

The War in Syria and the Fall of Bashar al-Assad

In 2011, one of the most devastating humanitarian crises of the 21st century began with the Syrian civil war. Rebel groups attempted to overthrow the long-standing Assad regime. The Islamic State (ISIL) also became involved in the devastating conflict from 2014 onward, attempting to establish a caliphate on Syrian soil. In combating the insurgents and terrorists, dictator Assad resorted to horrific tactics of warfare and repression, e.g., barrel bombs, the isolation of entire regions from food and essential goods, and torture. Furthermore, various external actors intervened in the conflict, turning Syria, a strategically vital state on the Mediterranean and gateway to the Middle East, into a theater of geopolitics. Russia, steadfast in its support of Assad, carried out widespread military aerial bombings. The USA launched one of the largest anti-terror operations of the past decade, supporting Kurdish rebels in the process. Turkey, also a NATO member like the USA, continuously attacked Kurdish rebels in northeastern Syria, with growing indications that Turkey was actively supporting ISIL to achieve its goals. Amid this chaos of actors, shifting lines of support, and allies and enemies facing off in battle, it was above all the Syrian civilian population that suffered the most. Documented human rights violations – including torture, forced displacement and starvation, and many more – have cast a shadow over the Syrian people.

Yet on November 27, 2024, after a prolonged period of stabilization and consolidation of Assad's dominance despite the ongoing civil war, opposition rebel groups led by Hay'at Tahrir al-Sham launched a large-scale and, for many, unexpected military operation. Just 11 days later, on December 8, 2024, the 54-year-long dictatorial reign of the Assad family came to an end as Assad fled to Russia to seek political asylum which marks a new chapter for Syria. On the one hand, this marks the end of the unprecedented atrocities committed by the Assad regime, which resulted in the loss of hundreds of thousands of lives, forced millions to flee, and threw the country into chaos. On the other hand, it paved the way for the new transitional government, which many see as a symbol of hope for order and stability while others fear it to establish an Islamic authoritarian, maybe even Taliban-like, regime.

In this seminar, we aim to address this complex situation from a sound legal perspective. After a brief introduction, we will examine the legal implications of Assad's conduct of war. We will then assess the legality of foreign activities and “interventions” in Syria. We will also explore the legal implications of self-determination, as well as the role the international community has played – and should have played – in light of the severe human rights violations committed by various actors in Syria. Finally, we will closely examine the new situation after December 8: Is (or should be) the new transitional government internationally recognized as the legitimate government? What mechanisms for prosecuting Assad and his followers exist under international law or even national law?

The seminar is open to all interested students who are willing to thoroughly engage with the topics and actively participate in the discussions. Prior knowledge of international humanitarian law, international criminal law and international human rights law is highly recommended but not required.

Note: The seminar is scheduled for January 30/31 (and possibly February 1). A preliminary meeting (via zoom: <https://tu-dresden.zoom-x.de/j/69456837035?pwd=Mma4utlR-bAlzI9y8BhZ3l3ZR1EOial.1>) will take place on Monday, October 13 from 11.10 am to 12.30 (max.) pm. The seminar will be held in English.

Only after the meeting will it be possible to choose your topic. After the topic assignment, you can schedule a consultation with your supervisor. Consultation meetings should be held during the week of November 24 – 28. Please submit your expose, including a preliminary outline, to your supervisor no later than November 14.

Seminar Topics:

Introduction:

1. Classification of the Syrian Conflict: International, Non-international or Combination of Both?
2. Mapping Foreign Interference in Syria: Between Foreign Intervention and National Sovereignty
3. Responsibility to Protect – The Role of the International Community in Syria
4. Unilateral Sanctions Against Assad's Officials - Legality under International Law

The Prolonged Syrian War and Assad's Reign of Terror

5. Legality of the Use of Cluster Ammunition and Barrel Bombs in International Humanitarian law
6. Legality of Poisoned Weapons against the Adversary: Military Necessity vs. Humanitarian Constraints
7. The Use of Chemical Weapons in Syria: Accountability and Humanitarian Implications under International Law
8. Encirclement Operations by Syrian Armed Forces – A Prohibited Violent Method?

Syria as a Theatre of Geopolitical Interests

9. The Legality of Russia's Geopolitical Ambitions in Syria: A Humanitarian (Antiterror) Intervention?
10. Russians Aerial Attacks in Syria as a Tactic of Scorched Earth?
11. Legal Implications of Turkey's Military Presence in Northern Syria
12. Legal Controversies in the U.S. Fight Against Terrorism: The Case of Syria
13. Legality of Israel's Military Operations in Syria

Human Rights Violations and International Law

14. Torture as Law Enforcement? – Assad's Torture Chambers and International Law
15. Sexual Violence in Syria: Gendered Dimensions and Legal Challenges

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- 16. Repatriation to Syria: Legal Challenges and Obligations under International Law
- 17. Kurdish Autonomous Region and International Law: Rojava's Right to Self-Determination

The Fall of Assad and the Transitional Government of Syria

- 18. Legal Status of the Transitional Government Hay'at Tahrir al-Sham: Recognition of Terrorists and Rebels as State Officials?
- 19. Post-Conflict Reconstruction and International Law: Governance, Accountability, and Reparations in Syria
- 20. Assads Criminal Responsibility and Accountability – Immunity and Impunity for the Former President of Syria
- 21. Prosecuting Syrian War Criminals in European Courts

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