EVEN KHEN
The Academic College for Law and Science

NIR T. BOMS
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SARETA ASHRAPH
Garden Court Chambers
To my children, Itamar and Yael, who were privileged to live a peaceful life – but whose hearts and minds are with those who were not – and to all those who suffered from the miseries of war

Hilly Moodrick-Even Khen

To my Israeli and Syrian partners who together were able to save lives during a bleeding period of horror

Nir T. Boms

For my parents, Azad and Sarah Ashraph

Sareta Ashraph
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This book is an outcome of a two-year worldwide collaboration of scholars and practitioners, experts in their fields and in their knowledge of the relevant aspects of the Syrian war. It is also a journey between disciplines, people, and perspectives that do not usually reside in a shared space and a partnership between Israelis and Syrians; lawyers and historians; academic scholars and opposition activists – all of whom deserve acknowledgement for their efforts and patience following a long process of editing and reviews.

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We conclude with a final remark. Although primarily a collaborative academic project, this work spreads beyond a purely academic framework. Headed by three individuals – a law professor in academia (Dr. Hilly Moodrick-Even Khen); a scholar and humanitarian activist who participated in the cross-border humanitarian work in Syria (Dr. Nir T. Boms);
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and a scholar who is also an international criminal lawyer (Ms. Sareta Ashraph) – we hope that this project will leave a mark beyond the academic field. It is our wish that this academic research of the eight years of war in Syria will contribute not only to the learning and understanding of this conflict but also to a worldwide humanitarian effort to avoid and prevent the horrors of war.
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ABBREVIATIONS

CoI Syria Independent Impartial Commission of Inquiry on the Syrian Arab Republic
ECHR European Convention for the Protection of Human Rights and Fundamental Freedoms
ECtHR European Court of Human Rights
FSA Free Syrian Army
IAC International Armed Conflict
IDF Israel Defence Forces
IDPs Internally Displaced Persons
ICC International Criminal Court
ICRC International Committee of the Red Cross
ICTR International Criminal Tribunal for Rwanda
ICTY International Criminal Tribunal for the former Yugoslavia
IHL International Humanitarian Law
ILC International Law Commission
ISIS Islamic State of Iraq and Syria
NIAC Non-International Armed Conflict
KDP Kurdistan Democratic Party
KDP-S Kurdistan Democratic Party of Syria
KNC Kurdish National Council
KRG Kurdistan Regional Government of Iraq
NGOs Non-Governmental Organisations
PDKS Kurdish Progressive Democratic Party in Syria
PKK Kurdistan Workers’ Party
PUK Patriotic Union of Kurdistan
PYD Democratic Union Party
SDP Syrian Democratic Forces
TEV-DEM Democratic Society Movement
TFEU Treaty on the Functioning of the European Union

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LIST OF ABBREVIATIONS

UDHR    Universal Declaration of Human Rights
UNHCR   United Nations High Commissioner for Refugees
UNSC    United Nations Security Council
USHMM   United States Holocaust Memorial Museum
YPG     People’s Protection Unit
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