

**12 YEARS OF TERROR: ASSAD'S WAR CRIMES
AND U.S. POLICY FOR SEEKING
ACCOUNTABILITY IN SYRIA**

HEARING

BEFORE THE

SUBCOMMITTEE ON THE MIDDLE EAST,
NORTH AFRICA, AND CENTRAL ASIA

OF THE

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HOUSE OF REPRESENTATIVES

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12 YEARS OF TERROR: ASSAD'S WAR CRIMES AND U.S. POLICY FOR SEEKING ACCOUNTABILITY IN SYRIA

TUESDAY, APRIL 18, 2023

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE MIDDLE EAST,
NORTH AFRICA AND CENTRAL ASIA,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to call, at 10:30 a.m., in Room 2200, Rayburn House Office Building, Hon. Joe Wilson [chairman of the subcommittee] presiding.

Mr. WILSON. The Subcommittee on the Middle East, North Africa, and Central Asia will come to order.

The purpose of this hearing is to discuss U.S. policy towards Syria, including the need for robust implementation enforcement of the Caesar Act, Sanctions as a tool to deter normalization with the Assad regime and promote justice and accountability for the Syrian people.

I now recognize myself for an opening statement.

Good morning. Thank you all for being here today. And thank you for the witnesses who are going to make such a difference. It's been 12 years since the pro-democratic protesters gathered to demonstrate against the kleptocratic and murderous regime of dictator Bashar Al-Assad. These protests were largely prompted by the arrest and torture of miners who express anti-regime sentiments. Protesters shouting "peaceful" were met with unspeakable brutality by Assad's forces. This was the beginning of what we now know as the Syrian revolution of those opposing Assad's brutal dictatorship.

Syrian opposition was recognized internationally and made significant territorial gains over the regime. Following the evidence of a litany of war crimes and human rights violations, including the use of chemical weapons against civilians, the Obama administration promised action but, sadly, failed to deliver.

What we have witnessed from the Biden administration is similar failure to act and enforce laws like the bipartisan Caesar Act, which is critical to choking off Assad's ability to continue the torture and mass murder of civilians.

The administration maintains that its policy is no normalization with the Assad regime but its actions reveal a policy of implicitly greenlighting for normalization with the regime.

Sadly, we have seen—recently witnessed Arab allies that we appreciate so much reestablishing diplomatic ties with the regime,

even hosting war criminal Putin in their countries. Recently, mass murderer Assad visited the very valued ally of America, the United Arab Emirates, at a time of the anniversary of the Syrian revolution, receiving a 21-gun salute.

The Biden administration, when asked, declined to condemn it. Additionally, Barbara Leaf, United States Assistant Secretary for Near Eastern Affairs, is quoted as saying, quote, “Our basic message has been that if you’re going to engage with the Assad regime get something for that,” end of quote.

The tragic earthquake has given cover for countries to normalize under the guise of humanitarian aid and provided an opportunity for Assad to rebound and rebrand on the international stage. As he posed for photos Assad continued bombing areas hardest hit by the earthquake and has continued to refuse aid to opposition areas held in the northwest, effectively starving civilians. Reports indicate that since the earthquake Assad has bombed northwest Syria 84 times. The issuance of General License 23, a blanket license that opens the door for sanctions evasion and funneling of money to the Assad regime, will do nothing to alleviate the suffering of the Syrian people. In fact, it’s likely to do the opposite.

Assad has not acted alone. His ability to quash opposition and regain territory was made possible by support from like-minded war criminals and kleptocrats like war criminal Putin and the Iranian regime, both of which benefits strategically from an alliance with Assad.

Putin’s establishment of a permanent base in Tartus is used to fuel its destabilization proxy wars in the region, furthering Putin’s expansionist goals in the Mediterranean. The same atrocities committed by Putin’s terrorist proxy group, the Wagner Group, in Syria are being repeated in Putin’s murderous invasion of Ukraine. Putin’s murderous—murder of civilians in Aleppo, Syria, has been replicated with the mass murder in Mariupol, Ukraine, a criminal act of total destruction.

America supports the people of Russia oppressed by war criminal Putin, as seen by our support of Vladimir Kara-Murza, who yesterday was sentenced to jail and has been exposed in a very thoughtful editorial today in the Washington Post as to the implications of the Kara-Murza imprisonment.

The Iranian regime also continues to be a weapons lifeline for Assad and provides training to Assad’s murderous forces. In exchange, the regime in Tehran has strategic use of territory to attack Israel and other regional partners through its terrorist proxies and deployment of drones and missiles.

Just last week Iran used earthquake relief flights to bring weapons and equipment into Syria, threatening Israel. In addition to its crimes against humanity and proliferation of terrorism the regime, through the Assad family, runs an industrial scale narco trafficking operation of Captagon. Billions of dollars’ worth of narcotics have made their way into the Gulf countries, enriching the Assad family.

The list of criminal and corrupt activity by this regime is endless. It is of critical interest to national security and stability of our allies that American policy is one of nonnormalization.

I’m grateful to be working on bipartisan legislation will underscore a policy of nonnormalization with the Assad regime and clar-

ify that countries choosing to engage with the Assad regime against their own interests will be subject to sanctions.

At least half a million people have been murdered by the regime and the number increases daily. These people are doctors, teachers, business owners, parents, and children. I've met with their families and friends.

I've met with survivors of torture at the hands of the Assad regime. Their stories are unthinkable. Normalizing dictator Bashar Al-Assad is normalizing absolute inhumanity and depravity.

I'm grateful for our witnesses, particularly Joel Rayburn, the former Syria envoy under President Donald Trump and the man known as the Gravedigger, who uses a code name due to the ongoing threats of his life.

Please be advised that the testimony you hear from Gravedigger is sobering and graphic. Unfortunately, the State Department failed to secure him a visa to testify before us in person despite his repeated efforts to help the United States so we will have him here virtually.

The people of Syria continue to suffer under butcher Assad. There is no solution so long as the Assad regime remains in power. We are in a global conflict between authoritarians with rule of gun opposing democracy, rule of law. History will judge harshly those who choose to be on the side of dictators.

I will yield now five minutes to Ranking Member Dean Phillips for his opening remarks.

Mr. PHILLIPS. Thank you, Mr. Chairman, and I was out of the country during your first chairmanship of this subcommittee meeting and I want to thank you and congratulate you.

Mr. WILSON. Thank you.

Mr. PHILLIPS. You're a man I respect, a friend, a colleague, and I look forward to showing this country and the world, frankly, how we can operate in a bipartisan manner to encourage the United States foreign policy overseas.

And I also want to thank our distinguished witnesses for joining us and, as the chairman said, especially the Gravedigger who testifies today at great risk to himself to share his personal experience of Assad's brutality. It is not an easy thing to hear for any of us but it is necessary to ensure that these years of death and displacement are never forgotten.

Last month marked 12 years—yes, 12 years—since the Syrian revolution began, 12 painful years of conflict, displacement, and hardship.

What started with the Syrian people rising up to demand dignity and freedom and a voice in shaping their own government was met with a brutal crackdown by Bashar Al-Assad, who, with the help of outside support from Iran and Russia, ushered in over a decade of violence and human rights abuses that have killed at least half a million people—half a million people—displaced many millions more and dramatically destabilized the region.

While fighting in many areas across the country has now ceased the current environment is extremely challenging and does not support U.S. national security interests or improve the lives of the Syrian people.

Achieving a political resolution in Syria has bedeviled the previous two administrations and only reaffirms how important it is that we create a comprehensive and effective Syria strategy.

Russia has used its foothold in Syria to expand its political, military, and economic influence, including through its naval base and Tartus, the only Mediterranean port that Russia has access to.

Iran, too, uses Syria as its own personal playground to recruit proxy forces and smuggle weapons to Hezbollah in Lebanon. Iranian-backed forces not only target our ally Israel but also U.S. service members that are working to ensure the enduring defeat of the Islamic State.

The Assad regime plays hosts to all these bad actors and continues to enrich itself at the expense of its own citizens. The Syrian government is one of the most sanctioned countries in the entire world for issues ranging from terrorism and nonproliferation to corruption and human rights violations.

As a result, the Assad regime has resorted to other methods of financial profiteering including aid diversion, currency manipulation, and narcotics trafficking. These tactics restrict humanitarian aid and spread further instability throughout the country and the entire region.

As we all know, just six weeks ago in northwest Syria was hit by a 7.8 magnitude earthquake that killed over 7,000 people and injured over 10,000. This in conjunction with years of compounding of humanitarian crises from the civil war to the COVID-19 pandemic has created massive deficits in education, safe drinking water, shelter, and much more.

The United States remains the largest humanitarian assistance donor to the Syrian people, and I'll say that once again. The United States of America remains the largest humanitarian assistance donor to the Syrian people. But others in the international community have continuously failed to meet their obligations.

What was merely a single border crossing at Bab al-Hawa between Turkiye and Syria that allowed U.N. agencies to deliver desperately needed aid the earthquake created a renewed sense of urgency and allowed for two additional border crossings to be temporarily opened at Bab al-Salam and Al Ra'ee.

These lifelines cannot be subject to continuous reauthorizations based on the whims of Assad's backers. We must work to strengthen humanitarian access through these points to ensure that all of these crossings are kept open for the future.

Ensuring that existing sanctions are smart, coordinated, and targeted is essential to isolating the Assad regime. But we must also ensure that the humanitarian crisis is not exacerbated because of our policies.

That is why following the horrific earthquake the Biden administration issued a General License for the humanitarian situation in Syria, which authorized the provision of earthquake relief efforts.

This temporary authorization does not lift any sanctions and was necessary to address both perceived and real gaps in Syria-related humanitarian authorizations to allow actors, including foreign governments and NGOs, to provide rapid response to earthquake victims.

In addition to these challenges, there are currently over 6.8 million Syrian refugees living primarily in Jordan, Lebanon, and Turkiye facing increasingly hostile communities and harsh economic conditions.

In northwest Syria, U.S. partner forces are working tirelessly to ensure the enduring defeat of ISIS and support IDP camps such as Al-Hol, which was built for 10,000 people but now houses more than 60,000 women and children and is becoming a breeding ground for radicalization.

That is why the United States needs a holistic, comprehensive, serious strategy that is realistic based on U.S. national security priorities and rooted in a commitment to the Syrian people.

With a clear strategy, the U.S. can work with the international community on a common approach to the conflict that prioritizes strengthening humanitarian assistance and increasing access to vulnerable populations.

It can reinvigorate the Geneva process under U.N. Security Council Resolution 2254 in a way that gives all Syrians a voice to determine their future.

It can work to implement U.N. mechanisms to address the thousands of Syrians that were detained and disappeared by the Assad regime and support indictments under universal jurisdiction laws to hold individuals accountable for war crimes and other atrocities that have been committed.

This is a challenging environment to develop such a policy. But as we mark the 12 years of devastating conflict in Syria we must encourage and support the Biden administration in creating and executing a strategy that will advance United States' national interests and support the Syrian people in their quest for dignity, freedom, opportunity, and peace.

With that, Mr. Chairman, I yield back.

Mr. WILSON. Thank you very much, Ranking Member Dean Phillips, and look forward to working with you and, as you can see, this committee—subcommittee has a tradition with former chairman David Cicilline of working together and I—of both political parties as we, indeed, have great affection for the people of Syria and we want the best for the people of Syria that's why we're here today.

We welcome the gentleman from Arkansas, Congressman French Hill, and the gentleman from Illinois, Congressman Brad Schneider, who will be joining us later today and they will participate following all other members in today's hearing, which is indication of how important this hearing is that other members would like to participate.

I ask unanimous consent to submit a report from the Washington Institute for Near East Policy entitled "Power to the People" scrutinizing the U.S.-Arab effort to supply energy to Lebanon via Syria; an article from Al Majalla entitled, "Don't throw good Arab money after bad in Syria;" and an article entitled, quote, "A strategy to end the systemic threat of humanitarian aid and Israel from the FDD."

Without objection, it's so ordered.

[The information follows:]

THE WASHINGTON INSTITUTE FOR NEAR EAST POLICY

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Power to the People?

Scrutinizing the U.S.-Arab Effort to Supply Energy to Lebanon via Syria

Katherine Bauer, Ben Fishman, Hanin Ghaddar, Simon Henderson, David Schenker, and Andrew J. Tabler

Image: Beirut skyline during a power cut.
Reuters/Shutterstock

Lebanon's compounding economic, security, and humanitarian crises have left the country teetering on the edge of disaster over the last two years, as pantry staples become prohibitively expensive and sectarian violence threatens to boil over in Beirut.¹ Amid the national swoon, rolling blackouts have become the norm, and access to electricity has dwindled to just a few hours a day.²

Lebanon's debt crisis and spiraling inflation have been worsened by the increasing influence of Hezbollah—a U.S.-designated terrorist group backed by Iran—in a country crippled by parochial politics, mismanagement, and

* The authors would like to thank Washington Institute research assistant Calvin Wilder for contributing to this study.

corruption, all of which have precipitated a more than 90 percent collapse in the Lebanese lira's value versus the U.S. dollar over the past two years.³ The corresponding local spike in imported fuel prices has limited consumer access and led to a near total collapse in electricity generation.

To close the energy gap and win hearts and minds, Hezbollah has launched efforts to import Iranian fuel and oil products from neighboring Syria. The United States and its Arab allies, in a competing and much more complicated scheme, are seeking to bring increased electricity and gas to Lebanon via electricity cables and pipelines running through Syria, an option that promises to be more sustainable for the country and the environment than the Hezbollah plan—and to keep Lebanon from moving any closer to state collapse and further into the Iranian orbit. Still uncertain, however, is how much energy in the form of electricity and gas will be involved, what infrastructure improvements will be required, and ultimately how the plan's benefits to Lebanon can be maximized while minimizing the benefits to Syria's Assad regime and its backers. This paper thus seeks to analyze how an energy assistance plan could benefit Lebanon without creating a windfall for the Assad regime.

Pumping Up the Volume

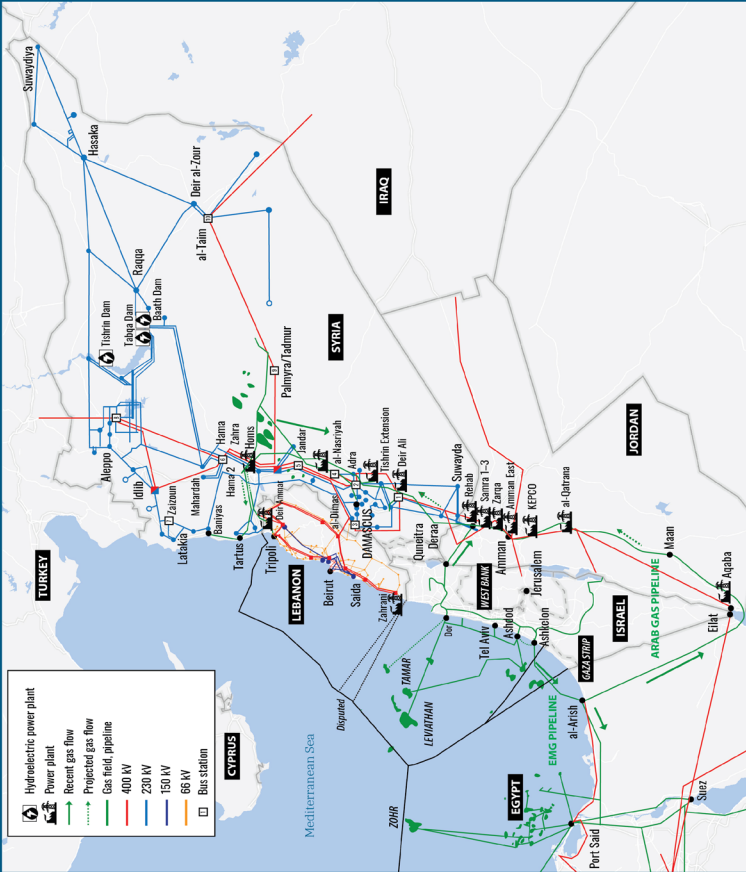
The U.S.-backed plan has two key components. The first involves Jordan generating and transmitting excess electricity to Lebanon via pylons running through Syria. The second component—still unpublished but widely reported—is the more logistically complicated, and involves sending natural gas through a pipeline from Egypt (and Israel) into Jordan, then Syria, and onward into Lebanon for use in its power plants. A third reported possibility is that the gas from Jordan would be used by Syria to generate electricity, freeing up Syrian gas to flow to northern Lebanon to produce electricity there.

Announced by Jordan's minister of energy and natural resources after an October 28 meeting with his Lebanese and Syrian counterparts, the plan's first component would theoretically provide to Lebanon 400 megawatts of electricity a day (150 MW between 12 a.m. and 6 a.m., 250 MW for the remainder)—although a subsequent report suggested Jordan would only provide 250 MW/day.⁴ Lebanon currently faces an estimated power shortage of 1,500 MW/day, so this plan would not solve the crisis entirely but would fill 15–30 percent of the existing power gap and increase Lebanon's current daily electricity supply by 35–60 percent.⁵

According to data from Jordan, the kingdom produced an electricity surplus of some 2,800 gigawatt/hour in 2020, translating to over 300 MW/day.⁶ The target of 400 MW/day thus can mostly be provided by Jordan's existing surplus based on 2020 figures, although gas imports to Jordan would likely be required to provide the kingdom with spare capacity. For their part, Syrian officials have cited a \$5.5 million cost to repair the lines in Syria connecting it to Jordan's grid.

To make the 400 MW target sustainable, the plan would involve increasing the volumes of gas from Egypt to Jordan to compensate for Israeli gas that would ordinarily go to Jordan. The Israeli gas would then be diverted to Syria given the current orientation of the Arab Gas Pipeline (AGP)—a regional grid extending from Egypt's Sinai Peninsula, across Jordan, and through parts of Syria into northern Lebanon. How that gas might be diverted onward to Lebanon remains unclear because of the complicated status of existing gas connections between Syria and Lebanon, but a rumored deal may include the Israeli gas going to Syria in a swap for Syrian gas piped to Lebanon. A number of technical, logistical, and political challenges to these arrangements remain unresolved. But regardless of the details, the underlying premise that making extra power available at a generating station will translate into a substantial, sustainable increase for Lebanese consumers is highly optimistic, as the next section will explain.

Map 1. Regional Electric and Gas Grids



Sources: Sinan Hatahet and Karanahar, "Syria's Electricity Sector After a Decade of War: A Comprehensive Assessment", *World Bank Directions*, July 30, 2021, <https://cdm.education.org/bitstream/handle/18174/12128/QM-02-21-984-EN-n.pdf?sequence=1>; Middle East Group, <http://www.EnergyData.info>; MEES, *Weekly Energy, Economic & Geopolitical Outlook* 64, no. 38; Peter Stevenson, "Egypt-Lebanon Gas Deal: A Win for Syria's Aassa", *MEES*, September 24, 2021, <https://www.mees.com/2021/9/24/geopolitical-risk/egypt-lebanon-gas-deal-a-win-for-syria-assad/>; 0166cc00-1d34-11e9-9d49-b7aaeb7d8b37; and Republique Libanaise Electricite du Liban, 2001.

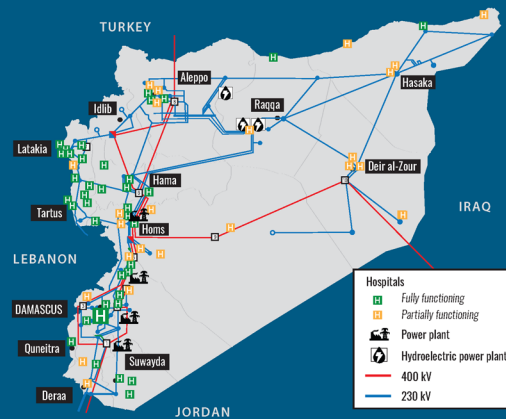
Energizing Lebanon Without Empowering Assad?

For the United States, the immediate policy question is whether electricity, and perhaps natural gas, can be moved across Syrian territory without violating U.S. sanctions on the Assad regime for its wartime conduct, including Caesar Act sanctions for mass atrocities against detainees. Electricity is moved throughout the region via the Eight Countries Electric Interconnection Project, which includes Jordan, Egypt, Iraq, Syria, Lebanon, the Palestinian territories, Libya, and Turkey.* Rather than involving separate transmission lines, however, this group encompasses an interconnection of national grids (see map 1). The Syrian electricity grid, for instance, powers a slew of civilian and security facilities throughout the country. So while electricity entering

Syria from Jordan could in theory be allocated to hospitals or other humanitarian sites along the western spine of the country (see map 2), the grid directly feeds myriad detention facilities targeted in both letter and spirit by the Caesar legislation (see map 3). The Syrian electricity grid, as illustrated by an overlay, also would appear to power Assad-regime air and helicopter bases, as well as chemical weapons facilities (see map 4).

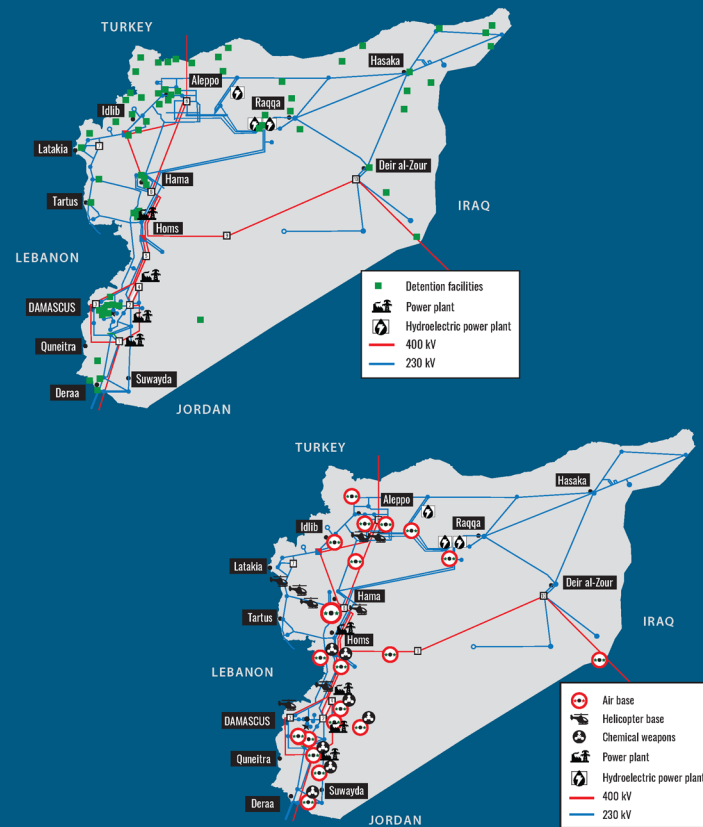
Even if required infrastructure upgrades and initial flows of electricity and gas are permitted under humanitarian and other sanctions exemptions, the ability to ensure humanitarian benefits and mitigate regime gains will be profoundly limited.

Map 2. Hospitals in Syria



*"Jordan, Egypt Agree to Double Electricity Capacity, Expand Regional Reach," *Jordan Times*, November 28, 2021, <http://www.jordantimes.com/news/local/jordan-egypt-agree-double-electricity-capacity-expand-regional-reach>.

Maps 3 and 4. Detention Facilities and Military Bases in Syria



Sources: Sinan Hatahet and Karam Shaar, "Syria's Electricity Sector After a Decade of War: A Comprehensive Assessment," *Middle East Directions*, July 30, 2021, 11, <https://cadmus.eu/en/document/view/1814/72182/QM-02-21-984-EN-N.pdf?sequence=1>; World Health Organization, "HeRAMS Summary Report," July 2013, COPub_SYR_pub_hospitals_2st_q_2018_EN_20471.pdf; Office of the UN High Commissioner for Human Rights, "Arbitrary Imprisonment and Detention—Report of the Commission of Inquiry of the Syrian Arab Republic," March 1, 2021, 28, <https://www.ohchr.org/EN/HRBodies/HRC/IIICISyria/Pages/Detention-report.aspx>; and Tobias Schneider, Emma Bapt, and Karam Shoumali, "Assad's Long Reach," GPPI, April 2021, <https://chemicalweapons.gppi.net/analysis/assads-long-reach-syria-pt-2/>.

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opportunities to develop trade with Damascus. In October, after one senior-level meeting, the UAE Ministry of Economy announced that it had agreed to enhance ties with Syria and “explore new sectors.”³¹ Indeed, AbZ visited Syria in early November, followed by a reported deal between Emirati companies and the Assad regime to build a solar power station in a Damascus suburb.³²

Nothing indicates that the UAE diplomatic reengagement with Syria and its longstanding support for Damascus’s return to the Arab League is driven by the hope of potentially driving a wedge between Damascus and Tehran. Perhaps the Emiratis judge that Assad has won the war, see political and economic opportunity in reconstruction, and understand that a revitalized Syria can better check Turkey’s regional ambitions than a marginalized one. To sweeten prospects for ending Assad’s pariah status in the West, according to Israeli sources, Abu Dhabi is floating a prospective plan to resolve the conflict between Lebanon and Syria over the disputed Shebaa Farms area, involving the brokering of a trial border demarcation and the possible deployment of UN forces.

On the energy question, at least in their rhetoric, both Jordan and Egypt have framed their support for the export plan to Lebanon via Syria in mostly altruistic terms. This past summer, King Abdullah spoke about averting a “humanitarian catastrophe” in Lebanon that could spark another refugee crisis, while Jordan’s prime minister said the kingdom would “respond with all we can for our brothers in Lebanon.”³³ Along these lines, in September, Egyptian petroleum minister Tarek al-Molla articulated Egypt’s “keenness to ease the burdens of the Lebanese people and to contribute to Lebanon’s support and stability.”³⁴ To date, neither Egypt nor Jordan has indicated that its interest in supporting the U.S.-led energy initiative is related to blunting further Iranian inroads into the Levant.

All told, to date, the steps taken by Jordan, Egypt, and the UAE toward ending the decade-long

isolation of Syria’s Assad regime have been relatively modest. Taken together, however, they represent an unmistakable trend. Absent opposition from Washington and other key international actors, Assad will continue to consolidate his economic and political power.

Consistency with U.S. Sanctions

Although Jordan and Egypt have reportedly received letters from the United States regarding the measures required to avoid triggering U.S. sanctions, a close spotlight on financing as well as the specific Syrian entities involved will be important in determining whether existing sanctions exemptions are sufficient.³⁵ To the extent that World Bank financing is involved, any such proposal would be reviewed and voted on by the bank’s U.S. executive director, allowing U.S. departments and agencies—e.g., the Office of Foreign Assets Control—to make such a determination. At the time of publication, however, public reporting indicates that the World Bank would only finance Lebanese purchases of Egyptian gas, leaving details related to the transit and payment of associated fees—as well as any repairs required to operate the pipeline—to be governed by a commercial agreement between the parties. If the gas deal involves a swap, this would raise questions about whether the importation of Syrian gas to Lebanon would be covered by existing exemptions or require a new waiver or license. As detailed below, humanitarian-related sanctions exemptions only apply to activity carried out in Syria—from a sanctions perspective, the humanitarian benefit of providing gas to Lebanon is not strictly relevant. The nature of any in-kind payment would also need to be determined: humanitarian goods such as agricultural commodities would likely be allowed, while energy provision might not be.

Beyond humanitarian exemptions that apply to food and medicine, U.S. sanctions on Syria were conceived as being targeted in nature, reflecting concerns that cutting off the country from the global economy amid a civil war could have drastic humanitarian consequences. In fall of 2011, for instance, sanctions on the Assad regime targeted only Syrian oil exports and not imports.³⁶ (Iranian oil exports to Syria, for their part, are prohibited based on anti-Iran, not anti-Syria, sanctions.) Nonetheless, the predominance of Syrian state energy agencies in the sector has complicated imports. For example, in September 2018, the Trump administration sanctioned a fuel procurement network that worked “with the Government of Syria to evade sanctions and import crude oil and petroleum products to Syrian ports.” Four entities and two individuals, including a “probable agent of the Syrian General Intelligence Directorate,” were sanctioned under Executive Order 13582 for providing financial, material, or technological support to the Syrian government.³⁷

Furthermore, transactions and activities involving the United Nations and its sub-agencies—which include the World Bank—and the Syrian government are broadly authorized under the Syrian sanctions regulations.³⁸ Separately, NGOs are allowed to engage with the Syrian government for transactions necessary to implement humanitarian projects, including those that support “basic human needs” and “non-commercial development projects” for the benefit of the Syrian people, as well as transactions with the Syrian government “including, but not limited to, payment of taxes, fees, and import duties to, and purchase or receipt of permits, licenses, or public utility services from, the Government of Syria.”³⁹ These provisions may apply to the rehabilitation of the Syrian electricity grid and pipeline connections to the extent that this work improves energy provision, whether carried out by the UN, World Bank, or an NGO—as long as it still meets the definition of “non-commercial development projects.” Finally, the export of food, medicine, and medical devices, including to the Syrian government, is allowed.

Determining whether and how electricity and gas transit through Syria will benefit the Assad regime is less clear and, as detailed above, not solely a matter of cash versus payment in-kind to Assad or other regime elements. Setting aside the benefits of regional reintegration of the regime, involvement in even an in-kind transaction by the Syrian General Petroleum Company—a government entity under U.S. sanctions—should raise concerns about whether resources will serve humanitarian needs, or be siphoned to support projects led by regime cronies in areas of Syria with greatest fealty to Assad. Regardless of whether existing sanctions exemptions apply to such transactions, the question remains of whether benefits to the Assad regime can be limited—financial or otherwise—or a quid pro quo imposed that would incentivize the regime not to divert resources from those in need. Any assurances from the Assad regime should not be regarded as credible given its record of human rights abuses. A more likely possibility would be extracting concessions on longtime humanitarian-related requests, such as allowing additional entries for cross-border aid.

Policy Recommendations

Washington and its regional allies are now expressing serious, justifiable concerns about Lebanese state collapse and the implications of the lights staying off for the Lebanese people, for Hezbollah’s continued prospects as a national power broker, and for regional security. In order to ensure the current U.S.- and Arab-sponsored scheme benefits the Lebanese people without creating a windfall for the Assad regime, the United States should do the following:

- Require the Lebanese government to enact comprehensive energy sector reforms in line with the recommendations of the 2018 CEDRE conference, in return for Washington’s support for World Bank financing. These reforms would,

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at a minimum, help ensure that the Lebanese people and state benefit from any additional power shipments or improvements, at the expense of Hezbollah.

- Along with participating regional countries, determine in advance a reasonable discrepancy between the amount of energy entering Syria and the amount arriving in Lebanon, and under what conditions, if any, Syria will be allowed to divert electricity or gas as an in-kind payment for transit or under a swap deal.
- In cases where Syria is supplied with electricity or gas as payment for energy transit across its territory, press international players involved with rehabilitation of the country's electricity and gas infrastructure to develop measures to mitigate the diversion or delivery of energy to Assad-regime military, intelligence, or detention facilities, as well as its militia allies, where possible. Given that the current proposal appears to rely on inter-connected national electric grids, and prisons and military facilities that are interspersed with hospitals and schools, this will be a challenge. New, separate pylons bypassing the Syrian grid for transmission to Lebanon should be required for future phases.
- In order to address Jordan's economic motivations for selling surplus energy, encourage and help facilitate existing plans to expand the Jordan-Iraq electrical connection. Jordan's electricity production would not likely be sufficient to support both exports to Lebanon via Syria and to Iraq at the same time.
- To measure the degree to which policy carrots can lead Damascus toward different policies, ask regional allies to clearly stake out concessions from Assad in return for electricity and gas transmission through Syrian territory, as well as broader rapprochement. These include long-term approval of cross-border humanitarian access, greater "cross-line" humanitarian access from Assad's territory into opposition-held areas, release of detainees, and progress on the political process outlined under UN Security Council Resolution 2254 and the degree of Iran's presence or influence in Syria.
- Limit the scope of sanctions exemptions concerning the project in favor of sanctions licenses or waivers, which can be switched on and off in keeping with policy developments.
- To potentially remove Syria from the equation entirely, encourage the international community to facilitate the finance and sale to Lebanon of a regasification plant on the northern Lebanese coast so that LNG tankers can offload natural gas for use in the Deir Ammar power station. The installation would reduce or even remove Lebanon's dependence on gas arriving by pipeline from Syria. If successful, the option could be extended to other power stations if and when they are equipped to use gas as a fuel—provided the energy generated does not benefit Hezbollah and its political allies.
- Given the complexity of the existing U.S.-Arab scheme, as well as its vulnerability to political and military risk, work with allies to have the World Bank conduct a feasibility study about rapid delivery of renewable energy resources to Lebanon. These could include solar panels, inverters, bidirectional meters, wind turbines, as well as micro-grid and geothermal technology.⁴⁰ This would be far more consistent with U.S. and European clean energy policy, and far more sustainable in a Lebanon unlikely to have a functioning state any time soon. Pending the results of such a study, the United States and its allies should explore funding such a project. ♦

Don't throw good Arab money after bad in Syria

Two months following the devastating earthquake that rocked southern Turkey and northern Syria on 6 February, Syria appears to be being welcomed back to the “Arab fold.”

Bashar al-Assad has visited Oman and the United Arab Emirates (including with his wife, Asma), Syrian Foreign Minister Faisal Mekdad has visited Cairo, and Damascus has hosted nine different delegations of Arab officials, including the Foreign Ministers of Egypt, Jordan, and the UAE.

There are reports Gulf heavyweight Saudi Arabia may extend an invitation to Bashar to attend the Arab summit in May.

Beyond the fold, al-Assad also has visited his allies in Moscow and welcomed Iran's Foreign Minister Amir Abdollahian and Iranian Revolutionary Guard Quds Force commander Esmail Qaani, not one, but two times.

Shortly after US President Biden took office in 2021, Amman and Abu Dhabi launched separate outreach efforts to al-Assad, albeit with slightly different goals in mind.

Hobbled by hundreds of thousands of Syrian refugees, on top of refugees from Iraq and elsewhere, and with a closed northern border that restricted lucrative transit traffic from the Levant to the Arab Gulf, Jordan reopened Jaber — their main

northern border crossing with Syria.

Amman, together with Egypt, also developed a scheme to move Egyptian and Israeli natural gas and electricity generated in Jordan across Syria to Lebanon, whose energy sector has essentially collapsed.

In exchange, al-Assad would receive an 8% in kind payment of gas and electricity, which is in very short supply due to wartime damage and sanctions restricting spare parts.

Both approaches went nowhere. Jordan's northern border was quickly inundated with illicit Captagon and weapons smuggling, leading to several high-profile interdictions in Jordan.

Read more: [Can US-UK sanctions dismantle Syria's drug industry?](#)

The gas and electricity scheme is hung up because Lebanon's politicians failed to agree to reforms necessary to receive World Bank funding.

UAE outreach

Abu Dhabi's outreach to al-Assad seemed more quixotic, but rooted in what al-Assad really wants — money with few strings attached. Throughout the war, the UAE sought to undermine its rival, Qatar, and Qatar's ally in Syria, Turkey, which holds considerable territory in Syria's northwest.

In 2018, Abu Dhabi attempted to reopen its embassy in Damascus with the idea that outreach to al-Assad would make Turkey's position in Syria more untenable.

As tensions with Qatar and Turkey have eased, Abu Dhabi now focuses on reducing Iranian influence — militias and weapons — in Syria. Abu Dhabi understands that Bashar is desperate for the kind of money only an Arab Gulf country can deliver to

rebuild Syria.

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”

As the logic goes, a little recognition and some petrodollars for reconstruction could be used as carrots to alter Bashar's logic at the negotiating table with the opposition, and perhaps more importantly, reduce its dependence on Iran in favour of Arab interests — many of whom are now aligned with Israel as part of the Abraham Accords.

US sanctions

Holding back both efforts, of course, are US, European and Arab sanctions on Syria. Arab engagement with al-Assad could lead to Syria being readmitted to the Arab League after being suspended from the body in 2011 for al-Assad's response to the uprising — which could lead to the lifting of Arab sanctions on Syria impeding trade and other issues.

But US and European sanctions are virtually impossible to lift without a fundamental change in al-Assad's behaviour. US sanctions on Syria go back to 1979. The lion's share of US sanctions on Syria are due to the al-Assad regime's response to the uprising.

The most powerful "Caesar" sanctions, named after the brave regime photographer who smuggled hundreds of Syrian state photos of victims tortured in al-Assad's gulags, directly forbid funding for reconstruction activities in Syria. Most importantly, these sanctions have secondary effects, meaning they apply to anyone who touches these activities.

It is clear from the cascade of visits by Arab and other regional officials to Damascus that they see the opportunity of dangling out carrots to al-Assad because of the issuance of a 180-day General License, or temporary sanctions waiver, by the US Treasury Department on 9 February titled "Authorizing Transactions Related to Earthquake Relief Efforts in Syria."

And why shouldn't they — US officials openly said the license was issued in response to requests by "regional governments" who did not want to get hit with sanctions. Washington also allowed earthquake relief transactions, which were not defined, to be carried out directly with the "Government of Syria" — also known as the al-Assad regime.

“ Washington allowed earthquake relief transactions, which were not defined, to be carried out directly with the al-Assad regime. But this does not mean US Syria policy has changed, or that sanctions are about to be lifted for reconstruction.

”

But this does not mean US Syria policy has changed, or that sanctions are about to be lifted for reconstruction.

Not a chance.

The General License expires next August, and while the Caesar Act "sunset" in 2024, it is almost certainly going to be extended, as shown by a 414-2 vote on a Congressional Resolution on 27 February condemning "efforts by the al-Assad

regime to cynically exploit the disaster to evade international pressure and accountability."

Even if Caesar went away, multiple layers of sanctions on Syrian oil exports and designations will remain — no matter which party controls the White House. And new ones are on the way, as the 2023 National Defense Authorization Act requires the Biden Administration to develop an interagency strategy to disrupt and dismantle al-Assad's narcotics production and trafficking.

Seeking behavioural change

The only way US sanctions on Syria will be waived — let alone lifted — is if al-Assad fundamentally changes his behaviour. Washington understands that Gulf countries want Bashar to turn off the Captagon stream pouring out of Syria southward into Jordan and the Gulf that officials say is "addicting a generation."

But Washington has been clear that al-Assad needs to create conditions for Syrians to return home without fear of being conscripted, detained, or disappeared. Al-Assad needs to move forward on the United Nations Security Council Resolution 2254 process, including, but not limited to, movement on the Constitutional Committee.

If there is not progress, the Arab countries normalising with al-Assad and engaging in reconstruction will almost certainly be hit with Treasury designations and other sanctions violations.

Unless there are major changes in the way al-Assad rules and does business, including his tolerance of Iranian militia and assets on Syrian soil and Captagon production facilities, this will be yet another exercise of throwing good Arab money after bad to recoup their steady losses against Iran in the Levant.

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A Strategy to End the Systematic Theft of Humanitarian Aid in Syria

By David Adesnik

Aid poured into Syria after an earthquake on February 6 that registered 7.8 on the Richter scale. Reports emerged within days — frequently on social media — of government personnel diverting aid or manipulating relief efforts in other ways. In one video, a young woman narrates her inspection of goods for sale at an outdoor market in Damascus, filming labels that show which products derived from aid shipments.¹ In another clip on social media, an employee of the Kurdish Red Crescent describes how Syrian officials demanded her team surrender half the aid it sought to bring into a part of Aleppo under control of the Bashar al-Assad regime.² Both videos circulated under the hashtags #Assad_Loots_Aid and its Arabic equivalent, #الأسد_لصنّ المساعدات.

Individual testimonies provide only anecdotal evidence of misconduct in the aftermath of the quake. In contrast, both non-governmental organizations (NGOs) and individual scholars have for years compiled extensive reports on the systematic diversion of aid by the Assad regime. While some of the stolen aid simply disappears into personal bank accounts, much of it funds the regime's war effort and ongoing atrocities. Thus, over the course of 12 years of war, humanitarian assistance may have done greater harm than good by subsidizing some of the most grievous war crimes in recent memory.³

The United States has spent over \$14.1 billion on humanitarian assistance for Syria, more than any other donor.⁴ This money ultimately comes from voters, so U.S. leaders ought to have a strong interest in ensuring it is spent responsibly. That outcome was never likely. Furthermore, the Assad regime is on the U.S. list of state sponsors of terrorism. Damascus works closely with Hamas, Lebanese Hezbollah, and Iran's Islamic Revolutionary Guard Corps, all of which the State Department has designated as Foreign Terrorist Organizations. Thus, the diversion of aid represents a national security threat, not just a crime against the Syrian people.⁵ Nevertheless, the U.S. government, over multiple administrations, has failed to confront the problem, let alone fix it.

UN Acceptance of Assad's Manipulation

The evidence of aid diversion is extensive but still growing.⁶ It dates back to the early days of the war. In 2013, the former head of the UN humanitarian coordination office in Syria warned, "In government-controlled parts of Syria, what, where and to whom to distribute aid, and even staff recruitment, have to be negotiated and are sometimes dictated."⁷ In other words, the UN has been aware of the problem for a decade but failed to address it.

In some instances, the outright corruption of senior UN officials is responsible for diversions. While COVID raged from 2020 through 2022, the World Health Organization's (WHO's) representative in Damascus, Akjemal Magtymova, gave cars, computers, and gold coins as gifts to regime officials, according to subordinates. She also reportedly gave jobs to unqualified relatives of government officials — some accused of human rights violations.⁸

¹ @OrientNews, *Twitter*, February 13, 2023. (<https://twitter.com/OrientNews/status/1625077890684534786>)

² @OrientNews, *Twitter*, February 16, 2023. (<https://twitter.com/OrientNews/status/1626136294857269248>)

³ Reinoud Leenders and Kholoud Mansour, "Humanitarianism, State Sovereignty, and Authoritarian Regime Maintenance in the Syrian War," *Political Science Quarterly*, Summer 2018, pages 232-238. (<https://academic.oup.com/psq/article/133/2/225/6848229>); Carsten Wieland, *Syria and the Neutrality Trap: The Dilemmas of Delivering Humanitarian Aid through Violent Regimes* (London: I.B. Tauris, 2021), pages 4, 121, and 142. (<https://www.bloomsbury.com/us/syria-and-the-neutrality-trap-9780755641383/>)

⁴ U.S. Agency for International Development, "Syria: Country Profile," 2022. (https://www.usaid.gov/sites/default/files/2022-08/USAID_Syria_Country_Profile_2022.pdf) The U.S. government does not specify what percentage of this funding has supported UN operations in areas under the control of the Assad regime. Much of it funds relief for Syrian refugees in neighboring countries. In addition to humanitarian aid, Washington has provided \$1.3 billion of "stabilization assistance," which is spent only on areas outside the control of the Assad regime.

⁵ For an example of cooperative terror financing that involved Damascus, Tehran, Hamas, and Hezbollah, see: U.S. Department of the Treasury, Press Release, "Treasury Designates Illicit Russia-Iran Oil Network Supporting the Assad Regime, Hizballah, and HAMAS," November 20, 2018. (<https://home.treasury.gov/news/press-releases/sm553>)

⁶ For a recent and comprehensive overview, see Natasha Hall, "Rescuing Aid in Syria," *Center for Strategic and International Studies*, February 2022. (https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/220214_Hall_Rescuing_Aid_Syria.pdf?hG4dKipxCal3NDRDaezmDvn2IHVmr8937)

⁷ Ben Parker, "Humanitarianism Besieged," *Humanitarian Exchange*, November 2013. (https://odihpn.org/wp-content/uploads/2013/11/HE_59_web.pdf)

⁸ Maria Cheng, "WHO Syria Boss Accused of Corruption, Fraud, Abuse, AP Finds," *Associated Press*, October 20, 2022. (<https://apnews.com/article/WHO-syria-bce4ad6714a8b9e29b15c4db39f66720>)

The WHO placed Magtymova on leave, but she was only a symptom of the organization's entrenched culture. Previously, the WHO hired Shukria Mekdad, wife of Foreign Minister Faisal Mekdad, as a consultant on mental health issues even though she had no qualifications at all for the job.⁹ Similarly, the UN High Commissioner for Refugees hired Saleh Mekdad, the foreign minister's brother, to serve as a liaison with the Foreign Ministry. Other relatives of top officials found perches throughout the network of UN offices in Damascus.¹⁰

The leading cause of aid diversion is not the corruption of UN officials. Rather, it is their acceptance of manipulation by the Assad regime as the price of doing business.¹¹ UN leaders do not acknowledge this compromise of the organization's neutrality and independence. Aid workers are much more candid about these problems, especially in anonymous interviews, yet often insist the only way to deliver life-saving assistance is to accept the regime's conditions.¹² What they rarely acknowledge is how the regime's share of the proceeds finances further oppression.

One of the UN's costliest accommodations of Assad has been the acceptance of below-market exchange rates for the conversion of dollars into Syrian lira to pay for UN operations. Scholars at the Center for Strategic and International Studies found that the regime diverted more than \$100 million of aid money in less than two years via exchange rate arbitrage.¹³ Pressuring the UN to work with regime-controlled businesses is also lucrative. From 2014 through 2021, the UN spent an extraordinary \$81.6 million to house its staff at the Four Seasons Damascus, which is jointly owned by the Ministry of Tourism and regime financier Samer Foz.¹⁴

The regime employs numerous other tactics that undermine humanitarian operations.¹⁵ For example, it prevents UN personnel from assessing the needs of the population to deliver assistance effectively. Government ministries arbitrarily deny permission to aid operations that do not serve the regime's interests. The regime also requires UN agencies to partner with Syrian organizations under its de facto control, such as the Syria Trust for Development, founded by Syrian first lady Asma al-Assad, and the Syrian Arab Red Crescent. To encourage acquiescence, the foreign ministry denies visas to individuals it considers unlikely to cooperate. Even if UN personnel navigate all these challenges, Syrian security forces may strip a convoy of the goods they want to keep.¹⁶

Building a Commitment to Reform

In 2016, in the wake of initial reports the United Nations was spending millions at the Four Seasons Damascus, UN leadership promulgated a plan for reform entitled *Parameters and Principles of UN Assistance in Syria*.¹⁷ The plan was a dead letter from the moment of its approval. One provision of the plan called for the establishment of a monitoring group to report on the plan's implementation. The group has not held a single meeting and business has continued as usual.¹⁸

⁹ Somini Sengupta, "U.N. Agency Hires Wife of Top Figure in Syrian War to Assist the Displaced," *The New York Times*, February 24, 2016. (<https://www.nytimes.com/2016/02/25/world/middleeast/syrian-ministers-wife-named-to-assess-mental-health-of-the-displaced.html>) Mekdad was deputy foreign minister at the time of his wife's hire.

¹⁰ Carsten Wieland, *Syria and the Neutrality Trap: The Dilemmas of Delivering Humanitarian Aid through Violent Regimes* (London: I.B. Tauris, 2021), pages 97-98. (<https://www.bloomsbury.com/us/syria-and-the-neutrality-trap-9780755641383/>)

¹¹ Human Rights Watch, "Rigging the System: Government Policies Co-opt Aid and Reconstruction Funding in Syria," June 2019, pages 1-3. (https://www.hrw.org/sites/default/files/report_pdf/syria0619_web4.pdf)

¹² Carsten Wieland, *Syria and the Neutrality Trap: The Dilemmas of Delivering Humanitarian Aid through Violent Regimes* (London: I.B. Tauris, 2021), pages 57 and 121. (<https://www.bloomsbury.com/us/syria-and-the-neutrality-trap-9780755641383/>)

¹³ Natasha Hall, Karam Shaar, and Munqeth Othman Agha, "How the Assad Regime Systematically Diverts Tens of Millions in Aid," *Center for Strategic and International Studies*, October 20, 2021. (<https://www.csis.org/analysis/how-assad-regime-systematically-diverts-tens-millions-aid>)

¹⁴ David Adesnik, "The UN has now spent \$81.6 million at the Four Seasons Damascus," *Foundation for Defense of Democracies*, July 18, 2022. (<https://www.fdd.org/analysis/2022/07/18/un-spent-816-million-four-seasons-damascus/>) The UN initially justified its choice of the Four Seasons as a security measure, given significant violence in Damascus, yet its staff remain at the hotel even though there has been little fighting in Damascus the last five years.

¹⁵ Reinoud Leenders and Kholoud Mansour, "Humanitarianism, State Sovereignty, and Authoritarian Regime Maintenance in the Syrian War," *Political Science Quarterly*, Summer 2018, pages 232-242. (<https://academic.oup.com/psq/article/133/2/225/6848229>)

¹⁶ For further details and sources, see the section below entitled, "Reforming Aid Operations in Syria."

¹⁷ The UN has never released the *Parameters*, but a Russian media outlet published the two-page document online. "Parameters and Principles of UN Assistance in Syria (October 2017)," *Kommersant* (Russia), accessed October 25, 2022. (<https://www.kommersant.ru/docs/2018/UN-Assistance-in-Syria-2017.pdf>)

¹⁸ Carsten Wieland, *Syria and the Neutrality Trap: The Dilemmas of Delivering Humanitarian Aid through Violent Regimes* (London: I.B. Tauris, 2021), pages 103-109. (<https://www.bloomsbury.com/us/syria-and-the-neutrality-trap-9780755641383/>)

In Congress, there is growing bipartisan concern about the diversion of aid. In a January 2022 letter to President Joe Biden, the chairmen and ranking members of both the Senate Committee on Foreign Relations and House Committee on Foreign Affairs asked the president to share within 60 days his “strategy to prevent such theft and to ensure U.S. and international aid ends up in the hands of those that need it most.”¹⁹ The letter mentions the finding that Assad stole in excess of \$100 million of aid in 2019-2020 by manipulating exchange rates. So far, there is no sign of the strategy the letter requested from the administration.

Secretary of State Antony Blinken and U.S. Ambassador to the United Nations Linda Thomas-Greenfield have spoken frequently about the Syrian people’s desperate need for foreign assistance. Yet neither Blinken nor Thomas-Greenfield has acknowledged the problems of diversion and corruption. On occasion, their staff have shown familiarity with the issues — Thomas-Greenfield’s deputy observed that the Syrian regime has “a well-documented history; a history of corruption, of stealing aid, and of denying it to communities in need.”²⁰ Yet like previous administrations, both Republican and Democratic, the current one has taken no action to fix the problem.

If and when the U.S. government decides to confront the diversion and theft of humanitarian aid in Syria, it will need a plan. To address that need, this memo identifies five essential components of an effective strategy as well as specific courses of action for both the executive and legislative branches in each of the five areas.

The problem of aid diversion is mainly political and diplomatic, not technical. Sustained leadership from the White House and Congress is necessary to overcome both Assad’s manipulation of the UN aid machinery and the inability of the UN to hold its own agencies and staff accountable. The United States and other UN donors are the only actors with the leverage necessary to implement meaningful reforms. In theory, Washington could stop funding UN humanitarian operations or even suspend other payments to the UN until it demonstrates a commitment to reform, yet cutting off aid would be unthinkable in the aftermath of February’s earthquake. Instead, this strategy lays out a program of diplomatic pressure that will test whether the UN is capable of reform when donors firmly press their concerns.

The Five Core Components of a Strategy to Prevent Diversion

1. **Public Diplomacy** — The president, secretary of state, and other key officials should publicly identify the problem and declare that preventing diversion is a U.S. priority in Syria. Previous administrations, like the current one, have avoided candid discussion of this issue, lest it embarrass both donor states and UN agencies that have lost control of the aid process. Instead, Washington should make clear it will employ its leverage as the top donor state to hold accountable both the UN and the Assad regime.
2. **Coordination with Allies** — The principal donors of humanitarian aid are almost all U.S. allies, mainly in Europe, who share an interest in preventing diversion. They have sometimes coordinated among themselves, but their efforts have had little impact, in part because of the absence of U.S. leadership. Together, the United States and its allies should leverage their role as donors to demand specific reforms.
3. **Reviving Oversight Mechanisms within the UN** — In 2016, media coverage of Assad’s manipulation of the aid process prompted UN leaders to issue the *Parameters and Principles of UN Assistance in Syria*.²¹ The UN also established a group to monitor the implementation of the *Parameters*, but it has not met even once. It should convene immediately.
4. **Reforming Aid Operations in Syria** — UN agencies must renegotiate the terms of their relationships with the Syrian government. Robust diplomatic support from the United States and its allies will be essential. Deference to sovereign authorities has become deeply ingrained over the past decade in Syria.
5. **Congressional Action** — With its power of the purse, Congress can determine the conditions under which aid flows to the UN and other providers. So far, Congress has not imposed conditions despite Assad’s pervasive theft. In turn, the executive branch has exerted negligible pressure on the UN to reform the aid process. A sustained bipartisan commitment to oversight and reform will send a clear signal to the UN that America will no longer tolerate the status quo.

¹⁹ Robert Menendez, et al., *Letter to President Joe Biden*, January 11, 2022. (<https://www.foreign.senate.gov/imo/media/doc/220111%20-%20TOP%20POTUS%20-%20U.S.%20Syria%20Policy%20-%20SFRC%20and%20HFAC.pdf>)

²⁰ Richard Mills, “Remarks at a UN General Assembly Meeting Following Russia’s Veto of a UN Security Council Resolution on the Syria Cross-Border Humanitarian Mechanism,” *Remarks Before the United Nations General Assembly*, July 21, 2022. (<https://usun.usmission.gov/remarks-at-a-un-general-assembly-meeting-following-russias-veto-of-a-un-security-council-resolution-on-the-syria-cross-border-humanitarian-mechanism/>)

²¹ Nick Hopkins and Emma Beals, “UN pays tens of millions to Assad regime under Syria aid programme,” *The Guardian* (UK), August 29, 2016. (<https://www.theguardian.com/world/2016/aug/29/un-pays-tens-of-millions-to-assad-regime-syria-aid-programme-contracts>)

Public Diplomacy

Ending the expropriation of aid begins with breaking the official silence at the UN and among UN member states. The public diplomacy component of a reform strategy should consist of the following steps:

- **A Presidential Statement** — To demonstrate that the U.S. government is now serious about reform, the president himself should state clearly that the expropriation of aid is pervasive, that Assad has co-opted the UN aid machinery in Syria, and that reform is an American priority. A verbal statement is preferable to a written one in terms of signaling commitment. The president should also issue a National Security Study Memorandum directing the appropriate agencies to analyze this issue and recommend policy responses.
- **A Public Address by the Secretary of State** — In 2021, the National Security Council staff led a comprehensive review of U.S. policy toward Syria. The White House has yet to release a declassified summary of the review, but senior NSC officials have identified key objectives, including efforts to provide relief as the spread of hunger and disease continues.²² Even so, neither the secretary of state nor other key officials has acknowledged that theft undermines humanitarian operations in Syria. To signal a commitment to reform, the secretary should deliver a public address articulating U.S. policy toward Syria and diagnosing the extent and causes of aid diversion.
- **Monthly Updates to the UN Security Council by the U.S. Ambassador to the UN** — The Security Council convenes monthly to receive updates from senior UN officials on the humanitarian situation in Syria. These discussions routinely ignore the expropriation of aid by the Assad regime. Henceforth, the U.S. ambassador should provide updates on expropriation in her remarks, while encouraging allied envoys to do the same. Of equal importance, the United States should ensure that senior UN officials address the issue consistently.
- **Meetings With the Secretary-General and UN Humanitarian Chief** — For as long as the most senior UN officials avoid acknowledging the problem of large-scale diversion, the rest of the UN system has a license to ignore it, too. When the president, secretary of state, and other top UN officials meet with Secretary-General António Guterres, they should emphasize that aid diversion is a U.S. priority and that they expect Guterres to acknowledge the problem, wielding evidence already in the public domain. U.S. officials should convey the same message to the director of the UN's Office for the Coordination of Humanitarian Affairs, the top UN aid official.
- **Meetings with UN agency heads** — The decentralized UN system grants considerable authority to agencies that jointly conduct humanitarian operations, including the World Food Program and the WHO. Their headquarters are spread across the globe, so the State Department must coordinate efforts to broadcast a consistent message.

Coordination With Allies

Secretary of State Antony Blinken and other senior officials have emphasized their commitment to multilateralism, including their belief that having a seat at the table is the most effective way to address the shortcomings of various international organizations.²³ This position should facilitate cooperation with U.S. allies, who are also frustrated with Assad's theft of aid but hesitant to criticize the UN sharply, lest they delegitimize the UN as a whole.

- **Establish a Consortium of Donor States** — At present, there is no standing body of donor state representatives capable of coordinating a campaign for reform. The UN ambassadors from each donor state should represent their respective governments, although an initial meeting at the level of foreign minister would send a clear signal of commitment. Although UN-focused, the consortium should not be a UN body, so it could be set up quickly without requiring permission from the UN. The Biden administration's readiness to stand up the council quickly will indicate of how serious it is about reform.
- **Coordinate Requests to the UN Secretary-General and Senior UN Officials** — The consortium should present a united front to the secretary-general and other UN officials to demonstrate that members cannot be played against each other. The consortium should identify specific anti-theft measures it expects UN agencies to implement in Syria and ensure the UN holds accountable all corrupt and complicit officials.

²² The Arab Gulf States Institute in Washington, "UAESF – A Conversation with Brett McGurk," *YouTube*, December 12, 2021, 35:49. (<https://www.youtube.com/watch?v=cFA9zxbQa70>)

²³ Antony J. Blinken, "Secretary Antony J. Blinken on Release of the 2020 Country Reports on Human Rights Practices," *Remarks to the Press*, March 30, 2021. (<https://www.state.gov/secretary-antony-j-blinken-on-release-of-the-2020-country-reports-on-human-rights-practices/>)

- **Coordinate Public Diplomacy** — Allied governments should signal their commitment to reform by having their heads of state, foreign ministers, and UN envoys break the taboo on public discussion of aid diversion. To that end, donor state foreign ministers should issue a joint statement providing a clear definition of the challenge and pledging sustained oversight of humanitarian operations.
- **Counter Disinformation Efforts** — Despite overwhelming evidence of Assad's use of chemical weapons, Damascus and Moscow continue to spread disinformation and conspiracy theories to blur the truth and deflect blame.²⁴ Donor states should expect a similar response to public statements about aid diversion; accordingly, they should coordinate efforts to expose such propaganda in key UN forums, especially Security Council meetings dedicated to the humanitarian situation in Syria.

Reviving Oversight Mechanisms Within the UN

As noted above, public pressure led to the issuance of the *Parameters and Principles of UN Assistance in Syria*, yet the committee charged with monitoring their implementation has not met once. Carsten Wieland, a former German diplomat who worked on Syria at the UN, has explained how the previous campaign for reform pitted donor states and pro-reform constituencies at the UN against the Kremlin and those UN constituencies that favor the status quo.²⁵ Reviving UN oversight mechanisms is not a technical challenge but a political and diplomatic one. The United States and its allies must demonstrate greater commitment while outmaneuvering their adversaries.

- **Publish the *Parameters and Principles of UN Assistance to Syria*** — Although a UN committee accidentally released a copy of the *Parameters*, which a Russian media outlet published online, the UN has never issued a certified version of the document.²⁶ Donor states should press the secretary-general to publish the *Parameters* along with a statement affirming that reform is a top priority. The UN should publicize the *Parameters* widely and encourage journalists to report on the campaign for reform.
- **Ensure Quarterly Meetings of the *Parameters* Monitoring Group** — The secretary-general should direct UN agencies to provide the monitoring group with the information necessary to perform its duties. The monitoring group should have a chair of sufficient stature to command institutional support, such as the under-secretary-general for peacebuilding and political affairs.
- **Press the Secretary-General to Appoint Reform Advocates to Senior Positions in Syria and the Middle East** — The need for honest and reform-minded leaders has become even clearer thanks to the investigation of Ajkema Magtymova. Yet there is ample precedent for Magtymova's abuses. For example, the UN High Commissioner for Refugees' (UNHCR's) representative in Syria directed millions to (nominal) charities controlled by Assad's wife then denied this was problematic.²⁷ While numerous UN personnel serve admirably in Syria under difficult circumstances, an internal UN assessment found that UN agencies muted criticism of flagrant regime abuses, choosing "access over advocacy."²⁸

Reforming Aid Operations in Syria

The UN subscribes to four principles — humanity, neutrality, impartiality, and independence — that ought to govern all humanitarian operations. Their purpose is to ensure that UN aid operations do not favor any side in a conflict, prioritize activities based on need, and remain autonomous from political authorities.²⁹ In Syria, violations of these principles were

²⁴ Chloe Hadjimatheou, "The UK Professor and the Fake Russian Agent," BBC News (UK), March 26, 2021. (<https://www.bbc.com/news/stories-56524550>)

²⁵ Carsten Wieland, *Syria and the Neutrality Trap: The Dilemmas of Delivering Humanitarian Aid through Violent Regimes* (London: I.B. Tauris, 2021), chapters 8-9. (<https://www.bloomsbury.com/us/syria-and-the-neutrality-trap-9780755641383/>)

²⁶ "Parameters and Principles of UN Assistance in Syria (October 2017)," *Kommersant* (Russia), accessed October 25, 2022.

(<https://www.kommersant.ru/docs/2018/UN-Assistance-in-Syria-2017.pdf>)

²⁷ Khaled Yacoub Oweis, "UNHCR on aid to Syria: what's important is to deliver," *The National* (UAE), July 15, 2019.

(<https://www.thenationalnews.com/world/mena/unhcr-on-aid-to-syria-what-s-important-is-to-deliver-1.886179>)

²⁸ Lewis Sida, Lorenzo Trombetta, and Veronica Panero, United Nations Office for the Coordinator of Humanitarian Affairs, "Evaluation of OCHA Response to the Syria Crisis," March 2016, page 12.

(https://www.unocha.org/sites/dms/Documents/OCHA%20Syria%20Evaluation%20Report_FINAL.pdf)

²⁹ "OCHA on Message: Humanitarian Principles," United Nations Office for the Coordinator of Humanitarian Affairs, July 2022.

(https://www.unocha.org/sites/unocha/files/OOM_Humanitarian%20Principles_Eng.pdf)

evident early in the 2011 uprising.³⁰ Addressing them was never a UN institutional priority, despite pledges from the secretary-general on down. The following are seven ways to address persistent challenges posed by the regime:

- **Sharply Limit the Assad Regime's Ability to Deny Permission for Aid Operations** — The regime has created a Kafka-esque maze of procedures for delaying or denying requests to initiate operations.³¹ It exploits these procedures to prevent aid deliveries to populations it considers disloyal, a clear violation of humanitarian principles. At the height of the war, the regime imposed civilian sieges — a war crime — by denying the UN access to opposition strongholds. Reforms should ensure the regime can only block humanitarian operations if it presents clear evidence of security risk.
- **Ensure UN Agencies Can Select Personnel Free of Political Constraints** — The Assad regime has exploited its control of visa approvals to block the UN's appointment of foreign employees likely to resist the regime's pressure. The regime has also manipulated the hiring of local employees to embed friends and relatives of regime officials within UN agencies. These hires can both report back on the UN's internal deliberations and shape UN operations.³²
- **Ensure Freedom of Movement for Aid Providers** — The regime has prevented UN agencies from conducting rigorous assessments of the population's needs and from assessing whether operations were carried out properly. In some instances, the regime has employed security services to intimidate providers.
- **Let Aid Providers Choose Their Partners** — The Assad regime currently chooses the local partners that work with foreign aid providers. These local partners conduct surveillance and bend humanitarian operations to fit the regime's priorities. The leading partner for the UN is the Syrian Arab Red Cross (SARC). While SARC personnel have risked their lives or even died during aid operations, the regime exercises political control over the organization.³³
- **End the Regime's Manipulation of Exchange Rates** — Aid organizations must convert hard currency into Syrian pounds (or lira) to conduct operations. The regime compels UN agencies to accept below market rates of exchange, essentially confiscating UN assets. This resulted in losses of more than \$100 million over a two-year period.³⁴
- **Create a Transparent UN Procurement Process That Protects Human Rights** — UN agencies procured more than \$200 million of goods and services in Syria in 2020 and more than \$1.2 billion total since 2014. Known members and supporters of the Assad regime have received millions of dollars' worth of UN contracts. Recipients include individuals on the U.S. and EU sanctions lists, as well as human rights violators.³⁵ For example, the UN spent \$81.6 million to house personnel at the Four Seasons Damascus, a sanctioned business jointly owned by the Ministry of Tourism and a businessman close to Assad.³⁶ The need for independent auditing and screening is urgent. The UN should also require NGOs implementing UN projects to have transparent procurement processes and human rights safeguards.
- **Add Safeguards to Prevent Corruption in the Aid Supply Chain** — At the height of the war in Syria, pro-regime forces openly confiscated supplies from UN aid convoys. Reports of such actions are now less common, yet substantial amounts of aid continue to flow into the regime's warehouses. Last year, a news crew gained access to a facility captured from pro-regime forces. They found it stacked high with rations from the World Food Program.³⁷ Greater transparency is necessary to prevent such wholesale diversion.

Congressional Action

Congress has the ultimate say over how much America spends on humanitarian aid and the conditions for that funding. By acting in concert with the executive branch, Congress can send an unmistakable signal to both the UN and the Assad regime that Washington is fully committed to a root-and-branch overhaul of the aid process. Without decisive action by Congress, the executive branch will lose much of the leverage it needs to negotiate reforms at the UN.

³⁰ Ben Parker, "Humanitarianism Besieged," *Humanitarian Exchange*, November 2013. (https://odihpn.org/wp-content/uploads/2013/11/HE_59_web.pdf)

³¹ The Syria Campaign, "Taking Sides: The United Nations' Loss of Impartiality, Independence and Neutrality in Syria," June 2016. (<https://web.archive.org/web/20170711061520/http://takingsides.thesyriacampaign.org/wp-content/uploads/2016/06/taking-sides.pdf>)

³² Ibid., pages 30-32

³³ Natasha Hall, Karam Shaar, and Munqeth Othman Agha, "How the Assad Regime Systematically Diverts Tens of Millions in Aid," *Center for Strategic and International Studies*, October 20, 2021. (<https://www.csis.org/analysis/how-assad-regime-systematically-diverts-tens-millions-aid>)

³⁴ Syrian Legal Development Programme and the Observatory of Political and Economic Networks, "UN Procurement Contracts in Syria: A 'Few' Bad Apples?" October 2022, pages 16-18. (https://sldp.ngo/wp-content/uploads/2022/12/SLDP_OPEN-UN-Procurement-in-Syria-En.pdf)

³⁵ David Adesnik, "The UN Has Now Spent \$81.6 Million at the Four Seasons Damascus," *Foundation for Defense of Democracies*, July 18, 2022. (<https://www.fdd.org/analysis/2022/07/18/un-spent-816-million-four-seasons-damascus/>)

³⁶ Hawar Medya, "لماذا وصلت مساعدات الأمم المتحدة لمقرات مرتزقة الدفاع الوطني؟" (Why did United Nations aid reach the headquarters of National Defense mercenaries?), *YouTube*, April 25, 2021. (<https://www.youtube.com/watch?v=StaDVUhlzqg>)

- **Public and Private Diplomacy** — Like the executive branch, lawmakers can send clear signals of their commitment to reform. They should stress this in private meetings with both UN officials and representatives from allied donor states.
- **Hold Hearings on the Expropriation of Aid in Syria** — At hearings of the Senate and House foreign relations committees, members and witnesses have discussed humanitarian issues at length yet mostly bypassed the issue of aid diversion. To generate momentum for reform, the committees should now hold hearings focused on expropriation and how to prevent it.
- **Legislate Conditions on Aid** — Congress should pass measures requiring the administration to establish a consortium of donor states that share the U.S. interest in reform. Congress should also make clear to the secretary-general its expectation that he will convene the *Parameters* monitoring group on a regular basis and empower it to enact sweeping reforms. As the branch that holds the power of the purse, Congress should clarify that the continuation of aid depends on transparency and accountability.
- **Consider Alternate Channels for Humanitarian Assistance** — If Congress determines that funding UN aid operations benefits Assad more than it does the people he rules, it can redirect a share of U.S. aid to portions of the country Assad does not control, such as the northeast and northwest. It can also shift funding to Syrian refugees in neighboring countries who often live in dire poverty. If this does not incentivize the UN to enact reforms, Congress may increase the percentage of aid dispatched via alternate channels. The executive branch also has some discretion in this regard. For example, after the February earthquake, it provided direct support to the White Helmets, the Syrian civil defense group active in the northwest and renowned for rescuing civilians from the rubble of bombed-out buildings.³⁸

Conclusion: The “Radical Option” and the Shadow of Russian Intimidation

The UN must renegotiate the rules of humanitarian operations with the Assad regime. Syria is a failed state, yet the Assad regime maintains the privileges of sovereignty.³⁹ Barring authorization by the Security Council — where Moscow regularly employs its veto on behalf of Damascus — UN agencies cannot act without the regime’s consent. This raises the question of what threat or incentive would compel Assad’s cooperation. One possibility is to condition the delivery of aid on its full cooperation. Assad may not care how many of his people starve, but the regime’s dire financial situation still makes it desperate for any economic stimulus it can find.

Wieland, the former German diplomat, describes this as “the radical option.” Cutting off aid to millions in need is anathema to almost all advocates of humanitarian assistance. Amid the devastation wrought by last month’s earthquake, a suspension of aid is unthinkable. Yet as life returns to what passes for normal in Syria, the previous dilemma will rear its head once again: so much aid is diverted that the net effect of assistance is to worsen the people’s suffering. This could put the radical option back on the table, although not right away. For donor states, the first course of action should be to implement the five-pronged strategy this memo elaborates, which employs diplomatic pressure but no reduction of aid. In fact, donor states should begin to implement this strategy right now, since its core components are compatible with post-earthquake recovery efforts. There is no reason to postpone either candid discussion of aid diversion or the revival of UN oversight mechanisms.

Yet if the Syrian regime’s intransigence persists amid concerted diplomatic pressure, donor states will once again have to choose between the radical option and the toleration of wholesale theft. Ideally, a threat to suspend humanitarian operations would compel Assad to cooperate. Yet the credibility of such a threat depends on the readiness of donors to follow through.⁴⁰

The primary argument against a suspension is that even if Assad expropriates some or most humanitarian assistance, the remainder still reaches those in need. But the diverted aid does not simply disappear into offshore bank accounts; rather, it bankrolls the forces that continue to commit atrocities on Assad’s behalf. There is a point at which humanitarian assistance actually does more harm than good. In the regions of Syria under Assad’s control, that point is long past.

³⁸ @SyriaCivilDef, *Twitter*, February 17. (<https://twitter.com/SyriaCivilDef/status/626637427270877189>)

³⁹ Reinoud Leenders and Kholoud Mansour, “Humanitarianism, State Sovereignty, and Authoritarian Regime Maintenance in the Syrian War,” *Political Science Quarterly*, Summer 2018. (<https://academic.oup.com/psq/article/133/2/225/6848229>)

⁴⁰ Carsten Wieland, *Syria and the Neutrality Trap: The Dilemmas of Delivering Humanitarian Aid through Violent Regimes* (London: I.B. Tauris, 2021), pages 131–132. (<https://www.bloomsbury.com/us/syria-and-the-neutrality-trap-9780753641383/>)

The executive branch will have to lay the groundwork for employing the radical option, even if it remains a fallback policy. For its part, Congress should draft legislation to withhold funding for UN aid in the absence of certain reforms. The portion withheld should increase every six or twelve months on a fixed schedule if problems persist. As noted above, Congress would not deprive the Syrian people of assistance. Rather, it would redirect assistance to other Syrians in need, without constant obstruction by Damascus.

A final consideration to bear in mind is that Russia, as Assad's benefactor at the UN, is likely to wage a diplomatic counteroffensive to block UN assistance to the 4 million Syrians living in the country's northwest, the last region under control of factions that grew out of al-Qaeda. Aid to the northwest bypasses the Assad regime, arriving directly from across the Turkish border. By threatening to veto this aid, Russia has gradually whittled down from four to one the number of border crossings through which UN agencies can send relief. Moscow also reduced from 12 months to six the duration of Security Council resolutions that authorize cross-border assistance.⁴¹ The threat to starve the northwest is clearly credible. If Washington and its allies buckle under such pressure, the campaign for reform may collapse. Instead, to pre-empt this threat, donor states should create a parallel aid channel that does not depend on UN authorization.⁴² The effort should begin immediately, since creating a supply chain will take time.

Changing the way the UN conducts humanitarian operations in Syria will be labor intensive, yet the benefits will extend to other war zones. Other authoritarian regimes have obstructed and manipulated foreign assistance like Assad has done. The UN's own reports have documented this, especially in Bosnia in the 1990s and in the Sri Lankan war that ended in 2012.⁴³ In the wake of such self-criticism, UN leaders pledged to defend humanitarian principles more vigorously. Until the United States and other donor states exercise stricter humanitarian oversight, the cycle will repeat.

⁴¹ David Adesnik, "How Russia Won the UN Showdown Over Syria," *The National Interest*, July 21, 2022. (<https://nationalinterest.org/feature/how-russia-won-un-showdown-over-syria-203745>)

⁴² Sahar Atrache and Sabiha Khan, "Transforming Syria's Lifeline: A Plan for Sustaining Cross-Border Aid in Northwest Syria," *Refugees International*, July 2022. (<https://static1.squarespace.com/static/506c8ea1e4b01d9450dd53f5/h/62ec689a1481810fb6c1ca48/1659660442986/FTNAL+-+Syria+Report+-+August+2022.pdf>)

⁴³ Carsten Wieland, *Syria and the Neutrality Trap: The Dilemmas of Delivering Humanitarian Aid through Violent Regimes* (London: I.B. Tauris, 2021), pages 15-21. (<https://www.bloomsbury.com/us/syria-and-the-neutrality-trap-9780755641383/>)

Mr. WILSON. We are pleased to have a distinguished panel of witnesses here today on this important topic. The Gravedigger is a firsthand witness to the war crimes committed by the Assad regime and the many horrors faced by the Syrian people. You will note that we are using a translator, Mr. Mouaz Moustafa. Very grateful for his service.

Additionally, we have Mr. Joel Rayburn, a specialist of national security, foreign policy, and Middle East affairs. He served as the U.S. Special Envoy for Syria from 2018 to 2021.

And Mr. Jonathan Lord is a senior fellow and director at the Middle East Security Program at the Center for a New American Security.

So thank each of you for being here today and we will have full statements made part of the record and I'll ask each of you to keep your spoken remarks to five minutes in order to allow time for member questions.

I now recognize Gravedigger for his opening statement.

STATEMENTS OF THE GRAVEDIGGER, WITNESS TO MASS GRAVES IN SYRIA; JOEL RAYBURN, FORMER SPECIAL ENVOY FOR SYRIA, U.S. DEPARTMENT OF STATE; JONATHAN LORD, SENIOR FELLOW AND DIRECTOR, MIDDLE EAST SECURITY PROGRAM, CENTER FOR A NEW AMERICAN STRATEGY

STATEMENT OF THE GRAVEDIGGER

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

GRAVEDIGGER. Thank you, Chairman Wilson and Ranking Member Phillips, for your dedication to ending the suffering of the Syrian people and pursuing accountability for millions of civilians.

Despite my best efforts, I was not granted a visa in time to make it here today but I would be here every single day if I'm able to give the messages of the Syrian people. Thank you for allowing me to share my testimony with you and the American people you represent.

I cannot share my face or my name with you today because doing so would be too dangerous for me and my family. I am known as the Gravedigger because I have been a witness to mass graves in Syria from 2011 to 2018.

Men, women, children, and elderly were tortured in the most sadistic ways and executed by the Assad regime, Iran, and Russia and then carelessly thrown into trenches, their fate unknown to their loved ones. Their lives have been lost. They cannot be saved and they demand justice, while tens of thousands of others await liberation as they languish in Assad's dungeons.

I'm a civilian. Before the war I was an administrative employee of the Damascus municipality. In early 2011 at the beginning of the revolution my office was visited by regime intelligence officials and I was ordered to work for them. When the regime asks for something you do not say no. I was not prepared for the horror of my new duties.

Every week twice a week three trailer trucks arrived packed with 300 to 600 bodies of victims of torture, starvation, and execu-

tion from military hospitals and intelligence branches around Damascus. Twice a week we received three to four pickup trucks with 30 to 40 bodies still warm of civilians that had been executed in Sednaya Prison.

After seven years of bearing witness to these atrocities I was able to escape Syria and follow my family to Europe. There it was my duty to testify in the Koblenz trial in Germany and seek some semblance of justice by holding two war criminals accountable for atrocities in Syria.

I have dedicated my life to expose the evil of the Assad regime and its allies and there are no words that can capture the scene that I was subjected to every day—men, women, children, babies, elderly, all, countless civilians with marks on their bodies that tell the story of an excruciatingly painful death.

I found myself wondering how much each person suffered before they were finally allowed to die. The signs of torture on their bodies is something I will never forget.

I want to share with you just one of the stories that keep me up at night. One day one of the trailer trucks dumped its contents of several hundred mangled corpses into the trenches in front of us.

Sometimes bodies would fall on the ledge of the mass grave and I was taken aback when I saw that a young mother's lifeless body with clear signs of torture was still holding on to her infant baby, hugging him close to her chest.

I was—I didn't want her to be buried with the mass of mostly male bodies in the trench and I wanted her and her baby to at least be buried to the side or the top of the mass grave. I tried to ask the Assad regime's intelligence officer if it would be okay to bury her alone next to the grave. He quickly scolded me and ordered that she be thrown into the mass grave.

And one day as the trailer trucks were unloading hundreds of bodies again unexpectedly we saw a flicker of movement. There was a man near death, using his last reserve of energy to signal to us that somehow he was still alive. One of the civilian workers with me in my workshop crying said that we had to do something.

The intelligence officers supervising us quickly ordered the murder of the man, and as for the young man who dared shed tears over the victims of the Assad regime we never saw him again.

You see, my colleagues and I—you see, my colleagues and I charged with burying the innocent in mass graves are—were expendable. If we showed any sympathy it meant certain death. If we were late or missed a day it meant arrest in the very same dungeons that produced these tortured bodies that we put to rest.

Every single week on multiple days for years the drivers of the excavators and bulldozers would dig trenches 23 feet deep, nine to 10 feet wide, 400 to 600 feet long in parallel lines to each other and every week we filled these massive trenches with bodies of countless civilians.

The systematic machinery of death continues to this day. This is the same regime that some countries have shamefully decided to normalize with, a regime the United States government continues to recognize. The only recognition of Assad should be as a genocidal war criminal reminiscent of the worst people in human history.

It is vital that the United States, including this administration or any future administration, not recognize the Assad regime as the legitimate government of Syria and that it never normalizes relations with this awful dictator.

There can never be accountability for the tens of thousands of innocent civilians that lay in mass graves in Syria if those responsible for their brutal torture, murder, and inhumane burial are admitted back into the international community.

The Syrian people look to the United States to ensure that there are consequences for those who normalize with the criminal regime. Allowing Assad to get away with what he has been getting away with sends a message to other dictators and tyrants that they can also gas, displace, and torture their own people in order to retain power or quell genuine calls for democracy.

When the United Arab Emirates invites the Assad regime to their capital and welcomes him with a 21-gun salute on the 12th anniversary of the revolution it sets a dangerous precedent.

When Saudi Arabia decides to allow Syrian Arab Airlines, which is sanctioned under the Caesar Act, to land in their airports it sets a dangerous precedent. When a country like Denmark decides to undermine the unity of the efforts of the U.S. in the EU to isolate Assad it sets a dangerous precedent.

I saw on the news that Mr. McGurk from the White House was in Saudi Arabia very recently within days of the Syrian—the war criminal foreign minister being there and today, as opposed to us condemning that visit of the foreign minister to Saudi Arabia we see that the Saudi Arabian minister is now in Damascus.

The United States must ensure that every—in each attempt to recognize the Assad regime or to normalize relations with it is met with clear public and private condemnation and real consequences.

The Caesar Act is one of the most valuable tools in the hands of the United States to make sure the Assad regime cannot benefit economically from a vast array of business transactions.

It is vital that the law is implemented to its fullest extent to hinder the regime's chances of benefitting from things like the Arab gas pipeline.

Under President Biden's administration we have yet to see any real implementation of the Caesar Act. It is Congress that we as Syrian witnesses, survivors, and civilians beseech to pressure the Biden administration to implement the Caesar Act in order to stop the normalization and financing of the Assad regime.

If the Caesar Act as it stands is not sufficient then we plead with you for new sanctions legislation or revisions of the Caesar Act that targets this evil regime and all those seeking to empower it.

I watched as the Assad regime exploited the devastating earthquake which tore through southern Turkiye and northwest Syria to smuggle Iranian fighters and weapons to kill Syrians claiming they're aid caravans.

The regime in Damascus received tons of aid from the United Nations and other governments that he then looted instead of providing to those in need. I saw my people suffer immensely in liberated areas of northwest Syria and I have witnessed the shameful response of the United Nations, which allowed the Assad regime to

block the provision of life-saving critical aid through border points he does not even control.

It is time for a smart and moral aid policy that benefits the Syrian—the people of Syria, not the Assad regime, one with no General Licenses or aid delivered through U.N. Damascus office solely but through a permanent cross border mechanism that allows the unfettered and continuous provision of strictly humanitarian aid through all four border crossings in northern Syria.

Many people may say there's nothing we can do, that Syria is a lost cause, that we must accept Assad. This is simply not true. If a municipal employee from Damascus forced to bury hundreds of thousands of innocent civilians such as myself can find a way to get my message in front of members like you, members of the most powerful legislative body in the world, and share with you the horrors that I witnessed then there is hope.

If Caesar, an ordinary man, can take such personal risks to show the world what is happening in Syria through his photographs then there is hope. If the Syrian people continue to come out every day, continue to stand to demand justice, freedom, and democracy in spite of Iran, Assad, Russia, and China, then there is hope.

Those who normalize with the Assad regime are complicit and accomplices in Assad's war crimes. We ask your committee to remind the Biden administration that it must not veer away from the policies of previous Republican and Democratic administrations that publicly condemn the normalization of the Assad regime and actively work to prevent it.

Today, the administration's statement on normalization with a genocidal dictator that threatens the world order is that, and I quote, "We hope that those who normalize with the Assad regime get something in return."

Today, the administration says the United States will not normalize with the Assad regime yet. I am here because, like many of my Syrian brothers and sisters, we know that the United States is better than this.

I am here because you are the most democratic branch of the American government. You represent the American people, who value justice, freedom, and liberty. I am here because for 12 years of the worst atrocities of the 21st century so many Syrians still believe in an American people.

We believe in the words "never again" should not be empty slogan but it should be a sacred promise that ensures that Syrians and many other nations can live with freedom, justice, and dignity.

After 12 years of the worst atrocities of the 21st century we yet to have—we do not have an actual envoy on behalf of the U.S. government and I'm here speaking about mass graves.

We have buried hundreds of thousands of innocent civilians but just as many are still detained in Assad's dungeons and millions still living under regime, Iranian, and Russian bombardment. We must stand with them, not their butcher.

What I have testified to you today is a burden that I place on your shoulders as members of Congress, as Americans, as human beings.

Thank you, Mr. Chairman.

[The statement of Mr. Gravedigger follows:]

The Gravedigger

Witness to Mass Graves in Syria

House Committee on Foreign Affairs

4/18/2023 - 12 Years of Terror: Assad's War Crimes and US Policy for Seeking Accountability in

Syria

Translator: Mouaz Moustafa, Executive Director of the Syrian Emergency Task Force

Thank you, Chairman Wilson and Ranking Member Philips for your dedication to ending the suffering of the Syrian people and pursuing accountability for millions of civilians. Thank you also for inviting me here today and allowing me to share my testimony with you and the American people you represent.

I cannot share my face or my name with you today, because doing so would be too dangerous for me and my family. I am known as “the Gravedigger,” because I have been a witness to mass graves in Syria from 2011 to 2018. Men and women, children and elderly were tortured in the most sadistic ways and executed by the Assad regime, Iran, and Russia and then callously thrown into trenches, their fate unknown to their loved ones. Their lives have been lost; they cannot be saved. And they demand justice, while tens of thousands of others await liberation as they languish in Assad’s dungeons.

I am a civilian. Before the war, I was an administrative employee of the Damascus municipality. In early 2011, at the beginning of the revolution, 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 new duties. Every week, twice a week, three trailer trucks arrived, packed with 300 to 600 bodies of victims of torture, starvation, and execution from military hospitals and intelligence branches around Damascus. Twice a week, we received three or four pickup trucks with 30 to 40 bodies, still warm, of civilians that had been executed in Saydnaya Prison.

After seven years of bearing witness to these atrocities, I was able to escape Syria and follow my family to Europe. There, it was my duty to testify in the Koblenz Trial in Germany and seek some semblance of justice by holding two war criminals accountable for atrocities in Syria. I have dedicated my life to exposing the evil of the Assad regime and its allies. There are no words that can capture the scene I was subjected to every day. Men, women, children, babies, elderly- all countless civilians with marks on their bodies that tell the story of an excruciatingly painful death. I often found myself wondering how much each person suffered before they were finally allowed to die the signs of torture on their bodies is something I will never forget.

I want to share with you just one of the stories that keep me up at night. One day, one of the trailer trucks dumped its contents of several hundred dead, mangled corpses into the trench in front of us. Sometimes bodies would fall on the ledge of the mass grave and I was taken aback when I saw that a young mother's lifeless body with clear signs of torture was still holding onto her infant baby hugging him to her chest. I didn't want her to be buried with the mass of mostly male bodies in the trench and wanted her and her baby to at least be buried to the side or to the top of the mass grave. I tried to ask the Assad regime's intelligence officer if it would be ok to bury her alone next to the mass grave, he quickly scolded me and ordered that she be thrown into the mass grave. One day as the trailer trucks were unloading hundreds of bodies 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 quickly ordered the murder of the man. As for the young man who had dared to shed tears over the victim of Assad's regime, we never saw him again. You see my colleagues and I charged with burying the innocent in mass graves were expendable. If we showed any sympathy, it meant certain death, if we were late or

missed a day it meant arrest in the very same dungeons that produce these tortured bodies we put to rest.

Every single week on multiple days the drivers of the excavators and the bulldozers would dig trenches 23 feet deep, 9 to 10 feet wide, and 400 to 600 feet long parallel to each other and every week we filled these massive trenches with bodies of countless civilians. This systematic machinery of death continues to this day. The bulldozer driver who dug the mass graves at the site in southern Damascus was arrested for an entire year to keep him from ever sharing what he witnessed and was tortured and left to die but survived through the grace of God. Miraculously he has since escaped Syria, and is here with us today. He cannot share his face or his name with you either, but his presence should serve as a reminder of the inhumane brutality of this regime, the same regime that some countries have shamefully decided to normalize with, a regime that the United States government continues to recognize. The only recognition of Assad should be as a genocidal war criminal reminiscent of the worst people in human history.

It is vital that the United States including this administration or any future administration not recognize the Assad regime as the legitimate government of Syria, and that it NEVER normalizes relations with this awful dictator. There can never be accountability for the tens of thousands of innocent civilians that lay in the mass graves in Syria if those responsible for their brutal torture, murder and inhumane burial are admitted back into the international community.

The Syrian people look to the United States to ensure that there are consequences for those who normalize with the criminal regime. Allowing Assad to get away with what he has been sends a message to other dictators and tyrants that they can also gas, displace and torture their people in order to retain power or quell genuine calls for democracy. When the UAE invites Assad to their

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The Caesar Act is one of the most valuable tools in the hands of the United States to make sure the Assad regime cannot benefit economically from a vast array of business transactions. It is vital that this law is implemented to its fullest extent to hinder the regime's chances of benefiting from things like the Arab Gas Pipeline. Under President Biden's administration we have yet to see any real implementation of the Caesar Act, it is Congress that we as Syrian witnesses, survivors, and civilians beseech to pressure the Biden administration to implement the Caesar Act in order to stop the normalization and financing of the Assad regime. If the Caesar Act as it stands is not sufficient then we plead with you for new sanctions legislation or revisions of the Caesar Act that targets this evil regime and all those seeking to empower it.

I watched as the Assad regime exploited the devastating earthquake which tore through Southern Türkiye and NW Syria, to smuggle Iranian fighters and weapons to kill Syrians, claiming they are aid caravans. The regime in Damascus received tons of aid from the United Nations and other governments that he then looted instead of providing to those in need. I saw my people suffer immensely in liberated areas of NW Syria, and I have witnessed the shameful response of the United Nations, which allowed the Assad regime to block the provision of life-saving critical aid through border points he does not even control. It is time for a smart and moral aid policy to

benefit the people of Syria, not the Assad regime. One with no General Licenses, or aid delivered through the UN Damascus office but through a permanent cross-border mechanism that allows the unfettered and continuous provision of strictly humanitarian aid through all four border crossings in Northern Syria.

Many people may say there is nothing we can do, that Syria is a lost cause and that we must accept Assad. This is simply not true if a municipal employee from Damascus forced to bury hundreds of thousands of innocent civilians such as myself can find my way to stand before members of the most powerful legislative body in the world and share with you the horrors that I witnessed then there is hope; if the Bulldozer Driver, forced to dig mass graves, then ordered to be arrested tortured and executed can escape and make it here with us today then there is hope; if Caesar, an ordinary man, can take such personal risks to show the world what is happening in Syria through his photographs then there is hope. If the Syrian people continue to come out every day, continue to stand to demand Justice, Freedom, and Democracy in spite of Iran, Assad, Russia, and China then there is hope. Those who normalize with the Assad regime are complicit and accomplices in Assad's war crimes, we ask your committee to remind the Biden Administration that it must not veer away from the policies of previous Republican and Democratic administrations that publicly condemned the normalization of Assad and actively worked to prevent it. Today the Administration's statement on normalization with a genocidal dictator that threatens the world order is that and I quote "we hope that those who normalize with Assad get something in return." Today the administration says the United States will not normalize with the Assad regime yet. I am here because like many of my Syrian brothers and sisters, we know that the United States is better than this, I am here because you are the most democratic branch of the American government. You represent the American people who value

Justice, Freedom, and Liberty. I am here because after 12 years of the worst atrocities of the 21st Century, so many Syrians still believe in the American people and we believe that the words Never Again shouldn't be an empty slogan but it should be a sacred promise that ensures that Syrians and many other nations can live with freedom, justice, and dignity.

After 12 years of the worst atrocities of the 21st Century, we have buried hundreds of thousands of innocent civilians, but just as many are still detained in Assad's dungeons and millions are still living under regime, Iranian, and Russian bombardment. We must stand with them not their butcher. What I have testified to today is a burden that I place on your shoulders as members of Congress, as Americans, and as human beings. Thank you, Mr. Chairman.

Mr. WILSON. Thank you. Thank you very much, Gravedigger, for your courage and persistence.

I now recognize Mr. Rayburn for his opening statement.

STATEMENT OF JOEL RAYBURN

Mr. RAYBURN. Thank you, Chairman Wilson, Ranking Member Phillips, and distinguished members of the—of the committee.

What a tragedy for the entire Syrian nation but also for American interests and it pains me to say that it didn't and doesn't have to be this way. U.S. policy towards Syria is in crisis.

President Biden and his administration have avoided formulating a coherent Syria strategy but it's clear now their approach has put important American interests at risk. Syria still holds unacceptable dangers—international terrorism, the worst refugee crisis in decades, weapons of mass destruction, the threat of regional war created by Iran, great power competition with Russia and China, the Turkiye PKK conflict and, more recently, the Assad regime's emergence as a major narco state.

In the face of these threats the administration has lost many opportunities to act. To name just a few, the administration could have restored economic pressure against Damascus by fully enforcing the Caesar Act and they should have levied sanctions on Russia's defense sector and military as the act envisioned, which could have had a powerful impact in both Syria and Ukraine by now.

It was welcome news yesterday that the Justice Department is investigating the Assad regime's execution of American citizen Layla Shweikani in 2016. But the administration should be doing more to support Europeans prosecuting the Assad regime for war crimes.

Ambassador Stephen Rapp has noted that evidence of Assad's war crimes far exceeds the evidence presented against Nazi leaders at Nuremberg. I personally have seen internal Assad regime documents collected by the Commission for International Justice and Accountability that show Bashar Al-Assad's direct ordering of war crimes by his regime.

The administration also chose not to appoint a U.S. Special Envoy for Syria for the first time since 2014, which our allies and our adversaries took as a sign of neglect. In our absence on Syria policy events concerning Syria are moving rapidly to our detriment.

The region is closer to general war than at any time since 2006 with the Iranian regime attacking Israel from Syria, Lebanon, and Gaza simultaneously while also targeting U.S. troops in eastern Syria.

Meanwhile, the Biden administration's mixed messaging has encouraged Arab capitals to explore normalization deals with Assad. Administration officials urged Assad's neighbors to include him in a regional energy deal and claimed the Caesar Act was no hindrance.

After the February 6 earthquake they issued the hasty overbroad General License 23, undermining the Caesar Act by allowing transactions with the regime's financial system with no guard rails.

Regional sources say that when Arab officials asked how the U.S. might react to this normalization outreach senior administration

officials gave a tacit green light and said they prefer that Arab capitals normalized with Assad than for Russia to broker a Damascus-Ankara deal that might lead to Turkish attacks against our Syrian Democratic Forces partners.

For months, administration officials have quietly created the impression they favor Assad's normalization, encouraging others to take the lead and create a situation that will reach Washington as a fait accompli.

U.S. policy on Syria, therefore, has reached a crucial point at which Congress must reassert its intent and ensure the enforcement of U.S. law. The Caesar Act should be updated and expanded in ways that I've detailed in my written testimony.

Congress should also pass the No U.N. Aid for Assad Act introduced by you, Chairman Wilson, in the 116th Congress, or a similar bill redirecting U.N. aid to areas outside Assad's control until the U.N. can enforce standards to prevent aid from being diverted to the regime.

Congress must also pass a bill to deter countries from normalizing relations with Assad. To clear up the administration's damaging mixed signals Congress should explicitly block the Arab gas pipeline deal the administration misguidedly endorsed and should also pass the provision Congressman Wilson sponsored in last year's NDAA prohibiting the U.S. government from recognizing Assad as president of Syria.

Congress should use his oversight power to examine the administration's lack of enforcement of mandatory Caesar Act sanctions and other related sanctions, as well as its tacit approval of normalization.

Congress should also oversee the administration's implementation of the Captagon Act, authored by Congressman French Hill, and go further to designate Syria as a major narco trafficking country and impose narco trafficking and transnational criminal organization sanctions against the regime.

Normalization with Assad is not just against our interests. It also has no chance of working. The United States has major problems with the Assad regime's behavior, as does the rest of the world, and most of these predate 2011: state sponsorship of terrorism, human rights abuses, proliferation of weapons of mass destruction, wrongful detention of Americans, material support to the Iranian regime, and Assad's warlike hostility to all its regional neighbors.

The world has seen enough of the Assad regime to know it will never change its behavior inside or outside Syria unless under irresistible pressure. We have also seen enough of the Syrian people to know that those who oppose Assad will never accept his rule again.

After 12 years of conflict Assad has failed to defeat the opposition and the fundamental reality is that he can never win. To Syrian eyes this reality warrants the world powers revising policies in favor of an approach that might actually work.

Congress should lead the way by restoring, enhancing, and compelling implementation of the pressure policy encapsulated in the Caesar Act. It is quite literally the only possible solution to the Syrian tragedy.

Thank you.

[The statement of Mr. Rayburn follows:]

**Testimony by Joel Rayburn
Former U.S. Special Envoy for Syria**

**The House Committee on Foreign Affairs
Subcommittee on the Middle East, North Africa, and Central Asia**

**Hearing on “12 Years of Terror:
Assad’s War Crimes and U.S. Policy for Seeking Accountability in Syria”**

April 18, 2023

I appreciate the opportunity to offer my assessment of the situation in Syria and the U.S. response to it, and I commend the Committee for bringing oversight to this terrible crisis.

Twenty-seven months into the Biden administration, U.S. policy toward Syria is in crisis. Since coming into office, President Biden and his administration have assiduously resisted formulating a Syria strategy, but it is clear now that this deliberately negligent approach has put important American interests at risk.

Why Syria is a Grave Danger That Cannot Be Ignored

After more than a dozen years of war, the Biden administration, like much of the world, has grown tired of Syria. Unfortunately, Syria and the Syrian conflict still endanger American and international security interests in ways that cannot be ignored. The same dangers that compelled multiple U.S. administrations to adopt a hands-on approach to Syria are still present, along with some new ones:

- International terrorism, represented by the presence of ISIS, Al Qaeda, and similar groups, as well as the ticking time bomb of tens of thousands of ISIS-related detainees in weak northeastern Syrian jails;
- The world’s worst refugee crisis in more than 70 years, in which more than half of Syria’s prewar population fled the Assad regime’s warfare on the Syrian population;

- An accompanying humanitarian crisis, also created by Assad's warfare and starvation tactics against the Syrian population, and then exacerbated by the catastrophic February 6th earthquake, which fell most heavily on the millions of Syrians who fled Assad's attacks;
- Weapons of mass destruction, including Assad's use and proliferation of chemical weapons, as well as the still-unresolved matter of Assad's attempted nuclear proliferation with North Korean help;
- The threat of regional war created by the escalating military adventurism of the Iranian regime and its terrorist proxies, especially Hizballah and Hamas, as they attempt to turn Syria into a base from which to existentially threaten Israel;
- Great power competition with Russia, which has used Syria to regain a strategic foothold in the Middle East for the first time since 1973, with a view to destabilizing the US-led regional security system;
- A festering Turkey-PKK conflict that has dangerous implications for the NATO alliance, the global campaign against ISIS, and our bilateral relations with Ankara; and
- Narcotrafficking on an industrial scale by the Assad family, which has turned Syria into a narco-state while dumping billions of dollars worth of narcotics into the Gulf countries in particular.

For American and allied interests, each of these dangers is steadily worsening, and any one of them could erupt into an international crisis at any time. Each of these dangers is rooted in the behavior and nature of the Assad regime, which is the principal driver of the Syrian conflict. The threats listed above are all facilitated by the Assad regime's continuing war against the Syrian opposition and population, which has not stopped, even in the aftermath of the devastating February 6th earthquake in Turkey and Syria.

U.S. Government Neglect Has Led to Lost Opportunities

In the face of these acute threats to important American interests, the Biden administration unfortunately has done little. While preserving the rhetorical goals of its predecessors, the administration has formulated no plans or means to achieve any of them except for counterterrorism and humanitarian assistance, and even in those two areas there has been no comprehensive policy to link their disjointed actions. As a result, the administration has lost many opportunities to put the

United States back in a leadership role and protect against the risks that Syria poses to U.S. and international interests.

The administration could have restored economic pressure against Damascus by fully enforcing the powerful Caesar Act while also formulating a strategy to shut down Assad's main streams of revenue: trafficking Captagon, diverting UN aid, and collecting extortionate fees from Syrian expatriates to renew passports and register vital documents. Inexplicably, the administration has largely failed to enforce the Caesar Act since coming into office, giving Assad and his mafia entourage a respite from U.S. economic pressure. Nor has the administration acted against sanctions defiance outside Syria, such as by stopping the UAE, Jordan, Kuwait, Armenia, and other countries from hosting Assad's sanctioned airlines. It would probably require a single warning letter from the Treasury Department to put a stop to this sanctions evasion. And despite the urging of Congress, the administration has done little to scrutinize international assistance flowing through Damascus, especially the ways in which the Assad regime manipulates and intimidates UN agencies to turn aid into a subsidy for the regime itself.

The Biden administration also should have connected Syria to broader U.S. national security policy concerning Russia. With Russia's destabilizing behavior in Europe, there has been no reason to withhold pressure from Russia's major middle eastern client just in the interest of creating a friendlier atmosphere with Russian diplomats. The Treasury and State Departments have failed to levy sanctions on Russian entities and persons as the Caesar Act envisioned, with emphasis on the Russian military and on all Russian companies that have operated in Syria or with the Syrian government. This would include both military industries and the Russian energy sector. Since the Caesar Act already contains secondary sanctions authorities, its use against Russian entities could have had a powerful impact by now in both Syria and Ukraine.

The administration also could have done much more to support the growing effort by European courts to hold the Assad regime accountable for war crimes and other atrocities, especially by creating formal evidence-sharing mechanisms. They also could have supported the formation of an international tribunal on Syria in The Hague (as previous administrations did with the International Criminal Tribunal on Yugoslavia and the Special Tribunal on Lebanon that investigated the assassination of Rafiq Hariri). And President Biden could have instructed the Justice Department and FBI to prioritize investigations of the fate of U.S. citizens who have disappeared into Assad's jails.

As the distinguished war crimes prosecutor Ambassador Stephen Rapp has noted, the body of evidence of the war crimes of the Assad regime far exceeds the evidence presented against the leaders of Nazi Germany at Nuremberg. I have had the privilege of reviewing some of the evidence that Ambassador Rapp cited. I have seen Syrian regime internal documents showing Bashar al-Assad's direct personal ordering of actions that constituted war crimes, as well as internal regime documents

that show beyond any doubt that he was fully aware of the crimes his military, security, and militia forces were committing on a massive scale.

To coordinate these and similar initiatives, and to conduct the diplomacy required to implement them, the Biden administration could have appointed a senior diplomat with a direct line to the State Department's leadership. For whatever reason, the administration chose instead not to appoint a U.S. Special Envoy for Syria for the first time since 2014. The absence of a special envoy has not been lost on our allies, partners, and the Syrian people, all of whom have interpreted it as a sign of U.S. neglect.

The Cost of the Biden Administration's Inaction

These are but a few of the policy measures the Biden administration could have taken, at very low cost, to improve U.S. leverage in Syria, but did not. The administration instead has gambled that they could employ a policy of inaction without cost. It is now clear they have lost this bet. For President Biden's Syria policy, the risks of inaction have proven greater than the risks of action, as a recent letter by dozens of former officials and Syria experts, which I joined in signing, warned.¹

Having left a policy vacuum in Syria, the United States is now watching both our adversaries and our friends move rapidly with their own policies and plans, to the detriment of American interests.

One consequence is that the Middle East is now closer to the brink of war than at any time since 2006. In the past few days, the Iranian regime demonstrated that it can mount serious attacks against Israeli territory from Lebanon, Gaza, and Syria simultaneously, while also carrying out an extended series of attacks against US troops in eastern Syria. As a former military officer at CENTCOM, I have been disappointed to see the Biden administration employ neither diplomatic, military, nor economic means to deter Tehran's military aggression against us and our closest regional allies, or to deter Tehran from shipping plane loads of weapons into Syria under the cover of "earthquake relief." At times it has seemed instead that it is the Biden administration, and not the IRGC, that is deterred.

Meanwhile, on the political level, the Biden administration's inaction and mixed messaging in Syria has resulted in a wave of Arab capitals making the deeply misguided decision to begin normalizing their relations with Bashar al-Assad. The fact that the Arab states are doing so without Assad having altered any of his destabilizing behaviors or fulfilled any condition of the many international resolutions against him lays bare the American policy failure.

¹ See <https://www.dropbox.com/s/kctcqw3h9qsqof/Syria%20Policy%20Letter.pdf?dl=0>.

With the Caesar Act and other such authorities at their backs, it should have been simple for the Biden administration to forestall this wave of Arab capitulation to the 21st century's worst war criminal regime. After all, there is virtually no Arab government or entity that would put its access to the dollar at risk for the sake of the destitute, odious Syrian regime. But while the administration's press statements have echoed the same anti-Assad line as its predecessors, its actions have told a different tale. For more than two years the administration made almost no use of the Caesar Act or any other pressure tool, creating a regional perception that Washington had decided to discontinue sanctions against Assad, even as Congress expressed its opprobrium of Assad more consistently and universally than it has expressed itself on almost any other foreign policy matter.

On many occasions Biden administration officials have, in effect, encouraged the Arab capitals to normalize their relations with the Assad regime. They encouraged Syria's neighbors to include Assad in a regional energy deal and assured Arab and European capitals and the World Bank that the Caesar Act need not be a hindrance.

In the aftermath of the February 6th earthquake, the Biden administration hastily issued the overbroad general license 23, which punches a hole through the Caesar Act to allow transactions with the Assad regime's financial sector for six months. The Biden team rushed this general license into effect without assessing or mitigating the risk that the regime and its associates could abuse it; without any guardrails or enforcement mechanism whatsoever, including any measures that would stop the regime's longstanding practice of manipulating exchange rates to steal large portions of every wire transfer into the country; without any geographical restrictions, even though only the far northwest was heavily affected by the quake; without any input from the Syrian-American community or Syrian opposition, most of whom were shocked by the license; and without stopping to explain why it should allow virtually unrestricted transactions to Assad regime banks, not a single one of which operates in the most affected opposition-held territories along the Turkish border.

Meanwhile, the Assad regime, seeing a golden opportunity, has forced most international earthquake aid to flow through either the Syria Trust for Development, run by Bashar al Assad's kleptocrat wife Asma, or the Syrian Arab Red Crescent, much of which is an extension of the regime's security agencies.

According to regional sources, when Arab capitals, in the wake of the earthquake, queried senior Biden administration counterparts about potential U.S. reactions to normalization outreach to Assad, the administration's reply was not a red light, but a tacit green light: administration officials reportedly told Arab capitals that since they had decided to normalize with Damascus, they should bargain with Assad for better humanitarian access inside Syria. Senior administration officials also reportedly told Arab counterparts that they would prefer to see Assad restore normal relations with the Arab capitals than to see Russia broker a normalization deal between Assad and Turkey, since the latter would heighten the risk of a new Turkish attack against the US-allied Syrian Democratic Forces.

What Biden administration officials reportedly did not do was warn that restoring normal relations with Assad could incur U.S. sanctions if it involved economic relations of any kind. As a result, administration officials have created the impression that they wish to implement a normalization strategy toward Assad, but to do so by stealth, encouraging others to take the lead and create a situation that can be presented in Washington as a fait accompli, while declining to acknowledge their true intentions before Congress.

What Congress Must Do to Put U.S. Syria Policy Back on Track

U.S. policy concerning Syria has therefore reached a crucial point at which it is incumbent upon Congress to reiterate its intent, instruct the Executive Branch to enforce U.S. law, and amend the Caesar Act so as to ensure the law's implementation and leave no room for evasion or willful misinterpretation.

The Caesar Act should be amended, updated, and expanded. It should encompass more sectors of the Syrian economy that are connected to the regime. It should address the Syrian financial sector and stock exchange to deter private and public Gulf and Chinese capital from investing in Syria. The Act should also address the Assad regime's practice of expropriating the property of those they have killed or driven from their homes, and then trying to use that property for lucrative new developments for which they seek international investors. Congress should also make it easier for this committee to be able to nominate names for Caesar designation via a joint letter of the chairman and ranking member, as is already possible under the Global Magnitsky Act. Congress must also protect the Caesar Act by limiting the waiver and license authorities contained within it so as to prevent the kind of abuse of this license authority that we are seeing in the deeply damaging General License 23 of February 9th of this year.

Congress should also move quickly to pass the "No UN Aid for Assad Act," introduced by Congressman Wilson in the 116th Congress, or a similar bill cutting off all UN aid to Assad regime-controlled areas in Syria and redirecting it to areas outside of Assad's control unless and until the UN can actually enforce its own standards and procedures to prevent UN aid from being diverted to the Assad regime.

Concerning normalization, Congress must pass a bill to deter and disincentivize those countries that are normalizing relations with the regime. The bill should require the U.S. interagency to produce a strategy to counter normalization and should require CAATSA-like sanctions for countries who formally normalize relations with Assad. To clear up the highly damaging mixed signals the Biden administration unfortunately has been sending, either this bill or the amended Caesar Act should explicitly block the Arab gas pipeline initiative the administration misguidedly endorsed. The bill should at the same time explicitly clarify that any entity that services a sanctioned Syrian regime

airline, such as the services provided to Cham Wings at several regional airports including Dubai and Amman, is also violating U.S. sanctions.

To ensure the United States remains in the lead on this issue, Congress should also pass the provision that Congressman Wilson sponsored in last year's National Defense Authorization Act which prohibits the U.S. government from recognizing Bashar al-Assad as the President of Syria or recognizing his regime as the legitimate government of Syria.

Congress should use its oversight power, including the foreign affairs committee's oversight over sanctions, to examine the current administration's lack of enforcement of the Caesar Act and other Syria-related sanctions authorities, as well as its tacit green-lighting of normalization efforts by the Arab countries. Congress should also use its oversight power to examine what the administration is doing to fully implement the Captagon Act sponsored by Congressman French Hill and passed as part of 2022 NDAA and to judge how that act might be expanded or enhanced in 2023 to accelerate the collapse of Assad's narcotics empire. It is impossible for the United States or anyone else to normalize with a narco-state, and Congress must keep up the pressure on this issue.

Finally, Congress should press the Justice Department to mount a criminal accountability effort as the European justice ministries are currently doing.

Conclusion: Why "Normalizing" the Assad Regime is Deeply Unrealistic

For American interests, it is not sufficient for international capitals to decide they no longer wish to leave Assad isolated. The United States has longstanding problems with the Assad regime, some of which have existed for more than two decades. Even before 2011, the United States sought to isolate Bashar al Assad and his regime for their sponsorship of terrorism, human rights abuses, proliferation of weapons of mass destruction, wrongful detention of Americans, narcotrafficking, material support to the Iranian regime, and their warlike hostility to all their regional neighbors. In addition, four U.S. presidential administrations have sought to organize international pressure on Assad for defying UN Security Council Resolutions on Lebanon, Iran, terrorism, and counterproliferation. The United States cannot establish normal relations with the Syrian regime, and should not support others to establish normal relations, without resolving these grave problems with the Assad regime's behavior and nature.

Some of the governments exploring normalization deals with the Assad regime argue that they are doing so out of pragmatism, that since Assad has not been deposed after twelve years of war, restoring normal relations with him and his regime is mere realism. Some Arab capitals add the argument that the Arab countries should offer Assad material incentives to distance himself from the Iranian regime and Russia. But these rationales are themselves highly unrealistic. The world has seen enough of the Assad regime to know that it will never, as it is currently constituted, change its behavior

either inside or outside Syria, and it will make no concessions of any kind unless under irresistible pressure.

Some of us who work on the Middle East have done so long enough to remember the multiple times in the past when normalizing Bashar al-Assad was tried and spectacularly failed. When I hear Arab leaders or other officials pitch normalization today, I immediately have vivid memories of the assassination of Rafiq Hariri in 2005, followed by international pressure, followed the blackmail of the 2006 Lebanon War, followed by the gradual erosion of international pressure, and culminating with the failures of the Annapolis Conference and the Riyadh-Damascus normalization initiative. I, for one, see no reason for the world to sit through that movie yet again, hoping in vain for a different ending.

We have also seen enough of the Syrian people to know that the more than half of them that oppose Assad will never accept living under his rule again. Assad has killed almost a million Syrians, yet they continue to resist him to a degree he must not have imagined possible when he began killing them in 2011. After twelve years of conflict, it is more telling that Assad has failed to defeat the opposition than that they have failed thus far to remove him from power. The fundamental reality in Syria is that Assad can never win.

What Syrians see in Damascus is a failed state whose institutions and economy are in free fall. The real Syria today is not a state where Assad hosts visiting dignitaries, but one in which average Syrians face starvation while a kleptocratic elite lives in conspicuous luxury. To Syrians, normalization policies that assume Assad has a guaranteed future or the ability to stabilize the entire country are preposterous and irrelevant, having no bearing whatsoever on Assad's credibility with many millions of Syrians, which is gone forever.

The simple facts are that Syrians who have rejected Assad's legitimacy for a dozen years will continue to do so *ad infinitum*, while Assad's own state is a mere shell that cannot be restored. The most unrealistic approach to Syria, therefore, is to imagine that Assad can turn back the clock to 2010, or that his rule is guaranteed to last for the long term.

To Syrian eyes, the facts warrant the world powers changing their Syria policies and arriving at an approach that might actually work. I urge Congress to lead the way for the entire international community by restoring, enhancing, and compelling the implementation of the pressure policy you originally encapsulated in the Caesar Act. It is quite literally the only possible solution to the Syrian tragedy.

Mr. WILSON. Mr. Rayburn, thank you very much for your testimony.

We now recognize Mr. Lord for his opening statement.

STATEMENT OF JONATHAN LORD

Mr. LORD. Chairman Wilson, Ranking Member Phillips, distinguished members of the subcommittee, thank you for the opportunity to testify before you today. I'd like to congratulate Ranking Member Phillips on his new role on the subcommittee.

It is in the same spirit of service and bipartisanship by which this committee does its business that I carry on my work as the Senior Fellow and Director of the Middle East Security Program at the Center for a New American Security.

As a policy, CNAS does not take any institutional position so my testimony today reflects my personal perspectives.

Before joining CNAS last summer I proudly served as a professional staff member of the House Armed Services Committee for three and a half years. From just down the stairs I worked closely with the members and staff of this committee in a bipartisan fashion to pass three National Defense Authorization Acts, which Congress reauthorized support to train and equip America's partners in northeast Syria to defeat ISIS, required comprehensive strategy documents on Syria policy from two presidential administrations, and carried the Caesar Syria Protection Act of 2019.

Today, I'm honored to testify alongside Joel Rayburn, with whom I had the privilege of serving in government. Joel has a long and distinguished record of service to this country both in and out of uniform.

I must also acknowledge the gentleman that joins us virtually today. The Gravedigger has borne witness to the unspeakable horrors that Assad unleashed upon the men, women, and children of Syria.

He shoulders the burden of reliving these horrors so the world can know and hold Assad accountable for the crimes he has perpetrated. I am humbled to testify beside him today.

Throughout the Syrian conflict Assad and his forces, abetted by Russia and Iran, plumbed the depths of the formerly unimaginable to terrorize, brutalize, and murder hundreds of thousands of Syrians. Thirteen million Syrians have fled beyond Syria's borders or are internally displaced within Syria itself.

These many Syrian refugees and IDPs live in terrible conditions without consistent access to basic services. As if fate had not dealt the Syrian people a cruel enough hand the earthquake on February 6th left 50,000 dead in Turkiye and over 7,000 Dead in Syria. Over 10,000 more Syrians were injured.

Thousands of children—thousands of children—were left homeless in February in winter. The earthquake immediately elevated Syria's urgent humanitarian crisis to unprecedented levels. The chaos and devastation in Turkiye worsened the situation further as the primary avenue for humanitarian aid into Syria was itself now a disaster zone. To rush assistance to the Syrian people on February 9th the Biden administration issued Syria General License 23, which authorized for 180 days support related to the earth-

quake that would have otherwise been forbidden under U.S. sanctions.

GL23 enabled private entities and foreign governments to engage in disaster assistance and provided assurance to financial institutions that in over compliance might have avoided supporting or underwriting humanitarian efforts that are otherwise exempted from sanctions.

GL23 has reportedly had a positive impact on efforts to support disaster relief in Syria by, in one example, enabling crowdfunding sites to support relief efforts, an activity that was previously precluded by U.S. sanctions policy.

The Assad regime for decades has persisted under an array of withering U.S. sanctions. Undeterred and unwilling to cede power, Assad has sought new avenues of illicit income to support his patronage networks and to prop up his regime.

Over the last five years, Assad has transformed his regime into one of the world's most prolific producers and distributors of the methamphetamine Captagon. It is estimated that in 2022 alone Assad's narco trafficking was worth \$10 billion.

The U.S. and European partners continue to identify and sanction those involved with Assad's narcotics business with the United States and United Kingdom having designated new culprits just last month.

Assad has flooded the Middle East with Captagon, causing havoc throughout the region. Having been the arsonist, he now seeks to play the role of firefighter by holding Captagon distribution as a coercive tool over the governments of Jordan, UAE, Saudi Arabia, and others in an effort to compel them to restore relations with him. His strategy has begun to bear fruit.

This all begs the question what is the U.S. government's vision for the future of Syria. The challenge of Syria policy is that the prioritization of any one U.S. objective seems to come at the perceived expense of others.

That alone would make the process of strategy development challenging but there's an added complication here in Washington—politics. Any policy decision that advances one priority at the perceived cost of another is met with almost reflexive criticism.

Politicization of the policy debate leads to the ossification of policy and risk avoidance to the detriment of responsive, realistic, and effective U.S. foreign policy. To end the paralysis of U.S. strategy on Syria and to best serve the American and Syrian people the U.S. government needs a vision and strategy for Syria that transcends partisanship.

Legislators and policymakers must come together to make hard but necessary choices to prioritize objectives and then match those objectives with the appropriate authorities, activities, and resources—in essence, join hands and jump together.

My written testimony includes some framing principles that might help clarify U.S. objectives for Syria and enable policymakers and legislators to chart a new course. The region is thirsty for a comprehensive vision for Syria from Washington.

If it can provide that I suspect we'll begin to see America's regional partners fall in line behind us. Working together, our elected officials can hold Bashar Al-Assad accountable for his crimes, re-

duce the presence and capacity of the U.S.' global and regional adversaries, provide critical support and opportunity to the current and future generations of Syrians, neutralize the recurring threat of violent extremism that festers and thrives through instability, and restore the United States' role as a leader and partner of choice in the Middle East region, all in service to the American people.

Thank you, and I look forward to your questions.

[The statement of Mr. Lord follows:]



APRIL 18, 2023

TESTIMONY BEFORE THE HOUSE COMMITTEE ON FOREIGN AFFAIRS

Hearing on 12 Years of Terror: Assad's War Crimes and U.S. Policy for Seeking
Accountability in Syria

Congress' Vital Role in Developing a Lasting, Sustainable, and Bipartisan, U.S. Strategy for Syria

BY

Jonathan Lord

*Senior Fellow and Director, Middle East Security Program
Center for a New American Security*

I. Introductory Remarks

Chairman Wilson, Ranking Member Phillips, distinguished members of the subcommittee:

Thank you for the opportunity to testify before you today. If I may take a moment of personal privilege, I would like to congratulate Ranking Member Phillips on his new leadership role on the Subcommittee. Sir, I wish you continued courage, wisdom, and patience—qualities I know you to possess—so that you may continue the challenging and crucial work as a leader of this subcommittee to provide oversight of U.S. foreign policy, and to contribute to its implementation and success through thoughtful debate and legislative action. I wish for your success, as I wish it for Chairman Wilson, in the manner best befitting the tradition of this committee: with comity and bipartisanship. The policy challenges before this subcommittee are deeply complex—the case of Syria is but one example—and will require its level-best effort, with all members and staff working together to advance and support U.S. interests.

It is in that same spirit of service and bipartisanship, that I carry on my work as the Senior Fellow and Director of the Middle East Security program at the Center for a New American Security (CNAS). As a policy, CNAS does not take institutional positions, so my testimony today will reflect my personal positions and perspectives, based on my professional experience.

While I have been at CNAS for about nine months, some of you and your staff might know me better from my previous role. For 3.5 years, I proudly served the members of this House as a Professional Staff Member of the House Armed Services Committee. In that capacity, I worked closely with the members and staff of this committee in a bipartisan fashion to pass three National Defense Authorization Acts, in which we, together, reauthorized support to train and equip America's partners in northeast Syria to defeat ISIS, required comprehensive strategy documents on U.S. policy in Syria from two presidential administrations, and carried the Caesar Syria Protection Act of 2019, which imposed sanctions on those who provide material support to Bashar al-Assad's murderous regime, while codifying exemptions to support the continued flow of humanitarian aid to the Syrian people, who have endured unspeakable suffering and hardship.

I am proud of the work we accomplished in those bills, and even prouder of the way we achieved it: working together, in a bipartisan way, in faithful service to the American people. I'll always be grateful for the opportunity to have done so. I am proud to have served the members of this, "the People's House." While I have been in hearing rooms like this one many times, I've almost always been seated on that side of the dais. So, I hope you'll understand both my excitement and anxiety today, as this is my first time appearing in this capacity. That might also explain the presence of my loving family and supportive colleagues. Words can't convey how grateful I am to them for their love and support.

Today, I am honored to be testifying alongside my former colleague Joel Rayburn. Joel has a long and distinguished record of service to this country, both in and out of uniform. I had the honor of serving in government with Joel. While he was a senior official working on Middle East policy within the National Security Council and the Department of State, with responsibility over the entire Middle East, I served as an Iraq country director in the Office of the Secretary of Defense, during the tenure of Secretary Mattis. Together, we've worked on, wrestled with, and debated the vexing, seemingly intractable issues of Middle East policy for years—not always agreeing—but always with respect for each other and the complexity of the challenges.

I also must acknowledge the gentleman that sits alongside Joel and me today. The man, known to us only as "The Grave Digger," has borne witness to the unspeakable horrors that Assad unleashed upon the men, women, and children of Syria over the course of Syria's civil war, which now stretches into its 12th year. He shoulders the burden of re-living these horrors, time and again, so the world can know and hold Assad accountable for the litany of crimes



he has perpetrated against his own people, and all humanity. I am humbled to testify beside “The Grave Digger” today, as he recounts horrors that we should hope never to see in our worst nightmares, let alone our waking lives.

II. Where We Are

A Crowded Field of Forces

In 2018, then-Secretary of Defense James Mattis described Syria as “the most complex security situation [he’s] seen” in his 40-year career.¹ The situation in Syria has not grown any simpler in the period since. At present, there remain no fewer than six nations’ militaries actively conducting operations within Syria’s borders: the United States, Iran, Russia, Turkey, and Israel, and the military of the Assad regime itself. Additionally, there are a handful of sub-state forces that exist as either proxies or partners to outside nations:

1. The Turkish-backed “Syrian National Army” (SNA),
2. the U.S.-supported partners against ISIS: the Syrian Democratic Forces (SDF) and Magaweir al-Thawra (MAT)²,
3. Lebanese Hezbollah and other Iran-backed militias from Iraq, such as Kataib Hezbollah (KH), Asaib Ahl al-Haq (AAH), Kataib Sayid Shuhada (KSS), and Harakat al-Nujaba (HAN).

Finally, there are additional militia, insurgent, or terrorist forces that are, or have been historically-linked to Al-Qaida, including the Islamic State in Iraq and Syria (ISIS), Hurras al-Din (an Al-Qaida offshoot), and Hayat Tahrir al-Sham (HTS), which has renounced Al-Qaida’s ideology and its previous affiliation, and currently governs the region of Idlib, fighting the regime and working to contain or destroy various Al-Qaida-associated forces that challenge it.³

All these forces operate in Syria in pursuit of various ends, some of which are parallel to each other, while others are diametrically opposed.

- Approximately 900 U.S. troops operate in Syria specifically to target Al-Qaida and ISIS, and to provide support to the SDF and MAT to do the same. The SDF conducts clearance of territory against ISIS, while also guarding approximately 10,000 ISIS fighters who are housed in make-shift detention centers in northeast Syria. The SDF is also responsible for security at the al-Hol camp for internally displaced persons (IDPs).
- Russian forces have fought for and bolstered the Assad regime through the Syrian civil war, shamelessly and criminally targeting Syria’s civilians regularly. Russia’s patronage and support to Assad have benefited Russia strategically, as it maintains a naval facility at the Syrian port of Tartus, Russia’s only naval facility outside the former Soviet Union, as well as the Hmeimim Airbase.
- Iran and its proxies in Syria have at times worked to bolster and arm Assad’s military, fight against ISIS, and similar to Russia, fight alongside and support Assad’s forces in the civil war. Iran has also used its presence and proxies in Syria for its broader, regional strategic objectives of creating a “line of communication” (GLOC) from Iran, through its proxies in Iraq and Syria to Lebanon, facilitated by Iran’s Islamic Revolutionary Guard Corp-Qods Force (IRGC-QF). This LOC has moved weapons and materiel through the region, in large part to encircle and target Israel with rockets, ballistic missiles, and loitering munitions. While Iran has held Israel under threat from southern Lebanon for decades, it may increasingly be seeking to

¹ Transcript of “Defending the Nation with Secretary James Mattis,” Hoover Institution, May 14, 2018, <https://www.hoover.org/research/defending-nation-secretary-defense-james-mattis>

² The SDF is comprised of both Syrian Arab militia and the Syrian Kurdish People’s Protection Units (YPG), which operates primary in northeast Syria. Turkey is hostile to the YPG, which it considers the Syrian branch of the Kurdistan Workers’ Party (PKK) a Kurdish separatist movement which is designated as a foreign terrorist organization by Turkey and the United States. The MAT is comprised of Syrian Arabs and operates primarily in the vicinity of the U.S.-military controlled Al-Tanf Garrison (ATG), further south and close to the Syrian-Iraq-Jordanian border.

³ For an in-depth study of these groups, their history, and their presence in Syria, please see “Containing Transnational Jihadists in Syria’s North West,” International Crisis Group, March 7, 2023, <https://www.crisisgroup.org/middle-east-north-africa/middle-east/iraq-syria/239-containing-transnational-jihadists-syria>



open an additional front against Israel from southern Syria. Just this month, it was reported that a drone shot down over Israel was launched from southern Syria by Iran-backed forces.⁴ These Iran-supported militias periodically target U.S. forces in northeast Syria with rockets and loitering munitions. One such recent attack last month killed a U.S. contractor and wounded six U.S. servicemembers.

- Israel regularly conducts airstrikes on Syrian military facilities that house IRGC-QF and its proxies that are engaged in the production or distribution of weapons to Lebanese Hezbollah. Israel dubs this activity “the war between the wars,” and its purpose is to throttle the offensive capabilities of Iran and its terrorist proxies, which operate near Israel’s borders.
- Turkey has conducted multiple military operations of its own and through its SNA partner on the ground. Turkey periodically strikes YPG forces, which it deems a terrorist threat, though those forces are largely engaged and partnered with the U.S. to subdue the ISIS threat. Turkey sees a Kurdish YPG military presence on its border as a greater threat, so it has launched multiple ground offensives into northern Syria to disrupt Kurdish control of that territory. It also maintains a series of military outposts around Idlib in an effort to preserve HTS’ local control and to have a point of leverage against Assad and Russia.

The ISIS Threat Looms

Despite the destruction of ISIS’s physical caliphate, it continues to present a low-level insurgent threat in Iraq and Syria. A new generation of ISIS fighters and ideological adherents are currently incubating in the makeshift detention facilities and displaced persons camps in northeast Syria. ISIS has worked to free its fighters from detention, while working to indoctrinate displaced Syrian youth that languishes in the deplorable condition of the al-Hol IDP camp. The SDF’s ability to conduct operations against ISIS is subject to disruption by Turkish military operations, which have targeted YPG forces and leaders operating within the SDF.⁵

A Humanitarian Catastrophe Compounded

It is difficult to overstate the tragic and persistent conditions of life in Syria. Syrians lived in fear of the barbarism and authoritarianism of the Assad regime well before the outbreak of the civil war. The conflict, which began in 2011, and though largely stalemated, continues to this day. Assad and his forces, abetted by Russia and Iran, plumb the depths of the formerly unimaginable to systematically terrorize, brutalize, and murder Syrians. The terror campaign, wrought by Assad, was further compounded by the second act of ISIS that enjoyed a thankfully abridged, but similarly horrible reputation for brutalizing those living under its rule. The UN Human Rights Office has estimated that over 300,000 Syrians have been killed through the course of Syria’s civil war. Fleeing death from the war, 13 million Syrians are either refugees beyond Syria’s borders, or internally displaced within Syria. These many Syrian refugees and IDPs live in terrible conditions without consistent access to basic services.⁶

On top of the war, the COVID-19 pandemic impacted thousands of Syrians, putting unrelenting strain on health services that were largely targeted and destroyed by Assad, who in his campaign against his people, actively targeted healthcare workers and facilities, causing 70 percent of Syria’s healthcare providers to flee the country.⁷ In addition to the pandemic, the general absence of adequate health and social services, compounded by horrible living conditions, has led to emergent public health crises like outbreaks of polio and cholera, and creeping pernicious ones, like

⁴ Josef Federman, “Israel: Iran was being drone incursion from Syria,” Associated Press, April 3, 2023, <https://abcnews.go.com/International/wireStory/israel-iran-drone-incursion-syria-99320731>.

⁵ For more information, please see “Operation Inherent Resolve Lead Inspector General Report to Congress, October 1, 2022–December 31, 2022,” <https://media.defense.gov/2023/Feb/07/2003187209/1/17/LEAD%20INSPECTOR%20GENERAL%20FOR%20OIR.PDF>.

⁶ “Eleven years on, mounting challenges push many displaced Syrians to the brink,” UNHCR, March 15, 2022, <https://www.unhcr.org/en-us/news/briefing/2022/3/623055174/eleven-years-mounting-challenges-push-many-displaced-syrians-brink.html>.

⁷ Amrany Gaddour and Kat Fallon, “Covid-19: Compounding 10 Years of Health Crises in Syria,” CSIS, February 18, 2021, <https://www.csis.org/analysis/covid-19-compounding-10-years-health-crises-syria#text=just%20as%20the%20pandemic%20took%20root%20in%202000%20percent%20in%20August>.



increased mortality from otherwise manageable diseases like diabetes and preventable conditions like child malnutrition and violence against women.

As if fate had not dealt the Syrian people a cruel enough hand, on February 6, an earthquake struck Turkey and Syria, leaving 50,000 dead in Turkey and over 7,000 dead in Syria. Over 10,000 more Syrians were injured. Thousands of children were left homeless—in February—the winter.⁸ The earthquake immediately elevated Syria's urgent humanitarian crisis to unprecedented levels. The chaos and devastation in Turkey worsened the situation further, as the primary avenue for humanitarian aid into Syria was itself now a disaster zone. In an effort to rush assistance to the Syrian people, on February 9, the Biden administration issued Syria General License (GL) 23. GL 23 authorized for 180 days the provision of relief related to the earthquake that would have otherwise been forbidden under the U.S. Syrian Sanctions Regulations. The GL enabled private entities and foreign governments to engage in disaster assistance and provided assurance to financial institutions that due to overcompliance, might still avoid supporting humanitarian efforts that are otherwise exempted from sanctions.⁹ GL 23 has reportedly had a positive impact on efforts to support disaster relief in Syria, by in one example, enabling crowdfunding sites to gather funds for relief efforts that were previously blocked, in compliance with U.S. sanctions policy.¹⁰

Assad, Long-Sanctioned, Persists

The Syrian Arab Republic has been on the U.S. list of state sponsors of terror since the list was first created in 1979. The United States sanctioned the Assad regime in 2004, under the auspices of the Syria Accountability Act, restricting the export of most U.S. goods to Syria. More sanctions followed in 2008 that banned the export of U.S. services to Syria and banned U.S. investment and import of Syrian petroleum. When Assad opened fire on his people in 2011, the United States levied sanctions, designating the human rights abusers. These designations continued in 2012, and additional sanctions were levied on those attempting to evade sanctions. In 2019, Executive Order 13894 authorized sanctions on any Syrians or foreign actors that were preventing, disrupting, or obstructing a political solution to the conflict. In 2020, after becoming law as part of the Fiscal Year 2020 NDAA, the Caesar Syria Civilian Protection Act came into effect, authorizing sanctions on a broad range of actors that provide material support to the regime.¹¹

The sanctions regime put in place by the United States effectively isolated Assad's regime from access to the world's banking system entirely. Undeterred, and unwilling to cede power, Assad has sought new avenues of illicit income to support his patronage networks and to prop-up his regime. Over the last five years, Assad has transformed his regime into one of the world's most prolific producers and distributors of the methamphetamine narcotic, Captagon. It is estimated that in 2022 alone, Assad's narco-trafficking was worth \$10 billion. The United States and European partners continue to identify and sanction those involved with Assad's narcotics business, with the United States and United Kingdom imposing fresh sanctions on Syrian regime and Lebanese Hezbollah members as recently as last month.¹²

Assad has flooded the Middle East with millions of Captagon pills, causing havoc throughout the region. Having been the arsonist, he now seeks to play the role of firefighter, by holding Captagon distribution as a coercive tool over the governments of Jordan, UAE, and Saudi Arabia, in an effort to compel them to restore relations with him. His strategy has begun to bear fruit. In February, Jordan's foreign minister visited Assad in Damascus, his first visit there since the start of the civil war.¹³ Assad has visited Oman and UAE. His foreign minister just this month was hosted by

⁸ "Post-Quake Syrian Arab Republic: A wake-up call and a time for action," UN Economic and Social Commission for Western Asia, February 21, 2023. <https://reliefweb.int/report/syrian-arab-republic/post-quake-syrian-arab-republic-wake-call-and-time-action-enar>

⁹ "Guidance on Authorized Transactions Related to Earthquake Relief Efforts in Syria," Office of Foreign Assets Control, U.S. Department of Treasury, February 21, 2023. <https://ofac.treasury.gov/media/931236/download?inline>

¹⁰ Issie Lapowsky, "Syrians need help. Donors want to give. And GoFundME is caught in the middle," Fast Company, February 16, 2023. <https://www.fastcompany.com/90891213/why-gofundme-suspended-fundraising-campaigns-for-victims-of-the-earthquake-in-syria-in-jordan>

¹¹ "U.S. Relations with Syria," U.S. Department of State, January 20, 2021. <https://www.state.gov/u-s-relations-with-syria/>

¹² Caroline Rose, "Can US-UK sanctions dismantle Syria's drug industry?" Al Jazeera, March 31, 2023. <https://en.majalla.com/node/288986/politics/can-us-uk-sanctions-dismantle-syrias-drug-industry>

¹³ Celine Alkhalid, "A Little-known drug brought billions to Syria's coffers. Now it's a bargaining chip," CNN, April 11, 2023. <https://www.cnn.com/2023/04/10/middleeast/syria-drugs-bargaining-chip-mime-intl/index.html>



his Egyptian counterpart in Cairo. It is now being reported that Saudi Arabia, too, is taking steps to restore relations with Assad.¹⁴

III. Where We Might Go

This all begs the question: what is the U.S. government's vision for the future of Syria? In a 2019 report on U.S. policy options for Syria, two of my CNAS predecessors referred to Syria as a "Rubik's Cube." I think the metaphor is apt. The challenge of Syria policy is that the prioritization of any one U.S. objective seems to come at the perceived expense of others. That alone would make the process of strategy development challenging, but there is an added complication here in Washington: politics. Any policy decision that advances one priority at the perceived cost of another is met with almost reflexive criticism. Politicization of the policy debate leads to the ossification of policy and risk-averse behavior—to the detriment of a responsive, adaptive, and realistic policy. To best serve the American and Syrian people, the U.S. government needs a vision and strategy for Syria that transcends partisanship. To achieve this, I recommend members and staff of both parties from this committee and Senate Foreign Relations come together with the administration to collaboratively reach agreement on a policy framework that matches the tools in the U.S. foreign policy toolkit with objectives that are achievable, and together, move out in pursuit of them.

I would like to offer you some framing principles that might help clarify possible U.S. objectives for Syria and enable policymakers and legislators to chart a new course together:

Syria in the Context of U.S. Global Strategy

If we step back and consider the relevance Syria has in the context of the U.S. National Defense Strategy, which identifies China as the "pacing challenge" and Russia as "an acute threat", what about Syria is relevant? From this frame, the most pressing fact about Syria is that it enjoys close ties to Putin's regime and provides Russia with a strategic warm-water port on the Mediterranean Sea, the Russian navy's only facility outside the former Soviet Union. We might consider how the United States might work to push the Russians out of Syria or impose costs on its military presence and relationship with Assad. This would serve U.S. global national security objectives and might create new opportunities relevant to Syria's own future. What might become possible in Syria if Assad no longer enjoyed the support of Russia or Russia's military presence, or even a reduced level of support? How might that then alter Turkey's calculus in dealing with Assad and Putin?

Syria in the Context of the Region

As an actor in the region, Assad, cornered and isolated, has worked assiduously to make himself an even greater threat to regional peace and stability. He has used his narcotics trafficking to sustain himself financially, and as a geo-political weapon to coerce his neighbors toward reintegrating him. What tools and authorities might the United States consider using to assist partners in neutralizing the threat Assad poses through narcotics? What technologies might we be currently using or developing elsewhere in the region to advance surveillance and interdiction operations, and how might the United States place itself in the center of these partners as a convenor in the face of the mutual threat emanating from Damascus?

Like with Russia, Assad has benefited from the support of Iran in exchange for providing it and its proxies broad access to key terrain. Iran's presence has expanded the "ring of fire" around Israel and brought U.S. troops under greater threat as they execute the defeat-ISIS mission in northeast Syria. What tools and authorities might we consider to further enable our strategic partner Israel to disrupt or neutralize the Iranian-backed threat squatting in Syria?

¹⁴ William Roebuck, "Chronicle of a Normalization Foretold: Saudi Arabia and Syria Ease Toward Restoring Ties," The Arab Gulf States Institute in Washington, April 11, 2023. <https://agsiw.org/chronicle-of-a-normalization-foretold-saudi-arabia-and-syria-ease-toward-restoring-ties/>



While the U.S. sanctions regime has very effectively isolated Assad, he has resisted the west's efforts to see him removed through a diplomatic process or be held to account for his crimes against his people. What might the United States consider doing to further challenge Assad? Idlib continues to resist Assad and his forces. Are there opportunities to revisit U.S. policies with respect to HTS that might make northwest Syria more resilient in the face of Assad's forces, while better enabling humanitarian aid to reach its residents? What more might the United States be doing with local Syrians and civil society organizations to improve the lives of everyday Syrians while reinforcing their vision for a Syrian future free from Assad's tyranny? How might the United States actively support international efforts to investigate and prosecute regime and Russian crimes against Syria's people?

Identify and Pursue Sustainable Objectives Against ISIS

The U.S. military presence in Syria under Operation Inherent Resolve begs strategic review. While U.S. forces have worked effectively to rush training and equipping support to the SDF to address the emergent threat of ISIS, U.S. forces and resources have not been directed toward creating lasting and sustainable partner capacity to enable the partner force to soldier-on independently. The status-quo in Syria is predicated on the presence of U.S. troops. The history of U.S. military engagement throughout U.S. Central Command compels us to consider how the U.S. military enters conflict to defeat threats in fragile states, works with partners to defeat those threats, and the specific activities the military undertakes before the mission ends to obviate the need for its return.

Under present conditions, were U.S. forces to leave northeast Syria, the SDF would no longer be suffered to exist by its neighbors, and ISIS, already working to regenerate its forces, would likely resurge and seek to fill the vacuum. Considering this, the U.S. has two possible approaches: it can either work to change the conditions in northeast Syria, such that the defeat of ISIS can be perpetuated after the U.S. military leaves or continue on the current trajectory in Syria to extend the timeline, while working to build the military capacity and resilience of regional partner states to contain ISIS when the status quo in northeast Syria eventually breaks.

There are things the United States might consider doing in parallel, prioritizing the first outcome, while preparing for the second. How might the United States, with support from allies and partners, bring Turkey and the PKK to the negotiating table? A restoration of a ceasefire, the last one having collapsed in 2015, would relieve pressure on the SDF and allow it to operate continuously against ISIS. What greater resources might the United States bring to bear to further stabilize northeast Syria, while working to defuse the powder keg currently in the al-Hol IDP camp and the detention facilities holding ISIS fighters? What activities might the U.S. military, under the auspices of Operation Inherent Resolve, or under other security assistance or cooperation authorities, employ to build lasting and sustainable capacity in the Iraqi security forces, in order to prevent a future collapse similar to the one it suffered in 2014, should ISIS resurge?

Bring It Together, Lead from the Front

To end the paralysis of U.S. strategy in Syria, legislators and policymakers can come together to make hard but necessary choices to prioritize objectives, and then match those objectives with the appropriate activities, authorities, and resources. In essence, join hands and jump together. The region is thirsty for a comprehensive vision for Syria from Washington. If it can provide that, muscularly asserting itself and re-engaging in clear pursuit of vital U.S. national interests, I suspect we will begin to see America's regional partners fall-in behind us. Working together, with trust, patience, and humility, we can hold Bashar al-Assad accountable for his crimes, reduce the regional presence and capacity of the U.S.'s global and regional adversaries, provide dignity and a future for the current and future generations of Syrians, neutralize the recurring threat of violent extremism that festers and thrives through instability, and restore the United States' role as a leader and partner of choice, all in service of the American people.



Mr. WILSON. Thank you, Mr. Lord.

I now recognize myself for five minutes of questioning, and for the benefit of my colleagues I will stick with five minutes. So please begin because I can't wait to hear.

I'm so grateful to have the participation we have today. This is very meaningful to have as many members of Congress come. That shows affection, truly, for the people of Syria, and my appreciation of the people of Syria is personal.

I'm very grateful that in my home community of South Carolina we have a very dynamic Syrian-Lebanese community and they are so appreciated and they've been so successful. Also, one of the most meaningful experiences of my service in Congress was to visit a refugee camp of Syrians who fled oppression.

It was inspiring to meet with enterprising and talented men, women, and children who want to be free. And Mr. Rayburn is correct that the people of Syria will prevail and we have a circumstance with almost half of the people of Syria being displaced, over 4 million refugees. The American people need to know that, how the people truly have responded, sadly, by having to leave their country.

With that, Gravedigger, how does the Assad regime continue to intimidate Syrians who fled Syria?

GRAVEDIGGER. Bashar Al-Assad continues to terrorize those that have fled Syria and those that are internally displaced by ensuring that he constantly shows that by arresting their loved ones, by not giving them any information about what's happened to them, by Syrians—by putting out laws as well that confiscate their properties if they left the country and by the fact that everyone in the world from the Syrians that have escaped know what happens to those that are arrested by the Assad regime.

And so the pictures of torture and the machinery of death that goes on there is exactly what the Syrian people know can happen to them if they go back in. Thank you.

Mr. WILSON. And as I mentioned in my opening remarks comments made by Barbara Leaf that if Arab countries intend to normalize with the Assad regime they should, quote, "Get something for that," end of quote, having been a witness to the extraordinary atrocities committed by the regime how do comments like that mean to you? Additionally, how is the Arab world's normalization with the Assad regime viewed by the people of Syria?

GRAVEDIGGER. But I had the honor of meeting Assistant Secretary Barbara Leaf on my last visit here and during my time with her I expressed to her and showed her what the Assad regime has done and she was very supportive. She actually cried in that meeting with us and we—and I cried as well because we were recounting some horrific things.

But the statement that the—this administration has said is different from the previous both Republican and Democratic administrations in terms of saying that we would normalize with Assad if there's a political advancement or not condemning publicly the—not condemning publicly the normalization with the Assad regime, and as far as the Syrian people are concerned they see it as a betrayal of the Syrian people, of the countless lives lost and the mil-

lions displaced and the millions injured and in prison, and a betrayal by the leadership of these Arab countries.

But they believe in these Arab countries that they can come back and stand with the Syrian people as they've done before, not normalize with their dictator.

Mr. WILSON. And that's certainly encouraging.

Mr. Rayburn, the recent broad, quote, "General Licenses" issued for earthquake relief impaired the administration's ability to ensure humanitarian assistance reaches the intended people who are in need and does not intentionally support the Assad regime.

What is your view about that?

Mr. RAYBURN. Well, I think General License 23 issued after the earthquake was hasty. It was too broad. It was a solution in search of a problem because we already have a robust humanitarian license process that could have been used.

It needlessly punched a hole in the Caesar Act enforcement and for six months, way too—far too long a period for immediate recovery from immediate earthquake relief.

The administration did it without a proper examination of the risks involved in opening up financial transactions to Assad's financial system without any guard rails such as the repatriation of Captagon revenues, which could be happening now under cover of earthquake relief.

There was no definition of what constitutes earthquake relief so it could be anything. It was a self-activating license, which means that anyone who asserts that they have the right to do it can go ahead and do it without any preauthorization or vetting.

There also wasn't an explanation—it was too broad in that it covered all of Syria when only a small corner, mostly of opposition-held Syria, was affected and there was no explanation of how sending—wiring money to the Assad regime's financial system was going to benefit the victims of an earthquake that are in opposition-held territories where not a single one of the regimes banks or financial institutions operates.

It was also done without any consultation with the Syrian-American community or the Syrian opposition who were shocked at what happened.

Mr. WILSON. Well, your clarity is shocking itself. So thank you for bringing that to attention.

And, additionally, Mr. Rayburn, the Biden administration appears hesitant to fully implement and enforce the sanctions required under the Caesar Act.

This hesitancy extends to both primary sanctions targeting the Assad regime and secondary sanctions targeting foreign entities that support the regime. Has the administration's failure to enforce the act had a negative impact on the potential for justice and accountability in Syria?

Mr. RAYBURN. It absolutely has because it signaled to the region and to Syrians and to the rest of the world that the United States is not serious about imposing costs on the Assad regime for its behavior.

It's also undermined the major leverage that the United States and our allies have had, the economic pressure that we should have been imposing.

Mr. WILSON. Thank you very much.

We now proceed to the ranking member, Dean Phillips.

Mr. BURCHETT. Mr. Chairman, could I make a parliamentary inquiry?

Mr. WILSON. Yes.

Mr. BURCHETT. There was a little bit of delay because of the translator and I was wondering if maybe my dear friend, Mr. Phillips, would allow you—you could have a minute of my time.

Mr. WILSON. No. No. Yeah. No. No. No. No.

Mr. BURCHETT. Okay.

Mr. WILSON. I'm very—

Mr. BURCHETT. Okay. I'm sorry. All right.

Mr. WILSON. No. No. You—hey, you see, people from Tennessee are very thoughtful. It's hard to—it's hard to imagine, but no, hey—no, no, no. Hey, I'll be happy to proceed. Okay.

Mr. PHILLIPS. And people from Minnesota are passive aggressive. [Laughter.]

Mr. WILSON. Well, we—well, hey—hey—hey, they're having a blizzard there today so be understanding.

Mr. PHILLIPS. Exactly. Thank you, Mr. Chairman.

Mr. Lord, I appreciated your words about the call for all of us to apply a lens of pragmatism, not politics, to these questions and I think—I just want to make a statement. I don't think any of us on this panel and this Congress wish to support or enrich Assad in any way, shape, or form.

All of us wish to support the Syrian people and these questions—and I'm grateful for all of you, our witnesses and my colleagues on both sides of the aisle, to look at it through this lens.

You know, Mr. Rayburn, I listened to your words about GL23 and I respect your perspective. You used the word hasty and over broad, a solution in search of a problem.

Just to clarify, though, is your objection to the GL itself or is it the way that it was contemplated and, you know, designed and implemented?

Mr. RAYBURN. Having been involved in the implementation of the Caesar Act and our other sanctions authorities on Syria I would much have preferred to see the administration ramp up the licensing process that we already have through OFAC and be really smart about it because the Assad regime is one of the most cynical regimes in the world and they already manipulate all financial transactions going into Damascus to enrich themselves.

So this just opened the floodgates for that. The risk was enormous and I really would have preferred to see us field out—really ramp up the number of people that we have working on evaluating licenses and working with the NGO community. We already have that kind of mechanism in place and we just sort of threw it out to let the toxic waste kind of go into the river.

Mr. PHILLIPS. Okay.

Mr. Lord, I'd love your response to that perspective.

Mr. LORD. Now, ultimately, what we're doing here is we're debating the temperature of the brimstone. Hell is hot, okay. Fundamentally, we're in a situation in Syria after the earthquake where thousands and thousands of people need assistance. They need it fast.

Having worked both in the executive branch and this legislative branch I think we can all agree in a bipartisan way government policy doesn't move particularly quickly. The type of ramp up that my friend and colleague is describing, weeks, months at best.

So under the circumstances in which you have a list of pretty terrible options I think this represents a pretty good one if our priority in the moment is saving Syrian lives.

Mr. PHILLIPS. I appreciate it. Let me turn to the same issue relative to normalization, which I know troubles all of us. None of us believe from a moral perspective that we should be—anybody should be normalizing relations with Assad and his regime.

So with that, again, starting with you, Mr. Rayburn, what would a realistic, pragmatic solution or at least a policy be for the United States as it relates to our—the Arab world increasingly taking steps to normalize with this regime?

Mr. RAYBURN. I think we should have maintained the policy that we had until 2021 of enforcing the isolation of the Assad regime in concert with all of the European countries and the EU and most of the Arab capitals at that time to maintain an international front in order to keep the political and economic pressure on the Assad regime to force it into the U.N.-supervised peace process as well as to compel it to stop the war.

Even today the Assad regime is continuing to wage war on opposition-held territories. As soon as that stops then we can entertain—we can entertain other options. But in the absence of that pressure the war is simply not going to stop.

Mr. PHILLIPS. Mr. Lord, same question. What would a comprehensive pragmatic solution and policy look like as it relates to the normalization moves by the Arab world?

Mr. LORD. Well, I think there are a few options here for us to consider.

One, if we open the aperture, as an intellectual exercise think about Syria in the context of our National Defense Strategy, what's salient about Syria? It's a huge strategic asset for Russia in terms of geography.

So, we might think a little bit about how we frame our positions to put pressure on Russia and the relationship with Damascus. We can make it harder and impose costs on the Russian military presence, and try to drive a wedge between Assad and Putin with the understanding that a lot of the intractable problems start to get a little easier if Putin doesn't support Assad the way that he does.

So I would consider that. I think over the course of three administrations there has been a challenge in connecting a de-ISIS policy with the greater Syria strategy. And, furthermore, there's always been this dissonance over the course of three administrations about our objectives for holding Assad accountable and the tools that we can bring to do that.

Mr. PHILLIPS. Very quickly, what do you think the Saudis' objective is relative to their steps towards normalization right now? Yeah, to you.

Mr. LORD. The Saudis are in a position where they're trying to reestablish and strengthen their general influence in the region. They're opening up relations with everyone, and in the case of Assad I think it's important to remember that Assad really has a

gun to their head in terms of Captagon as he does to Jordan, and the UAE.

Millions and millions of these pills are flooding into these countries and it's wreaking havoc on the borders and really creating both a criminal and a drug threat and, ultimately, this is new territory and a new ability for him to twist the knife. So they're responding the best way that they can absent a vision and leadership from the West.

Mr. PHILLIPS. Thank you. I yield back.

Mr. WILSON. And thank you, Ranking Member Dean Phillips.

We now proceed with Congressman Michael Lawler of New York.

Mr. LAWLER. Thank you, Chairman.

Mr. Rayburn, since Assad has waged his war on the Syrian people how many Syrians have died?

Mr. RAYBURN. There are estimates of up to a million.

Mr. LAWLER. Which I would note, to put in context, is far greater than American casualties in World War II.

He has waged an unholy war on his own people, just death and destruction and carnage for over 12 years now. Why is it that the Arab League, which suspended the Assad government's membership, has met to talk about potentially bringing him back into the Arab League?

Mr. RAYBURN. There started—there's always been the influence within the Arab League of Arab countries that are aligned with the Iranian regime, which has been trying to push to rehabilitate Assad politically in the region.

But that's picked up steam when the—when the Emirates sort of joined that trend at the end of 2018 and since then, I think in 2019 or 2020 you saw that being held more at bay, especially as the U.S. formulated a policy that was pretty coherent in—against normalization.

I think since then what you're seeing as reflected is frustration of the Arab capitals with the—with sort of the absence of U.S. assertiveness on the political track and on the economic pressure track concerning the Assad regime.

In addition, you're also seeing, I think, that there's a hedging in Saudi Arabia and other places that the United States is disengaging with the region, that China is going to come in and take our place, that the Russians are going to have more permanent and expanding level of influence. And so they're beginning to hedge in the direction of that coalition of China, Russia, and the Iranian regime in the region.

Mr. LAWLER. So you see growing influence between Iran, Russia, and China in the Middle East and waning influence of the American government?

Mr. RAYBURN. One hundred percent. That's the strong perception. This could easily be arrested if we were to reassert ourselves. But right now, the whole region sees us as a stock that's declining in value and the Chinese, Russians, the Iranian regime, Assad, Hezbollah, Hamas, as a stock that's rising in value.

Mr. LAWLER. So you put this squarely on the Biden administration?

Mr. RAYBURN. I think that their lack of assertiveness here has been extremely damaging. I think that there was some momentum at the end of 2020 that was allowed to dissipate.

I think it's the responsibility of all of Washington. I don't see that this should—I really—it's been puzzling to me both as the envoy and now as sort of an out of government expert how the treatment of the Assad regime became a partisan issue. I don't—I don't understand that. It seems a no brainer, pretty clear cut to me that that regime's behavior in nature is sharply against U.S. interests.

Mr. LAWLER. I agree a hundred percent.

So what would you like to see the United States government and Congress do? I note in your testimony you call for Congress to move quickly to pass the chairman's bill, the No U.N. Aid for Assad Act.

What would you like to see Congress do to move our response and, hopefully, therefore, the White House's response in the right direction and re-strengthen our relationships within the region so that Assad and his regime do not continue to normalize relations with other countries?

Mr. RAYBURN. I think the entire region is waiting to see if Congress is going to reassert, update, and expand the Caesar Act and if Congress is going to take action against the massive narco trafficking of Captagon that is benefitting the Assad regime and Hezbollah.

Those are the two most significant things that could turn this around, could turn this trend around and reassert U.S. leadership. I would have liked for the executive branch, the administration, to be doing this over the last two years but they are not going to do it.

They've been quietly—they've been drifting in the opposite direction. I think it's time that Congress needs to reassert its intent on this question in the ways I've mentioned. The Caesar Act, the No U.N. aid for Assad Act, the Captagon Act, these would be—these would have a massive political difference in the region immediately.

Mr. LAWLER. Thank you for that last question. As part of this context, obviously, you have a major humanitarian crisis with the earthquakes and anytime we have that situation, of course, the urge is to help and to support.

Have you seen that aid that has come in and the response by, you know, other countries in the region has that helped Assad rebuild relationships in the region?

Mr. RAYBURN. Well, it's helped Assad rebuild relationships in the region. More specifically, it's enriched the Assad regime because the international aid that has come through the regime is forcing it to go through either Bashar Al-Assad's wife's kleptocratic NGO or through the Syrian Arab Red Crescent, which is an arm of the Syrian secret police.

So this is funding that's going to directly into the Assad regime's pockets and none of it will cross the line between Assad regime territory and the opposition territory where the earthquake actually did all the damage.

The international aid—the only international aid that’s going to help the Syrian people who are most affected by the earthquake is going to have to come in through Turkiye and Assad has nothing to do with that. So everything that’s gone through Damascus and including any funds that went into Damascus under General License 23, a large chunk of that is going straight into the Assad regime’s pockets.

That’s the problem with the hasty response that we and the international community had in the wake of the earthquake.

Mr. LAWLER. Thank you.

Mr. WILSON. Thank you, Congressman Michael Lawler.

We now proceed to former chairman David Cicilline of Rhode Island.

Mr. CICILLINE. Thank you, Chairman Wilson, and thank you to you and Ranking Member Phillips for calling this important hearing, and thank you to our witness for their testimony.

We have—the world has really witnessed for the last 12 years the horrors carried out by the Assad regime against the Syrian people, including the deployment of chemical weapons against its own citizens, the widespread use of torture, which we heard about this morning, and extrajudicial killings.

The humanitarian toll has been catastrophic as hundreds of thousands have been killed and millions more have become refugees and, as we all know, the humanitarian situation in Syria remains incredibly dire. In 2022, 14.6 million Syrians needed some form of humanitarian assistance, up 1.2 million from 2021, and that doesn’t even include for those impacted by the earthquake.

And so my first question is as we think about humanitarian assistance, the United States is the largest humanitarian donor, allocating more than \$15.8 billion since fiscal year 2012.

But we have continued to have difficulties in attracting support for this effort in the international community. In fact, the United Nations’ humanitarian appeals for Syria just a few weeks ago—the U.N. special envoy for Syria said that the 2023 humanitarian response plan for Syria is only funded at 6 percent. So this is a catastrophic problem.

How can the United States leverage international support to assist in the humanitarian response, particularly from some of these countries that are contemplating resuming or normalizing relations? What can we do? What is the strength of the Arab countries in terms of humanitarian assistance?

Mr. Lord or Mr. Rayburn.

Mr. RAYBURN. Thank you, Congressman.

One thing that can be done is I think we need to revisit having essentially outsourced all of our humanitarian assistance to Syria to the U.N. agencies because the Russians have collapsed their access to Syria down to only the Bab al-Hawa border crossing and any cross line aid that would have an infinitesimal chance of going from Damascus or some other Syrian regime city into the northwest, which is where really the most vulnerable population is.

I think that the earthquake and the Russians’ manipulation of the UNSC authorizations of U.N. agencies tells us that the United States and other major donors and Turkiye need to explore large-scale national aid in a continuum outside the U.S. system so that

it's not subject to Russian blackmail and so that all the border crossings from Turkiye into Syria can be used and then we wouldn't have to play this game every six months with the Russians at the Security Council extorting us on behalf of Assad and the Iranians or whatever.

And we would also show them that we have a plan B and we'd actually probably make it more likely that they would relinquish their constraints on the U.N. agencies and we would get more human aid going across, having dealt with this process in the—as the Syria envoy and I think it's long overdue for us to do that.

Mr. CICILLINE. Mr. Lord.

Mr. LORD. I largely agree. I think we can be doing more in coordination with our partners to advance aid through other areas. It currently does flow through the U.S. and others beyond the U.N. mechanism.

But we sort of lost a critical foothold around 2019 with the reduction of START, which was the State Department's tool for advancing and coordinating aid in Syria itself. It was withdrawn after the Turkish advance.

We need to have a stronger Title 22 State Department foothold in the northeast. We need more on the ground in the Title 2 capacity to advance aid and we need to be able to have hard conversations about areas in which we can build greater resilience so shocks like this earthquake don't have such an immediate devastating effect that requires such a crashing of policy to advance aid. So, I'd start there.

Mr. CICILLINE. Thank you. And, finally, I just want to—you know, we passed the Justice for Victims of War Crimes Act last Congress, a bill I worked on with Senators Grassley and Durbin and Leahy and Congresswoman Spartz here in the House, to make sure that we had additional ways to hold war criminals accountable.

So this is for Gravedigger. What else can we do to be sure that the members of the Assad regime and Assad himself are accountable for their war crimes?

Do you have suggestions, and, I guess for the other witnesses as well, what the United States can do to make sure there's some accountability for this horrific new genocide of the Syrian people?

GRAVEDIGGER. The United States is a great power. The United States is a power that can—that can take public positions that shows how it views the Assad regime and how no one should normalize by it because that also helps in holding them accountable.

Very recently there's been some news about civil and criminal cases in the United States. An increase in these cases on a national level is very important but also pressuring for an international mechanism, an international court, since the ICC is not available to us, that can help hold these criminals responsible not just for the killing of hundreds of thousands of Syrians that I buried but also Americans and Europeans, some of which I buried as well.

Mr. CICILLINE. Thank you.

Mr. WILSON. And thank you very much, Chairman—former Chairman David Cicilline.

Now we proceed to Congressman Tim Burchett of Tennessee.

Mr. BURCHETT. Thank you, Mr. Chairman, members, Ranking Member, my brother. Probably close to you as anybody up here. So it's good seeing you, brother.

I'm glad you're in this leadership position. I'm not much of a diplomat. I don't—I didn't get up here about being that. So Assad, I think he's a dirtbag. I don't know what that translates into your language but I suspect you got something close to it.

I'm wondering about the Arab countries. If they normalize their relationship with—or relations or whatever with Syria what effect is that going to have on folks like our friends in Israel and some of the others?

Mr. RAYBURN. I can—I can take a stab at that one, Congressman. It's going to make—

Mr. BURCHETT. And do me a favor. Just give me a quick good answer. You don't have to give me all the diplomatic stuff.

Mr. RAYBURN. It's going to make life worse for the Israelis because it's going to give Assad a freer hand to allow the Iranian regime and Hezbollah and Hamas to use Syrian territory as a launchpad for attacking Israel, plain and simple.

Mr. BURCHETT. You got anything on that, Mr. Lord?

Mr. LORD. Thank you for the question, sir. So I think the Saudis in particular and a lot of others are really two tracking here.

You know, they're reaching out to the Iranians to mollify them, to reduce the level of provocations and threat to themselves, while at the same time reaching out both to the West, even to Israel, to build up their military capabilities to defend against the very threat that Iran poses.

But it's true that at the very least Iran is working to build what the Israelis call a ring of fire around it where Iranian proxies can attack into Israel from southern Lebanon, now from southern Syria, and, of course, from Iran directly. So it's a real problem.

Mr. BURCHETT. Is the Assad regime stopping progress on the Abraham Accords? Everybody says historical Abraham Accords. I'll just say Abraham Accords.

Mr. RAYBURN. The normalization—the Gulf countries have one of two ways to go. They could continue in the direction of the Abraham Accords, or they could normalize with the Iranian regime, the Assad regime, Hezbollah, and Hamas, and they are moving away from the Abraham Accords and toward this, essentially, coalition of America and Israelis—and Israel's enemies.

Mr. LORD. Here I differ a little bit with my friend and colleague. I think there's opportunity here, and while there is hedging it is very clear that the Gulf partners want a relationship with the U.S., with Israel, and we can play a more robust role.

They haven't been unclear with the U.S. about what it's looking for. They're looking for security guarantees. They're looking for security assistance. We have been less willing to provide that for a host of reasons. But, as a result, they are hedging and seeking to make accommodations with their bad neighbors just in case.

Mr. BURCHETT. Has our involvement in Ukraine had any effect whatsoever on the civil war in Syria?

Mr. RAYBURN. I would say it's the other way around. The war in Syria has had a very negative effect on the conflict in Ukraine because it gave Vladimir Putin the sense that he could act with—

since he acted with impunity with Assad and the Iranians in Syria, he thought he could do something similar in Ukraine.

The Russian military—and the same generals who did it to Syria are doing that to Ukraine: indiscriminate bombing, war crimes, mass murder, et cetera. Syria was the warmup for what the Russians are doing in Ukraine.

Mr. LORD. Sir, we have seen a significantly reduced military presence in Syria as it has all flooded back for the Ukraine war and it's creating really an interesting moment here where we're seeing Iranian and Russian interests begin to coalesce together as they're pushed into a corner.

So as the Israelis pursue what they call [speaks in Hebrew]—the war between the wars—and how they target the Iranians in Syria oftentimes they've sort of tiptoed past the Russians to do it.

But if we see greater and greater confluence between the Iranians and the Russians someone's going to have to, perhaps, you know, jump off the fence here and start making a choice as they begin to help each other in each of their conflicts.

Mr. BURCHETT. Real quickly, the war has gone on for 12 years. What has the U.S. involvement accomplished from a military perspective?

Mr. RAYBURN. Right now it's keeping—it's keeping our foot on the neck of ISIS. Having lived through this in Iraq, the minute you release the pressure they begin to regenerate because they take their oxygen from the political conflict that's raging all around them. So you have to have a second track to try to solve those political conflicts or else you'd just be killing ISIS ad infinitum.

Mr. BURCHETT. Mr. Lord.

Mr. LORD. Sir, if we were to withdraw those forces today ISIS will resurge and we'd be back to where we were in no time, 2014–2015. We need a strategy that leads to a status quo that's sustainable, ultimately, without the presence of U.S. forces.

Mr. BURCHETT. And I don't have anything for the Gravedigger and I've run over but I will just say that I will remember you in my prayers and thank you, brother, for what you—

Mr. MOUSTAFA. He says thank you from—God bless you, sir.

Mr. BURCHETT. Thank you. Thank you.

Mr. WILSON. Thank you, Congressman Tim Burchett, for your insight.

And we now proceed to Congresswoman Kathy Manning of North Carolina.

Ms. MANNING. Thank you, Mr. Chairman.

I want to thank our witnesses today, especially the brave Gravedigger, who has shared his horrific experience of witnessing war crimes committed by Bashar Al-Assad and his henchmen.

There is no doubt that Assad will go down in history as one of the most appalling and cruel leaders who has masterminded unforgivable death and destruction of his country and caused a refugee crisis of epic proportions in order to hold on to power to the detriment of the people he is supposed to serve.

Mr. Lord, I'll start with you. We are concerned with the increasingly effective role Iran is playing in providing weaponry to bad actors around the world and, first, I'd like to ask what we can be doing to limit Iran's influence and activity specifically in Syria,

which we know poses a direct threat to the security of our ally Israel.

Mr. LORD. Well, if we wanted to look at the entire toolkit, Ms. Manning, on the one end, as of now this nor any previous administration has any authorities to actively target Iran.

So if we were going to have that conversation I'm sitting before the committee that has the jurisdiction to authorize the use of military force. So that, on one end, certainly is an option.

The Israelis are under no such constraint and have actively targeted the Iranians' IRGC Quds Forces and their proxies. So there are opportunities to be working in cooperation with the Israelis for them to make sure that they see all the targets, that we can be helpful to them as they are the ones that are most directly under threat.

It's important to also note, I think, we might be seeing a bit of a change in Iranian activity in Syria where historically they might be changing their rules of engagement with us where if the Israelis target something that is Iranian it's quite possible now that in an effort to try to mirror this war between the wars they might target us and so we need to be aware of that as well. That's a real risk that is actually happening.

Ms. MANNING. So to what extent has Russia's presence in Syria prevented Iran from taking action against Israel?

Mr. LORD. It has not. The Russians and the Iranians have really acted in parallel. They have some interests which converge, which is to see the Assad regime continue. But Russia really wants to maintain its warm water port access and the Iranians their ring of fire, as we previously discussed.

Ms. MANNING. And we know that there was recently a missile shot from Syria into Israel. What do we know about who was behind that attack and what message did it send?

Mr. LORD. This does happen occasionally and more and more frequently. There was a recent UAV that flew from southern Syria from, I think, the Daraa area, into the Golan Heights, then northern Israel.

The Iranians are seeking to build up a similar threat that exists from Lebanese Hezbollah from southern Lebanon now from the Syrian side of the Golan Heights border. So I think while the capacity—while the organization, the history of the infrastructure isn't there, they are trying to create that threat that encircles geographically Israel.

Ms. MANNING. Okay. Mr. Rayburn, you suggested compelling Assad into a U.N.-sponsored peace negotiation. What do you see as the best possible outcome in Syria?

Mr. RAYBURN. I think—I always stuck to the logic of U.N. Security Council Resolution 2254, which has a ceasefire—a nationwide ceasefire—which is followed by a political process that includes revising the Syrian constitution, having an interim government authority, a transitional authority, and then elections where the Syrian people can decide their own fate.

I still think that is the only way that you're going to get to a stable political outcome in Syria and Assad will resist that and his allies will resist that with all their might. So we have to use our

pressure and have an international front to compel them into that route.

Ms. MANNING. Thank you. I have a question for the Gravedigger. What more can we be doing to help the Syrian refugees, those who are still in Syria and those who are displaced into other countries?

GRAVEDIGGER. The United States—the refugees in Syria are now about 14 million between internally displaced and people outside. As far as the refugees outside the country, the United States must stand to ensure that countries that are hosting them do not forcibly repatriate them to Syria because they will face certain death. I've seen what happens to people if they are returned.

And as far as those that are internally displaced they're mostly in northwest Syria and in Rukban in the south. It is important for the United States to say that it's a red line to kill, further displace, or detain these people, which is what the Assad regime wants to do in order to get his military victory.

Ms. MANNING. Gentlemen, anyone else have thoughts about what we can be doing to help the Syrian refugees?

Mr. RAYBURN. One thing, ma'am, is the Syrian expatriates refugees or nonrefugees, in order to travel internationally and try to get residency in the places where they fled to, still have to go to the Assad regime to renew their passports and their travel documents and to register vital documents.

I think the United States should lead the way in getting an international agency. There are precedents under the—under the U.N. to be able to issue valid travel documents and vital documents registration to enable these people to delink from the Assad regime's control and monitoring; and also they pay exorbitant bribes and fees to the Assad regime.

It's a huge cash cow in the billions to the Assad regime, and this is something that we could just do administratively if we could organize international support for it.

Ms. MANNING. Thank you. Thank you very much for that. And my time has expired. I yield back.

Mr. WILSON. And thank you very much, Congresswoman Kathy Manning. And we now proceed to Congressman Rich McCormick of Georgia.

Mr. MCCORMICK. Thank you, Mr. Chair.

It's come to my attention from recent reports that Iran has utilized relief flights intended for earthquake aid to transport military equipment and weapons to Syria. The aim behind this was to reinforce the defenses of Iran against Israel within Syria as well as to bolster the position of Syrian President Al-Assad.

While Russia and China are engaged in covert discussions with Iran with the purpose of providing the nation with a crucial chemical compound that is utilized to fuel ballistic missiles this move would significantly breach the U.N. sanctions and has potential to aid Moscow in refilling their dwindling missile stockpile. Furthermore, there is a possibility that the missiles could end up being deployed against Ukrainian forces.

Mr. Lord, what is the potential danger of Iran deploying ballistic missile systems in Syria or Israel or supporting Russia's war against Ukraine?

Mr. LORD. The danger is real. I think a lot of the strikes that Israel has conducted in Syria has been to throttle and reduce the capacity of Iran to build an exogenous threat to allow its proxies to target Israel from Syria but then also to reduce the capacity of those proxies to build those missiles and weapons closer to Israel's borders.

Mr. MCCORMICK. Okay. Just for follow up, is the Biden administration considering any potential consequences for Russia and China if they supply Iran with that chemical compound that is not allowed?

Mr. LORD. I would refer you to them. I don't have the answer to that. I'm not in the administration. But what I can tell you is that in February a colleague and I wrote an op-ed in The Washington Post suggesting that the many thousands of tons of weapons that the U.S. has interdicted coming from Iran on the way to Yemen be used to support our partners in Ukraine and it does appear that in that case the Department of Justice has taken steps in civil asset forfeiture to then make those U.S. stocks, which would then otherwise allow those to be drawn down as U.S. stocks for use in Ukraine.

So there's some movement there, I believe, but I would defer you to the administration on that.

Mr. MCCORMICK. Okay. So, obviously, we have a concern with it being used against Ukraine. But also how would you assess the risk of escalation between Iran and Israel in Syria?

Mr. LORD. Ultimately, I think what we're seeing now is basically what we're going to see where the Iranians use Syria as a pipeline to Lebanon, increasingly using southern Syria as a hub and a platform and the Israelis are targeting that threat quite regularly.

But if you ask them even they will admit that this is ultimately not a solution. They're fundamentally mowing the grass here and, ultimately, we have seen Iran build up Hezbollah's weapons capability well beyond where it was even before the last war between Hezbollah and Israel. So there's truly a threat on Israel's border.

Mr. MCCORMICK. So I will just point out one inconsistency of your statement, which I agree with, by the way, is that you said what you see is what you're going to see.

But you also said increasingly and you also said built up well beyond their current capabilities. So there is a build-up and a progression towards destabilization and escalation, based on your statement?

Mr. LORD. Just to clarify, what we're seeing in terms of what the Israelis can do to stop it that's pretty status quo. Of course, if this breaks out into open warfare between Hezbollah and Israel that will look different.

Mr. MCCORMICK. Got it. I think due to the current administration's failed Middle Eastern foreign policy the CCP has been able to broker deals between Iran and Saudi Arabia as well as Syria's reconciliation of the Gulf. As a result, Iran and Syria have become emboldened to confront the U.S. militarily and, of course, continue with humanitarian atrocities.

The Secretary of Defense testified to Congress that the Iran-backed militias have launched 83 attacks on American forces in

Iraq and Syria since Biden took office while the United States has responded militarily just four times.

Apart from the efforts to address the Islamic State threat in northeast Syria, U.S. policy since 2011 has been unsuccessful in achieving favorable outcomes. Since the beginning of the Biden administration there has been a lack of coherent and all-encompassing Syria policy implemented by the U.S. administration.

The current administration lacks clear understanding of the objective of Syria and lacks the cohesive plan for an end game so we can put an end to the atrocities, the end to the buildup, the end to the instability.

Mr. Rayburn, what are the American strategic long-term goals in Syria that justify maintaining long-term U.S. military engagement there?

Mr. RAYBURN. First and foremost is international terrorism is a continuing threat from ISIS, Al-Qaeda, an associated groups like that.

In a larger sense, beyond just the military presence, our political leverage, our economic leverage, and so on should be put in the service of trying to get to the root cause of the problem, which is the Assad regime, its nature, its behavior, its alliance with the Iranian regime and all of the Iranian regime's militant proxies.

Mr. MCCORMICK. I concur. With that, I yield. I'm over time. Thank you.

Mr. WILSON. No, thank you very much for your insight, Congressman Rich McCormick.

And we now proceed to Congressman Brad Sherman of California.

Mr. SHERMAN. I hate to say something nonpartisan but our policy in the Middle East is remarkably similar to what it was under the prior administration and not all that different to what it was in the administration prior to that.

Of course, we're so dedicated to partisanship that we'll find just changes in style as if they're changes in substance. I'd also point out that none of my 434 colleagues has produced a plan that would bring peace to Syria, democracy to Syria, or peace in the Israeli-Palestinian conflict.

To scream partisan invectives because nobody can solve the world's most intractable problems at a reasonable cost doesn't seem to make a lot of sense.

I'll ask Mr. Lord—Putin has pushed for regional normalization with the Assad regime and we're beginning to see Arab states open to that possibility. Last week, diplomats from nine Arab countries met in the Saudi city of Jeddah to discuss a possible return of Syria to the 22-member Arab League, which you know was suspended in 2011.

I think today's visit of Saudi Foreign Minister Prince Faisal bin Farhan to meet with Assad in Damascus is a disappointing sign that we may see such a normalization with the Arab world.

What are the steps that the U.S. can take to discourage our regional partners and others in the Middle East from normalizing relations with Assad?

It's been reported that some Arab nations are resisting Saudis' attempt to include Assad in the upcoming Arab League meeting

until—and we don't expect this to happen soon—the Syrian—the Syrian government under Assad engages with the political opposition in a way that could give the Syrians a real voice in determining their future.

So what can we do to discourage normalization of Assad as long as Assad continues acting like Assad?

Mr. LORD. Thank you for the question, Mr. Sherman.

I think, largely, when countries in the region seem to act out of interests that are inimical to our own almost reflexively we seek to coerce.

You know, there's a cathartic response that comes from that that I think we're prone to. But in this case we might want to take a strategic look at what it is that Assad holds over their heads and let's start to address the problems with these partners that will create more space for us. In the case of Captagon—

Mr. SHERMAN. I've got a question on Captagon.

Mr. LORD. Okay.

Mr. SHERMAN. You've put forward this image that Captagon is the scourge of Middle East countries—certain Middle East countries, and it is and Assad is creating it. But Assad isn't a major player in the drug situation here the United States and we face a huge problem. It may be one pill in one place, another pill in another place.

So let's say Assad promises to stop sending the Captagon. Wouldn't other merchants of death be shipping Captagon if that's popular, or fentanyl, into these Arab countries as long as there's a market for it?

Mr. LORD. Well, he created—

Mr. SHERMAN. Can—so the answer is can Assad deliver a drug-free Jordan or a drug-free Saudi Arabia?

Mr. LORD. Well, having aligned himself on the side of drugs in the war of drugs I grant that it's a hard fight. But at the same time, the geography does suggest that as the source of the region's drug woes there's a lot more that could be done to try to interdict and reduce and support the partners in a way that creates more opportunity.

Mr. SHERMAN. Clearly, we should be helping our friends in the Middle East interdict drugs just as we have drug prevention and interdiction programs all over the world. We need to do more to help both the people who are refugees and those that are inside Syria but not under government control without sending the aid through Damascus.

I think it was you, it might have been Mr. Rayburn, who was concerned about the possibility that host countries would deport these refugees, God forbid, back to the clutches of Assad and I would just point out that if we don't provide the aid to these refugees and they become a bigger burden that's exactly what some of these countries might do.

Mr. Rayburn, do I have it right?

Mr. RAYBURN. You're 100 percent correct. Hosting the refugees is a very heavy burden on Syria's neighbors and I think that's something that we have to take into account and make sure that those refugees are getting—that we're helping to mitigate that problem to the extent that we can.

Mr. SHERMAN. My time has expired.

Mr. WILSON. Thank you very much, Congressman Sherman.

We now proceed to Congressman French Hill of Arkansas.

Mr. HILL. Thank you, Mr. Chairman. I appreciate you allowing me to attend this important subcommittee hearing.

To my friend Mouaz Moustafa, it's always great to see you. I was the first member of Congress to meet with the Gravedigger when Mouaz brought him to the Capitol for the first time and hear his sad and grave—no pun intended—testimony firsthand about Assad's regime.

As we have heard today, the Gravedigger's revelations are shocking and, in my view, on par and maybe perhaps exceed the significance of the Caesar photos. I've seen the aerial photos and the hundreds of yards of lined mass graves, and my meeting with the Gravedigger from back in December 2021 is something I still think about on a weekly basis.

The Senate Foreign Relations Committee had a full committee hearing that included the Gravedigger in June of last year yet today it's the first time we're hearing from the Gravedigger here in the House.

For the past two under this administration and under Democratic control of this committee U.S. policy on Syria has only deteriorated. The Biden administration has not enforced sanctions and Syria has now become a narco state, and the murder of innocents continues with near impunity.

It took me nearly two years to get a bill signed into law to get a strategy to be put in place to stop the proliferation of the drug Captagon.

Despite the well-known and public sources about Assad's role in Captagon, it took until last month for the Biden administration to finally issue some sanctions against the Syrian regime for the production and trafficking of Captagon.

Late last month Secretary Blinken testified before the full Foreign Affairs Committee and told me that not only does the U.S. not support normalizing relations with Assad but that we're actively discouraging regional states from normalizing relations with Assad.

In fact, the Secretary said he had personally demarched the foreign ministers in the region. However, on March 9th, 2023, Al-Monitor interview of U.S. Assistant Secretary for State for Near Eastern Affairs Barbara Leaf—Barbara Leaf's quote says, "Our basic message has been that if you're going to engage with the regime you ought to get something for it."

Mr. Chair, that's a quote. That seems in direct conflict with Secretary Blinken's testimony before our committee. So I find that very concerning.

Colonel Rayburn, when you were special envoy for Syria did the Gulf states approach you or the Trump administration about normalizing relations with Assad?

Mr. RAYBURN. The UAE did, and Secretary Pompeo and Ambassador Jim Jeffrey and I went round and round with the Emirates for more than two years to discourage them from that path.

The rest of the Gulf states were strongly with us because I think they recognize that the U.S. was asserting itself in a leadership

role to maintain the isolation of Assad and they wanted to be on our side in that.

Mr. HILL. So you agree it's deteriorated in the past two years?

Mr. RAYBURN. Absolutely. That was the thrust of my written and my oral testimony and I think it's a major problem.

Mr. HILL. In spite of U.S. policy on normalization are statements like Secretary Leaf's seen as, quote, "green lights" for Gulf countries to normalize relations?

Mr. RAYBURN. Yes, I think that's true. Not only that but other actions such as the administration's endorsement of an Arab gas pipeline deal that would involve Assad as well as General License 23 as well as just the conversations that they have with Arab counterparts where they say in private before Barbara Leaf's statement the same thing that Barbara Leaf said in public.

Mr. HILL. Thank you. My office has heard from a few sources that many states are now elevating Captagon as a key card for normalization rather than a reason to isolate the Assad regime and help coordinate with Western nations to coordinate a strategy to defeat Captagon. I find that shocking.

I appreciate my friend, Mr. Sherman, raising this issue. But if this administration was so firm on this they would have named Assad a narco state last fall and in our testimony before the full Committee Secretary Blinken wasn't even aware that decision had been made last fall.

Do you think that the Syrians should be a narco state—the transnational drug state named by the State Department?

Mr. RAYBURN. Absolutely. It's long overdue. We have seen this Captagon problem on a massive scale since 2020 so I think there could have been action taken under existing authorities before now.

Mr. HILL. As I said, a couple of weeks ago this administration did sanction Syria using the Caesar sanctions. Mr. Rayburn—I should say Colonel Rayburn and congratulate you for being a Texas Aggie, too—but should the—when was the last time that Caesar sanctions were used?

Mr. RAYBURN. There have been a handful of instances under the Biden administration. I think there have been too—it's been too slow a pace.

From the time of the Caesar Act going active in June 2020 until December 2020 in the previous administration we were able to roll out more than 110 sanctions. Under the Caesar Act and other associated Syria-related authorities that dropped off to a trickle, unfortunately, in 2021.

Mr. HILL. Thank you, Mr. Chairman. I yield back.

Mr. WILSON. Thank you very much, Congressman French Hill.

I want to thank the witnesses for their valuable testimony and the members for their questions. The members of the subcommittee may have additional questions for the witnesses and we will ask you to respond to those in writing.

Pursuant to committee rules all members may have five days to submit statements, questions, and extraneous materials for record, subject to the length limitations.

And then I—in appreciation of the witnesses, I would like you to stay in place as the members of the subcommittee would like to

join you in a group picture, and without objection, the sub-committee stands adjourned.

[Whereupon, at 12:03 p.m., the committee was adjourned.]



**COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE HEARING NOTICE**
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Subcommittee on the Middle East, North Africa, and Central Asia
Joe Wilson (R-SC), Chairman

Revised

April 11, 2023

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs to be held at 10:30 AM in room 210 of the House Visitor's Center. The hearing is available by live webcast on the Committee website at <https://foreignaffairs.house.gov/>.

DATE: Tuesday, April 18, 2023

TIME: 10:30 a.m.

LOCATION: 2200 Rayburn HOB

SUBJECT: 12 Years of Terror: Assad's War Crimes and
U.S. Policy for Seeking Accountability in Syria

WITNESSES: The Gravedigger
Witness to Mass Graves in Syria

Mr. Joel Rayburn
Former Special Envoy for Syria
U.S. Department of State

Mr. Jonathan Lord
Senior Fellow and Director
Middle East Security Program
Center for a New American Security

*NOTE: Witnesses may be added.

By Direction of the Chair

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202 -226-8467 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS
MINUTES OF SUBCOMMITTEE HEARING

Day Tuesday Date April 18, 2023 Room RHOB 2200

Starting Time 10:30am Ending Time 12:03pm

Recesses ☐ (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Rep. Joe Wilson

Check all of the following that apply:

Open Session ☒

Electronically Recorded (taped) ☒

Executive (closed) Session ☐

Stenographic Record ☒

Televised ☒

TITLE OF HEARING:

12 Years of Terror: Assad's War Crimes and U.S. Policy for Seeking Accountability in Syria

COMMITTEE MEMBERS PRESENT:

Mr. Wilson, Mr. Burchett, Mr. Lawler, Mr. McCormick, Mr. Hill, Mr. Phillips, Mr. Sherman, Mr. Cicilline, Ms. Manning

NON-COMMITTEE MEMBERS PRESENT:

HEARING WITNESSES: Same as meeting notice attached? Yes ☒ No ☐

(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Statement for the Record from Mr. Connolly

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 12:03

Clear Form

Meg Wagner
Full Committee Hearing Coordinator

Committee on Foreign Affairs
Subcommittee on the Middle East, North Africa, and Central Asia

118th Congress

ATTENDANCE

Meeting on: 12 Years of Terror: Assad's War Crimes and U.S. Policy for Seeking Accountability in Syria

Date: 4/18/2023

Convened: 10:30am

Adjourned: 12:03pm

Representative	Present	Absent	Representative	Present	Absent
Mr. Wilson (SC-02)	X		Mr. Phillips (MN-03)	X	
Mr. Mast (FL-18)		X	Mr. Sherman (CA-30)	X	
Mr. Burchett (TN-02)	X		Mr. Connolly (VA-11)		X
Mr. Jackson (TX-13)		X	Mr. Cicilline (RI-01)	X	
Mr. Baird (IN-04)		X	Mrs. Manning (NC-06)	X	
Mr. Lawler (NY-17)	X				
Mr. McCormick (GA-6)	X				
Mr. Hill (AR-02)	X				

**“12 Years of Terror: Assad’s War Crimes and U.S. Policy for Seeking
Accountability in Syria”
House Foreign Affairs Committee
Subcommittee on the Middle East, North Africa, and Central Asia
10:30 AM, Tuesday, April 18, 2023
RHOB 2200
Gerald E. Connolly (D-VA)**

Twelve years of war have displaced over half Syria’s pre-war population. 6.9 million internally displaced people. 5.5 million Syrian refugees in neighboring countries. More than 606,000 Syrians buried by their loved ones, including countless civilians, women, and children. 15.3 million Syrians in need of urgent humanitarian assistance. Millions more after the February earthquake. Tens of billions of dollars invested in humanitarian assistance, with even more desperately needed. This is where we are twelve years after the outbreak of civil war in Syria. While ISIS no longer controls Syrian territory, Islamic State fighters continue to operate as an insurgency and have been responsible for the murder of over 200 people since February 2023. We need no further proof that the international strategy to bring humanitarian relief to Syria has failed and must change course if we want to prevent another twelve years of war and suffering.

The already dire humanitarian situation in Syria has tragically worsened over the past few years. The World Food Program cites more than 90 percent of Syrians live below the poverty line, and 12.1 million people are food insecure, which represents almost two-thirds of the population. Over 90% of the Syrians living as refugees in Lebanon live in extreme poverty, and with Lebanon’s government in disarray, there remain serious concerns about their wellbeing. Syria’s infrastructure remains in a state of collapse, with electricity at 15 percent of its capacity of what it was prior to the start of the conflict in 2011. We read in horror as we learned of, in violation of international humanitarian law, the bombing of over 350 medical facilities, mostly by the Assad regime. The broader crisis has resulted in poor access to healthcare and 50% of Syria’s healthcare workforce leaving the country since the conflict began.

And in February of this year, two devastating magnitude 7.8 and 7.7 earthquakes struck Türkiye and northern Syria, turning an already dire situation into an emergency. According to the UN, more than 5,500 Syrians reported to have lost their lives, and 9 million Syrians were affected. 4 million Syrians who were already internally displaced are among the most affected, and an additional 500,000 were displaced. The earthquake also damaged critical infrastructure including 170 hospitals and health facilities and as many as 2,100 schools. In Türkiye, an additional 1.75 million Syrian refugees were impacted by the earthquakes. Before the earthquake, they lived in flimsy shelters, tents and partially destroyed buildings, and now need immediate assistance. UN Secretary General António Guterres announced a \$397 million humanitarian aid appeal, with only \$50 million available immediately to assist those affected by the earthquakes. The US has pledged \$39 million in humanitarian assistance in Syria through USAID, and the Treasury Department and the Department of Commerce have expedited applications for export licenses for aid in disaster relief. The Department of Defense and USAID have also coordinated shipments of tents and medical supplies from Southern Türkiye into northern Syria through recently opened aid corridors.

While there is little dispute that the humanitarian crisis is worsening, the fractured territorial, political and administrative landscape complicates the international community's capacity to both rebuild Syria and provide urgent humanitarian relief. Unfathomably, the UN Office of Humanitarian Affairs (OCHA) has found that as needs have increased inside Syria, donor countries are decreasing their contributions of foreign assistance. The United States must work with its allies to make sure multilateral assistance programs, like the U.N. Humanitarian Response Plan (HRP), are fully funded and have robust accountability. For FY23, HRP requested \$4.44 billion to reconstruct infrastructure, protect civilian education and health care facilities, and provide basic necessities such as water, sewage, and electricity. The United States must play a central role in ensuring allies and partners exceed their prior contribution levels to provide basic humanitarian necessities to those most vulnerable in order to see overall improvements in the humanitarian situation.

If the last twelve years can serve as a lesson, we know the humanitarian catastrophe in Syria requires a complex, multipronged, and multilateral approach to lead the Syrian people to a better future. For the fourteen million Syrians living under the Assad regime's control, the United States must work with its allies to ensure that U.S. funded aid gets to those that need it the most, particularly women and children. As the administration works within the confines of the United Nations to reach a lasting political settlement pursuant to UN Security Council Resolution 2254, they must also advocate for the continuity or expansion of cross-border aid, authorized by U.N. Security Council Resolution 2672, which renews cross-border aid operations into North-West Syria until July 2023. Cross-border aid remains a crucial avenue for assistance to reach families in Syria without having to work through Damascus, risking diversion or interference by the Assad regime. With the United Nations Security Council voting and adopting resolution 2672, the administration must now focus on how we can maintain these humanitarian, cross-border corridors into the future as well.

To attain a lasting peace settlement in Syria, the United States must firmly establish what our end goal in Syria looks like, identify the concrete and measurable steps that will be required to get there, and decide what our policy towards Assad will be moving forward. The administration has said that our policy towards Assad has not changed and that there is no prospect of the United States normalizing relations with the Assad government, while at the same time emphasizing that we have no interest in regime change. We can't have it both ways, and attempting to has undoubtedly been to our detriment and to the detriment of the Syrian people.

We can all agree that after twelve years of fighting, the solution to Syria does not lie in more tanks or bullets. The United States must work with its international allies and partners to ensure aid and access is maintained and expanded into Syria. Political negotiations are the only meaningful and realistic effort that will bring long-term relief to millions of desperate Syrian civilians and lasting peace to this war-torn nation. I thank the witnesses for their presence and look forward to hearing their remarks.

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A Humane Choice: Sanctions Relief for Syria's Earthquake



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A Humane Choice: Sanctions Relief for Syria's Earthquake



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A Humane Choice: Sanctions Relief for Syria's Earthquake

A Biden administration decision to relax U.S. sanctions on Syria after the devastating earthquake that hit Turkey and Syria last month has drawn fierce criticism from some in Washington.

Those critics are wrong, though, when they claim this license was unnecessary, or that it somehow helps enrich or normalize the government of Syrian president Bashar al-Assad. Providing some limited sanctions relief to expedite aid to disaster-stricken Syrians was the right thing to do. Administration officials ought to say so, unabashedly, and to start standing up to these attacks on humanitarian aid and more sensible sanctions policy.

Days after the earthquake, the U.S. Treasury issued a general license authorizing earthquake relief that would otherwise have been prohibited by Syria sanctions. It likely translated to a larger, faster aid response, at a moment when size and speed really mattered.

The Biden administration has not effectively communicated the purpose and scope of this general license; when challenged to justify the license, administration officials have ducked and equivocated. That's a shame, both because the license was the right move, and because attacks by Washington's Syria hawks on this license and the administration's responsible handling of Syria sanctions generally aren't letting up.

Biden administration officials—and anyone who cares about Syria's people, really—should defend a move on sanctions that was the humane way to respond to a natural disaster and a humanitarian crisis. After this earthquake, the Biden administration actually put Syrians first. That's how U.S. policy on Syria ought to work, now and in future.

Catastrophe on Catastrophe

On February 6, a massive earthquake struck southern Turkey and neighboring areas in northwest Syria. The 7.8 magnitude earthquake was among the largest to hit the region in a century. The UN estimates, a month later, that the quake killed roughly 6,000 people in Syria, in addition to nearly 50,000 in Turkey. Tens of thousands remain missing, and hundreds of thousands are displaced. For Syrians, the earthquake was a double catastrophe—a natural disaster on top of Syria's already extreme humanitarian crisis.

The earthquake largely affected areas along Syria's Turkish border that are controlled by the Syrian opposition, but it also hit some Syrian-government-held areas, including in Latakia and Aleppo governorates. In opposition-held areas, the emergency response was particularly dysfunctional. Those areas are ordinarily supported from Turkey, by aid agencies based in Turkish border provinces that were themselves hard-hit by the earthquake. Almost a week after the earthquake, the UN relief head said that his organization had "failed the people in north-west Syria."

As the emergency response got underway, two political fights were playing out in parallel. First, there was a diplomatic battle over expanded humanitarian access to the opposition-held northwest; and second, a heated public debate over the impact of U.S. and other Western sanctions on earthquake relief.

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In the earthquake's aftermath, Syrian officials—but also others, importantly—argued that Western sanctions were hampering the emergency response and should be lifted. U.S. officials and sanctions proponents, for their part, insisted that sanctions did not impact earthquake relief because of existing humanitarian exemptions.

State Department spokesperson Ned Price was asked on February 6, immediately after the earthquake, whether Washington might reach out to the Syrian government or lift sanctions. Price responded: "I will make the point that it would be quite ironic, if not even counterproductive, for us to reach out to a government that has brutalized its people over the course of a dozen years now—gassing them, slaughtering them, being responsible for much of the suffering that they have endured." Price stressed that U.S. aid to Syrians affected by the earthquake would be delivered through trusted humanitarian partners.

Days later, on February 9, Price was asked if U.S. sanctions were limiting the Syrian government's ability to import equipment for search-and-rescue efforts or preventing Syrian-Americans and Syrians abroad from sending money to their families inside Syria. Price repeated that U.S. sanctions did not stand in the way of aid to Syria. "Our sanctions are in no way an impediment of our ability to provide humanitarian assistance to our humanitarian partners on the ground in Syria," he said.

At issue, though, was not U.S. direct assistance—that is, "our ability" to support "our humanitarian partners." Rather, at issue were all the other things urgently needed for the earthquake response that the United States could not itself contribute, and that sanctions do, in fact, seem to have impeded.

The Apparent Impacts of Sanctions

Some of the effects of Western sanctions were already baked in, before February 6; once the earthquake hit, it was already too late to address them. Sanctions have apparently contributed to the poverty and exhaustion of the Syrian state, and more recently to a debilitating fuel crisis. Sanctions worsened the lack of working equipment for Syrian civil defense teams and shortages of fuel for emergency vehicles in the days and hours following the earthquake, which likely cost Syrian lives.

Yet sanctions also affected efforts to mobilize international support after the earthquake. The most clear-cut example was crowdfunding platform GoFundMe's initial refusal to host most fundraisers benefiting earthquake victims in Syria, with the exception of fundraisers for some preapproved nongovernmental organizations (NGOs). GoFundMe was not only suspending grassroots fundraising campaigns; it was also reportedly closing the accounts of the users attempting to organize them. "As a U.S. company we are required to follow our Terms of Service, payment industry requirements, and applicable laws, including those set by the US Treasury Department, which prohibit GoFundMe from allowing fundraisers meeting this criteria to raise money on our platform," GoFundMe reportedly e-mailed one user who attempted to raise money for Syrians affected by the earthquake.

At issue are all the urgent needs that the United States cannot directly contribute—and which sanctions have impeded.

Some assumed that this was a problem of “overcompliance” with U.S. sanctions. “Overcompliance” is the phenomenon whereby financial institutions and other private firms avoid even technically permissible transactions that, because of sanctions, they consider unacceptably risky. This is also called sanctions’ “chilling effect,” or “de-risking.” Aid organizations, for example, benefit from humanitarian exemptions, but they are obliged to transact with banks and suppliers. These private companies are wary of falling afoul of sanctions, and the amounts of money at stake in a smaller, poorer country like Syria—to finance aid operations, or for permitted commercial trade—are often too small for those outside firms to justify taking on major sanctions risk; for them, it’s easier to just avoid Syria-related business entirely. All this can limit the real usefulness of humanitarian exemptions written into sanctions.

Yet GoFundMe’s rejection of Syria-related fundraisers may not have been an issue of overcompliance at all—rather, it seems like plain “compliance.” The United States’ Syrian Sanctions Regulations include humanitarian exemptions for NGOs, as well as exemptions for the work of UN-linked bodies (“International Organizations”) and the U.S. government. Yet those regulations and the U.S. Treasury’s Syria Sanctions FAQs make clear that while U.S. citizens and residents are permitted to send “noncommercial, personal remittances” to Syria, they are not authorized to send charitable donations directly to Syria or to NGOs in Syria. When GoFundMe shut down distressed Syrians’ fundraisers for friends and family inside Syria, then, the platform seems to have been implementing U.S. sanctions to the letter.

Treasury’s General License

The Biden administration then seemed to reverse itself. On February 9, the U.S. Treasury issued a general license that authorized, with only a few qualifications, “all transactions related to earthquake relief efforts in Syria that would otherwise be prohibited by the Syrian Sanctions Regulations” for a period of 180 days. Deputy Secretary of the Treasury Wally Adeyemo, announcing the license, said it aimed to make clear that U.S. sanctions did not stand in the way of earthquake relief. “While U.S. sanctions programs already contain robust exemptions for humanitarian efforts,” Adeyemo said, “today Treasury is issuing a blanket General License to authorize earthquake relief efforts so that those providing assistance can focus on what’s needed most: saving lives and rebuilding.” The license only affected sanctions on the Assad government and linked entities, not counterterrorism sanctions on the Islamist militant group that controls much of Syria’s opposition-held northwest and that is subject to a different sanctions regime.

Some people seem to have misunderstood what the general license really meant. Members of Congress critical of the license have characterized it as an authorization for “direct transactions with the Assad regime.” These lawmakers likely seized on language in the license that barred transactions with sanctioned entities except for those that qualify as the “Government of Syria.” Yet that carve-out for dealings with the “Government of Syria” already existed in U.S. sanctions regulations. NGOs and UN bodies already benefited from an identical authorization for transactions with the Syrian government, something that permitted them to, for example, pay taxes and fees incidental to their work.

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The license's real import seems to be that it broadened the set of actors permitted to contribute to earthquake relief, to include entities such as grassroots fundraisers, private companies, and foreign governments. Treasury's Adeyemo, for example, said the license "expands upon these broad humanitarian authorizations already in effect under the [Syrian Sanctions Regulations] for NGOs, international organizations (IOs), and the U.S. government." A "compliance communique" published later by Treasury said the license "expands upon existing humanitarian authorizations to enable foreign governments and private companies to provide support to earthquake relief efforts in Syria and provides additional assurances to financial institutions who process such transactions."

Why did it matter that the license covered, for example, private companies? It mattered because it helped mitigate the "chilling effect" and its impact on even permitted humanitarian aid. The general license signaled to private companies, generally, that U.S. authorities would not penalize them for contributing to earthquake relief, and it told financial institutions in particular that their customers, not the institutions themselves, were primarily responsible for sanctions compliance.

Biden administration officials followed up the license with an outreach campaign to ensure the license was actually usable. The White House organized a phone briefing for Syrian-American groups on U.S. efforts to respond to the earthquake, including the general license; and the U.S. Treasury likewise held a roundtable call about the license for NGOs. The State Department published Arabic translations of the Treasury's press release announcing the license and of the license itself. And throughout, U.S. officials consistently advertised a Treasury compliance and feedback hotline, so would-be contributors to earthquake relief could call or email to expeditiously resolve sanctions-related questions.

Treasury's compliance communique, published on February 21, additionally clarifies the general license's scope. In Q-and-A format, the Treasury document provides examples of permitted earthquake relief and confirms, for example, that U.S. citizens and residents could raise relief funds through crowdfunding. It also confirmed that the license permitted assistance in Syrian government-held areas and support to government-affiliated search-and-rescue teams.

The Biden administration's outreach on sanctions and this license complemented other elements of the U.S. earthquake response, including direct U.S. contributions to earthquake relief, appeals for others to send assistance, and a diplomatic push for expanded humanitarian access to northwest Syria from Turkey.

Some Positive Effect

The general license made at least some difference to the relief effort. Again, GoFundMe is the clearest illustration: days after the license was issued, the platform appended an update on "how to safely fundraise for Syria" to its page on helping victims of the earthquake. That update specifically referenced the general license: "Following the updated Office of Foreign Assets Control (OFAC) guidance released on February 9, individuals can now use GoFundMe to raise funds for humanitarian aid efforts in Syria, including through personal remittances to those impacted by this crisis." Even then, some fundraisers reportedly still had to endure a lengthy review before collecting donations. But at least those fundraisers could move forward.

GoFundMe's about-face is unambiguous evidence that the sanctions relief made at least some positive difference.

The point here is not that GoFundMe fundraisers made a critically important difference in the earthquake response—although I think they probably mattered to the people who organized them, and to their friends and family inside Syria. Rather, the point is that GoFundMe's about-face is unambiguous evidence that the license made at least some positive difference.

The impacts of both sanctions and sanctions exemptions or licenses are typically more indirect and difficult to conclusively demonstrate. By contrast, the cause-and-effect impact of this license was clear and provable, at least in part.

The license also likely had effects more far-reaching than just allowing grassroots fundraisers, albeit ones that are trickier to establish definitively. As the emergency response was ramping up, for example, the license's inclusion of private companies probably helped to mitigate bank "de-risking" and other problems of overcompliance that have made NGOs' work more difficult, time-consuming, and expensive. The license may also have encouraged bilateral contributions of aid from regional countries that would otherwise have been worried about sanctions exposure and hesitant to become involved so directly and generously.

The Administration's Failure to Make the Case

The Biden administration has not done a good job highlighting the positive effects of the February 9 general license. This is not a surprise; the administration has often struggled to communicate the responsible things it has done to reduce collateral damage of U.S. sanctions.

After the license was issued, for example, State Department spokesperson Price downplayed its real effect. He and other U.S. government representatives have stressed that no sanctions had been lifted and said the license just aimed to dispel confusion about implications of sanctions for aid. "The U.S. is amplifying and formally spelling out in writing what has always been true," Price insisted. A Congressional staffer related to me, meanwhile, that a U.S. Agency for International Development (USAID) official sent to brief Congress on the earthquake response came under attack from another Congressional staffer over the general license. The USAID briefer defended himself by claiming the license didn't really change anything; sanctions were never a problem, he said, and the license was just a messaging exercise.

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Administration officials seem reluctant to make the case for this license, maybe because it would run counter to the mood on Capitol Hill, or maybe because it would mean acknowledging the adverse effects of sanctions a little too fully.

Yet the real case for this general license is that in the aftermath of the earthquake, time was of the essence. The aid response couldn't afford a sanctions compliance bottleneck for urgent relief, or have the chilling effect of sanctions deter some contributions entirely.

By announcing this license so shortly after the earthquake, moreover, the Biden administration helped convey the priority of earthquake relief to other donors and mobilize them to contribute. The United Kingdom and the European Union followed the United States' lead by temporarily relaxing their own sanctions regimes. Many more countries have since joined in the earthquake response in ways they may not have without early U.S. leadership.

And now that the disaster response is shifting from its initial emergency phase to focus on longer-term recovery and rehabilitation, we don't want sanctions to somehow frustrate relief efforts. Preventing Syrians from repairing their earthquake-damaged homes because it might be considered "reconstruction," for example, would just be pointlessly cruel.

Temporary sanctions relief was never going to fix everything, as Syrians and outsiders attempted to mount an emergency response in a country already ruined by more than a decade of war. The effect of these licenses was necessarily going to be on the margins. They made some difference, though, and they were worth issuing.

Washington Resistance

This general license has since come under attack from Syria hawks on Capitol Hill, in addition to like-minded Washington think tankers.

"The Biden administration's decision to authorize direct transactions with the Assad regime in the name of humanitarian relief is a slap in the face to the Syrian people," said Senator James Risch and Representative Michael McCaul. Senior Republican lawmakers, including Risch, McCaul, and Representative Joe Wilson have argued that the license was unnecessary, given existing humanitarian exemptions.

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They have claimed, moreover, that the license will open the way for the Syrian government to divert aid and for regional normalization with Damascus. Many of these members of Congress were already disgruntled with the Biden administration's Syria policy and the administration's failure to levy more sanctions on Syria.

We know that sanctions impact humanitarian aid, though, even with humanitarian exemptions in place. And we know this license cleared the way for at least some assistance to Syrians in need. Aid diversion by Syrian authorities, meanwhile, is a real concern (albeit one that is sometimes overstated, for political ends). But the diversion of some in-kind assistance is not going to substantially enrich the Syrian government, and anyway, some incidental benefit to bad actors is inevitable in a context like Syria. The challenge is not to eliminate aid diversion entirely, which is probably impossible, but rather to keep it at levels that are tolerable relative to the urgency of humanitarian action and the benefit to vulnerable Syrians. In an emergency like February's earthquake, that urgency becomes even more acute—the correct decision then was to err on the side of more aid, faster.

Recent moves by Arab countries to reengage Damascus and normalize diplomatic relations, meanwhile, seem like a separate issue. It seems dubious that this Treasury license figured centrally in these countries' decisions to call Syrian president Bashar al-Assad to voice condolences after the earthquake or dispatch their foreign ministers to Damascus. It seems more likely that the earthquake was a clarifying moment for the United States' regional Arab partners, who decided that their decade-long policy of isolating Damascus was “not workable”—enough is enough, basically.

Treasury's general license may have authorized some of these Arab countries' specific contributions to earthquake relief—Emirati donations of search-and-rescue equipment to civil defense teams, for example, or shipments of Egyptian aid to Latakia's governorate relief committee. But that relief, which is welcome, does not somehow translate to political normalization with Damascus, which the Biden administration has in any case opposed.

Meanwhile, the policy alternatives that the license's critics have proposed are obviously unserious. Several think-tankers have suggested, for example, that instead of this general license, Washington could create “a ‘white channel’ for humanitarian and incident-specific aid into Syria, similar to the approach taken with Iran in October 2020.” Yet the Trump administration's proposed mechanism for humanitarian trade with Iran (announced in October 2019, not 2020) was meant to facilitate commercial trade in agricultural commodities, food, and medical supplies—not urgent relief. It took months for Switzerland to establish a trade channel using the Trump administration's proposed mechanism; then that channel did not work. This is not a viable model for an emergency response.

This idea and others like it are non sequiturs—either poorly researched rhetorical deflections, or bad-faith distractions.

A Fight Worth Having

The fight over this general license is not over. These same members of Congress are now pushing the Biden administration to substantially curtail this license, just as Syrians and humanitarians try to scale up post-earthquake recovery efforts.

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A Humane Choice: Sanctions Relief for Syria's Earthquake

On February 27, the House of Representatives voted overwhelmingly for a resolution that was framed as an expression of solidarity with earthquake victims in Turkey and Syria but seems, in reality, to have been a reaffirmation of Syria sanctions. Joe Wilson, the bill's lead sponsor, said on the House floor that he was "deeply saddened" that the Biden administration had "weakened" sanctions with the license, which "will do nothing to help the earthquake relief and will only endanger Syrian civilians by enriching the regime." In a statement on the passage of Wilson's bill, Michael McCaul insisted that "the U.S. must narrow the sanctions exemptions for earthquake relief to apply only to lifesaving humanitarian aid."

The Biden administration deserves credit for putting human considerations first, for the sake of Syrian people.

Inside Syria, humanitarian needs have only grown since the earthquake. Even before February, conditions were dire. More than half of Syrians nationwide were "food insecure" and struggling to eat, mainly because they've become too poor to feed themselves. Syria just suffered an outbreak of cholera, due in large part to the breakdown of the country's water and power systems. Now the earthquake seems likely to drive up food prices, worsening hunger; and there are already reports of new cholera deaths in earthquake-affected areas.

Now is not the time to throttle humanitarian aid. What the United States really ought to be doing is giving more, and actually extending this Treasury license beyond its 180-day expiration to better enable others to contribute to earthquake relief and recovery. The Biden administration also needs to mitigate sanctions-related problems specific to the opposition-held northwest, where humanitarians say sanctions on Hayat Tahrir al-Sham, the designated terrorist organization that controls much of that area, are complicating relief efforts.

U.S. sanctions on Syria have been failing to meet their stated policy aims and hurting ordinary Syrians for years. When this earthquake hit, though, the Biden administration put human considerations first and relaxed sanctions, for the sake of Syrian people. Those same human considerations still ought to take priority a month after the earthquake, and beyond. The Biden administration should defend the responsible way they handled sanctions in the earthquake's aftermath, and they ought to look for what more can be done for Syrians who, even before this latest disaster, were living through a cataclysm.

Going forward, the administration faces dual challenges: first, continuing to effectively respond to this earthquake, and to Syria's compound humanitarian crisis, generally; and second, fending off Washington hawks intent on preventing any relaxation of sanctions pressure on Syria, whatever the cost to actual Syrians. Along the way, administration officials have to actually explain and advocate for the reasonable things they've done on sanctions and aid, so that would-be allies in Congress and the Washington policy community understand why these decisions made sense and can support them when they come under attack.

This is a political fight worth having. Last month's earthquake relief license and steps like it are the humane response to something like this disaster. They're exactly what the United States ought to be doing—and they merit a full-throated defense.

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HEADER IMAGE: A SYRIAN CHILD WALKS THROUGH A DESTROYED HOUSE FOLLOWING THE EARTHQUAKE, IN THE CITY OF ARMANAZ, ON FEBRUARY 24, 2023 NORTH OF IDLIB, SYRIA. SOURCE: ABDULMONAM EASSA/GETTY IMAGES.



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