Syria in Transition

SiT

Issue 9 – February 2024

Welcome to Syria in Transition (SiT), a monthly delve into policy-relevant developments concerning the Syrian conflict. Crafted by practitioners with a decade-long experience in the field, SiT offers informed perspectives tailored for diplomats and decision makers. SiT goes straight to the point and shuns unnecessary verbiage – just as we would prefer as avid readers ourselves.

Covered in the current issue:

Syria in Transition is produced by Conflict Mediation Solutions (CMS), a consultancy dedicated to improving the understanding of conflicts and increasing the efficiency and impact of Track II diplomacy.

SiT thrives on continuous exchange with professionals. We kindly invite you to reach out with criticism, ideas, information, or just to say hello at sit@cms-consulting.co.uk

Escaping the rabbit hole

UN attempts to advance constitutional process

With an unusually firm choice of words, UN special envoy for Syria Geir Pedersen criticised the "blockage" of the Constitutional Committee in his December 2023 briefing to the Security Council. For over 18 months, the Committee has been in limbo over the made-up matter of venue. The bickering started after the last session of the Committee, held in May/June 2022, when Russia rejected Geneva in protest at Switzerland's siding with Ukraine. Russia is not an official party to the Committee and should have no say in its deliberations, which remain fully under the purview of the UN. Damascus however, which is a party to the process, unsurprisingly adopted the Russian position. After a year of inactivity, in June 2023 Egypt proposed hosting the Committee but that was also rejected by Damascus, which cited a prior commitment to Oman to hold the meeting in its capital. Muscat was endorsed by the Arab Contact Group in August 2023 as the venue, but Damascus then backtracked at the sidelines of the Arab League Council meeting in Cairo in September. The Office of the Special Envoy (OSE) nevertheless tried to resuscitate Muscat but the Omani government politely declined. Things were back at square one.

Fabricated obstacle

Pedersen's position is that the Committee should convene in Geneva as long as there is no consensus on an alternative location. That there is no consensus is very much Russia's fault – hinted at by Pedersen when he spoke of the "non-Syrian nature of the issue." Albeit that this was a benevolent assessment that relieves the Assad regime of its responsibility, the UN Envoy has a point. Despite arguing that Geneva is unacceptable because of Switzerland's "hostile posi-

tion towards Russia", as Russia's envoy for Syria, Alexander Lavrentiev, put it, Moscow's diplomats continue to work in the Swiss city. Locally-based envoys participate in the UN-chaired Syria Humanitarian Task Force (HTF) and Ceasefire Task Force (CTF), and officials are sent from Moscow to engage with non-Syria related formats such as the Geneva International Discussions (GID) on Georgia and the Ukraine grain track. Moscow's decision to single out the Constitutional Committee to take a stand on Switzerland's position on Ukraine is utterly cynical, and is compounded by a demonstrable lack of desire to find a workable alternative acceptable to all sides.

For the Assad regime, the venue issue is a gift, allowing it to continue its charade of appearing to engage in a political process. The reality is that it never wanted to engage in the constitutional process, partly because it does not want to legitimise the opposition and civil society representatives who make up two-thirds of the committee. The regime considers itself the sole legitimate representative of Syria, state, people and all, and is only ever interested in talking to other governments.

Make-or-break

Having reached something of a pain threshold, in late 2023 the UN Envoy urged international stakeholders, especially Russia and Turkey, to advance an understanding that would enable the Committee to reconvene. The two powers consider the Committee their co-creation since it was born through a Russian initiative in 2018 in Sochi and developed under significant Turkish influence. Russia, however, would not budge. Several alternatives to Geneva have since been floated, including Algiers, Baghdad, Riyadh, Nairobi, and South Africa. Naturally, the OSE and the Syrian opposition prefer Geneva because of its symbolic value. If a serious constitutional process could be reinvigorated at another venue, however, sacrificing Geneva would be a small price to pay – provided that all parties were serious about making the process work, including by agreeing a clear work plan and timeline. Fulfilling that condition would appear to be unlikely. Power to challenge the rules agreed on in the Committee's Terms of Reference is being wielded by one of the conflict parties and its foreign backer: a disaster for any mediator and a blatant breach of the principle of the Committee being Syrian-led and -owned.

At the 21st Astana summit held on 24–25 January, the venue for the next meeting of the Constitutional Committee was discussed both in formal sessions and private discussions. According to a European diplomatic source, the OSE did consider proactively sending invitations for the Committee's 9th session to be held in Geneva, regardless of the Russian veto. A final decision on whether to go ahead with this commendable approach has not yet been made. This is make-or-break for the OSE. Should the UN Envoy bow to more external pressure, it will mean further delay, until at least after Ramadan – which finishes in April – and a downgrading of the format still further. Even if Damascus agreed to attend, the underlying problem of Assad's bad faith would persist.

The UN is under an obligation not to buckle under Russian pressure. Inviting the Syrian parties and representatives – regardless of their level – of observer countries to a Constitutional Committee meeting as early as March in Geneva is the right way to go. Apart from any other consideration, the UN badly needs to reassert its authority as the facilitator of the process, as mandated by the Security Council. The alternative is continued charade, which serves no one's interest except Assad's. If the Envoy's last ditch efforts fail, it would be better to face reality and disband the committee. The silver lining could be that it might provoke the West to formulate innovative measures aimed at implementing UNSCR 2254, based on the key lesson learned: success requires clear and universally respected ground rules.

Disaster diplomacy

Griffiths reports setbacks to Security Council

One of the curious aftermaths of the earthquake that struck Turkey and Syria this time last year was a misplaced confidence in the power of persuasion. "Disaster diplomacy" saw diplomats and officials flock to Damascus to negotiate deliveries of urgently-needed aid, which quickly developed into an attempt to translate humanitarian agreements with Bashar Assad into political ones. "If not now, when?" was the natural instinct. One of those officials was the head of UN OCHA, Martin Griffiths, who met Assad three times in 2023 to convince him to engage in a give-and-take

with the West. The deal was simple: sanctions and red lines would be loosened and more UN aid and development funds extended if the regime would accept UN-negotiated reforms. Griffiths was a former diplomat and Track II pioneer and was perhaps the UN official best suited for the job. He had in fact presented himself to the Secretary General and donor governments as the one who could deliver on Assad if only they would let him.

Several months after Griffiths' last visit to Damascus nothing had changed, and suspicions were growing that his line with Damascus had gone cold. At a closed session of the Security Council on 30 January 2024, Griffiths confirmed these suspicions. "We need a genuine political process or at least the potential for it, not mere promises from the Presidential Palace in Damascus," was how he put it, according to diplomatic sources with knowledge of the briefing. He said that initially he had appreciated Assad's authorisation of UN use of the Al-Rai and Bab al-Salameh crossings shortly after the earthquake, because "it meant that he understood the need to start behaving like a president." When Griffiths attempted to engage the Syrian leader on issues like the future of the northwest, crucial for humanitarian planning, however, he was simply ignored. Griffiths also said that there had been hope that the readmission of Syria to the Arab League would carry a cost, "but unfortunately it did not." According to Griffiths, Assad considered it "good news" that there was no political pressure on him. The OCHA chief responded by saying that this was not at all good news, and that there needed to be political pressure on Assad to release detainees, engage in the Constitutional Committee, and take other steps towards a political process. "Without progress on political issues, we cannot make headway on humanitarian matters," Griffiths told Assad.

Griffiths' high-profile visits to Damascus and the goodwill he extended did trigger some developments on political issues – but only on Assad's terms. It helped torpedo the already battered position of UN Special Envoy Geir Pedersen, whose access in Damascus is restricted to occasional meetings at foreign minister level. Why would Assad take the Envoy seriously if he had the head of OCHA, door-keeper to billions of dollars, eager to meet him and offering money and low-cost political recognition?

The Arab normalisation, which Griffiths implicitly endorsed at the time, has not prompted positive behavioural changes in Damascus. The Arab Contact Group established in August 2023 is already falling apart because Assad won't offer any meaningful concessions. The Jordanians, who pushed for its creation in a bid to demonstrate their diplomatic prowess, have reached rock-bottom in their relations with Damascus. Egypt, too, is annoyed and disillusioned. The two major issues on which progress was thought feasible – drug smuggling and refugee returns – have, if anything, worsened. Griffiths said that UNHCR had managed to make progress with Damascus on refugee returns but that it was "just ink on paper."

Griffiths' briefing at the closed door Security Council session amounted to an admission of error. His eagerness to engage in good faith had not been reciprocated, and he now considers that progress requires more political confidence, assurances to donors that there is something worth investing in, and continued support for the UN Special Envoy's mediation efforts. This is a significant change in tone from his 29 June 2023 briefing when he called for early recovery projects in Syria "with longer timelines and fewer donor red lines."

Coming clean at the Security Council is brave and refreshing, but the damage is already done. Griffiths' "disaster diplomacy" aided the something-for-nothing normalisation deals with Assad, encouraged the misuse of refugees as political chips, contributed to the erroneous opinion that increased early recovery funding should be prioritised to incentivise refugee returns, and legitimised efforts to provide reconstruction funds camouflaged as humanitarian assistance. Perhaps by virtue of what OCHA represents, he ended up strengthening political and humanitarian/development voices who continuously lobby for more money, fewer donor red lines, and more of what they consider "pragmatic engagement" with Damascus irrespective of progress on UNSCR 2254. That may not have been the intention, but it is where we are today.

Playing down the clock

The phony debate over Iran's proxy network

The big talking point in Western media and think tank circles these days is how to characterise the various militant groups supported by Iran. The question of whether these groups possess autonomous agency or are mere proxies of Iran has far-reaching implications for how the West should respond to them. "The likelihood of a regional conflagration turns on the unclear intentions of Iran and the contested degree of control it exercises over the numerous linked but autonomous groups it has nurtured over the past decade in five sovereign countries," writes a Guardian analyst. Another analyst, writing in TIME magazine, says that, "The support that Iran gives these groups – typically weapons, and advice on how to use them – doesn't translate into the kind of power and control sponsors typically have over their proxies." According to the New York Times, US intelligence assessments indicate Iran was surprised by Hamas' 7 October attack. News website Politico quotes two US intelligence sources as saying, "Tehran does not have full control over its proxy groups in the Middle East, including those responsible for attacking and killing US troops in recent weeks." It is claimed by much of the expert commentariat that Hamas, Hezbollah, the PMFs, and the Houthis, have motives and interests of their own and act in accordance with their own political beliefs and strategic interests rather than merely following Iranian diktat.

Obfuscation for peace

It is risky to make definitive characterisations of Iran-backed groups amidst a war in Gaza and heightened tensions in the region. Saying that orders to attack Israel and US forces came from Tehran would in theory require a direct military response against Iran, or at the very least a concerted effort to destroy the proxy groups. Those who wish for de-escalation in the region – including in the US government – see the convenience in playing up the autonomy of Hamas, Hezbollah et al. Pro-Axis of Resistance voices in the West have taken full advantage of this line to shield Iran from Western retribution. Some have taken it to absurdity, with one analyst arguing in Foreign Affairs magazine that, "Iran's reluctance to sacrifice members of its network for the sake of saving Hamas is (...) a sign the country is not the mastermind or behemoth destabilizing the region. Instead, it is a reticent actor on its back foot." Whether the facts support assertions like this is unimportant when the claimed primary consideration is peace in our time.

National agency and transnational agendas are not mutually irreconcilable. Those who assert that Iran controls and directs a network of militant groups often play up to a certain caricature in the Western imagination of what such a network must look like: something resembling SPECTRE, with Ayatollah Khamenei as the cat-stroking villain presiding over dastardly plans for world domination from an underground lair. The reality is that Iran's militia network hides in plain sight. In Lebanon and Iraq, it is part of the government, and in Yemen it *is* the government. By definition, these militant groups have beliefs and interests that are unique to their local context, and which anchor them to the societies from which they emerged. That Iran is sensitive to these local contexts, and that militant groups that it supports often engage in pragmatic politics at the local level, does not mean that they are autonomous at the regional level. Speaking about these groups, Iran's ambassador to the UN, Amir Saied Iravani, said, "We are not directing them. We are not commanding them. We have a common consultation with each other." He went on to describe Iran's relationship with these actors as a "defence pact," likening it to NATO.

A more appropriate likeness might be the Warsaw Pact. Eastern European governments of the time had their own identity and interests and were not entirely under the thumb of Moscow on domestic affairs. On international affairs (i.e. the meta conflict with the West), however, they had no choice but to toe the Kremlin line. Often, they acted as advance guards for fomenting revolutions in the Third World, and developed alliances with countries that did not want overly conspicuous dealings with Moscow: the Cuban-East German partnership, for example. Moscow could distance itself from controversial decisions or actions taken by individual Warsaw Pact members, attributing them to the sovereignty and autonomy of those countries. Iran operates in much the same way, with Hezbollah serving as chief cut-out.

The lack of publicly available smoking gun evidence of Tehran ordering its network of militant groups to attack Israel and US forces does not mean that those

orders were not given. The extensive financial, military, and political connections that militant groups have to Iran is not disputed; neither is Iran's forty-year strategy of seeking to dominate and control its Arab neighbours. In 2015, the IRGC's Major-General Mohammad Ali Jafari said that, "The Islamic revolution is advancing with good speed, its example being the ever-increasing export of the revolution. (...) Not only Palestine and Lebanon acknowledge the influential role of the Islamic Republic but so do the people of Iraq and Syria." Beyond its long-term aspirations for regional dominance, Iran's immediate intention is also quite clear, and is freely admitted by pro-Tehran commentators: to force the departure of the US military from the Middle East.

The debate over Iran's proxy network essentially boils down to whether Tehran ordered the militant groups to attack Israel and US forces or they did so on their own volition? In dozens of high-level negotiations in Syria on sieges, ceasefires, hostage releases and the like involving Iran-backed militant groups, Iranian officials (i.e. IRGC officers) were generally active participants with ultimate authority. Short of a televised tell-all confession by Hasan Nasrallah or Yahya Sinwar, however, the full truth may never be known. In the meantime, plausible deniability is likely to net Iran an empire.

Guilt by association

"Iran may have provided the gun, but it was proxies that pulled the trigger. Iran is therefore not guilty." This sums up the argument for the defence, which sounds suspiciously like the kind of thing that a lawyer representing a mob boss might say. The similarities don't stop there. For decades, Italian-American organised crime groups in the US ran rings around law enforcement because while it was relatively easy to convict a low-level gangster for murder, it was near impossible to link the murder to the mob boss that ordered it. Historically, common law held a defendant responsible only for his own actions, so as long as a mob boss could plausibly deny instructing a hit man to murder a victim, it was hard to make a case against him. Two events changed everything. The first was the 1963 Valachi hearings where a turncoat *mafiosi* confessed all to a US Senate committee, forcing the FBI chief at the time, J. Edgar Hoover, to focus on the mafia after having denied that it even existed. The second and more consequential development was the Racketeer Influenced and Corrupt Organizations Act (RICO) of 1970, which made it possible to convict the bosses because it focused on patterns of behaviour as opposed to individual criminal acts. Put simply, RICO allowed law enforcement to target the criminal enterprise as a whole by bringing charges against the entire organisation, including its leaders, for engaging in a pattern of racketeering activity. Proving that the organisation existed was key.

As the West ponders its next steps on what to do with Iran's militant group network, much of the commentariat on the subject continues to engage in obfuscation and filibuster. No doubt some of it is well intentioned – to avert WW3 no less – but much is comprised of ideological talking points cloaked as expert analysis. Denying the existence of an overarching and centrally-run organisation of militant groups acting in unison and upon orders from the highest levels of Iran's leadership to force a US military withdrawal from the Middle East is as foolish as denying the existence of the mafia. Time and effort would have been better spent on a mature and honest debate on what an Iran-dominated regional order might look like, and its likely impact on the peoples of the Middle East who will have to live under it. After all, that certainly seems to be where the region is headed.

Living in the crossfire

Jordan's growing national security crisis

A football match controversy can sometimes offer illuminating insights into international affairs. Take the 29 January game in Doha between Jordan and Iraq that ended 3–2 to Jordan and progress to the quarter-finals of the Asia Cup tournament. The last-minute winner scored by midfielder Nizar Al-Rashdan was easily the highlight of the game; of note also was the sending off of Iraq's top striker Aymen Hussein. Iraq had won the Asia Cup in 2007 and was considered a strong team, and so naturally angry Iraqi supporters looking for a scapegoat found it in the shape of Iranian-Australian referee Alireza Faghani. He was accused of siding with the Jordanians and even of having "Zionist" sympathies. That's when things turned ugly, for

what followed was a social media exchange of sectarian memes and insults between Iraqi Shias and mainly Levantine Sunnis celebrating Jordan's defeat of a "Shia" team. The descent to name-calling of this kind reflects wider hostility between Iran and its allies – perceived to be on the march – and Sunni Arabs keen to see them checked. The latter have come to regard Jordan as the new 'guardian of the eastern gate': a bulwark against growing Iranian encroachment radiating from Iraq, Syria, and Lebanon.

This is not a role that Jordan particularly wants or relishes. King Abdullah II in 2004 first publicly warned of an emerging "Shia crescent" that would destabilise the region; but balanced against legitimate national security concerns were matters of investment and jobs, and Jordan saw Iraq as the key to its economic security. The conflict in Syria added new economic and security pressures on the kingdom: disrupted trade, 800,000 refugees, drug and arms smuggling, and IRGC groups on its northern and eastern borders. The 2023 Hamas-Israel war has only piled on the pressure by heightening the risks of internal instability and the forced transfer of Palestinians from Gaza and the West Bank.

Living in the crossfire is not new for Jordan. It has faced down a PLO insurrection, a Syrian invasion, two Gulf wars, two intifadas, an Al-Qaeda terror campaign, and 16 years of Benjamin Netanyahu. It has been able to do so because Jordan's rulers could always rely on solid US and UK political and military support in return for use of its territory and diplomatic and intelligence services: running discreet backchannels with Israel, the PLO, Hamas, and Saddam in the 1980s and 1990s for example. That role, which allowed the kingdom to punch well above its weight in the region, has now been usurped by Gulf states that can back up their diplomacy with cash and are less encumbered with domestic stability concerns. On Gaza, it was Qatar that took the lead on brokering a ceasefire and prisoner exchanges.

False re-set

Nothing exemplifies Jordan's fall from the political A-league more than its failure on Syria. Its championing of step-for-step re-engagement with Damascus gave it a leading role in the creation of the Arab League's Contact Group, which was meant to implement a Jordanian-drafted roadmap based on the famous non-paper presented to Washington in 2021. Jordan's Syria initiative was meant to be a re-set for Jordanian diplomacy but it also aimed to stimulate trade with Syria and reinvigorate the commercial transit of goods that netted Jordan a healthy income in fees. As part of the roadmap, Assad had to deliver on two main issues: return of refugees and ending drug smuggling. The momentum for this initiative was short-lived, however, as Assad stonewalled the process and Saudi Arabia and the UAE embraced bilateral diplomacy with Damascus, by-passing Amman entirely. Predictably, the Contact Group went nowhere.

Meanwhile, Jordan's northern border was being assailed daily by drug smuggling gangs operating out of southern Syria supported by the Assad regime and Hezbollah. With the Gaza war, the same gangs smuggling drugs to Saudi Arabia started to smuggle weapons to the West Bank via Jordan. On 6 January a major clash occurred with a large group of armed smugglers resulting in five being killed and their cargo of explosives and munitions seized. On 10 January Jordanian special forces carried out a raid inside Syrian territory to arrest smugglers after the regime refused to do so. On 18 January ten civilians were killed when Jordan's air force bombed a suspected drug warehouse. The strikes and the raids provoked a strong exchange of words between Damascus and Amman, the latter speaking of "dangerous Iranian groups" operating in Syria whose goal was "to undermine Jordan's security." The 28 January drone attack on Tower 22 that killed three US soldiers and the subsequent air strikes against Iran-backed groups brought into focus Jordan's close military cooperation with the US. This angered Iran, just as its raids and air strikes against Syria have earned it the ire of Russia.

The last flame

Success at football was a welcome distraction for the Jordanian government, but in the real world crises abound. How it responds to them depends on the level of support it receives from its two traditional allies: the US and the UK. In December 2023 Amman approved a $2.9bn military budget, the highest in the kingdom's history. It has procured more F-16s from the US, hundreds of second-hand armoured vehicles from the Netherlands, and established the Middle East's first drone and electronic warfare test range. No doubt some of these costs will be covered by Western military assistance, which may well expand. Building a wall along the border with Syria may also be considered, following the example of Turkey and Iraq. But tanks and concrete alone will not solve Jordan's political and security crisis.

On 12 February King Abdullah visited President Biden to discuss the most pressing concern: Gaza. Beyond that, a sustained dialogue between Jordan and the West needs to address the future of the country as a key node in the West's security architecture. As the US now considers the possibility of military withdrawal from Iraq and Syria, Jordan might become the last secure foothold for the US in the Fertile Crescent. Strengthening Jordan as a non-kinetic response to the growth of Iranian influence might become a smart policy choice. Politically, the role of go-between may not be the most appropriate one for Jordan going forward. Instead, Jordan might want to assert itself more confidently as an alternative and altogether more humane model of governance to that of radical Sunni and Shia groups. The survival of Jordan's monarchical system that is based on religious legitimacy but which has produced a stable, capitalist, pro-Western, quasi-secular, quasi-democratic state, is a remarkable achievement. It is the last vestige of an early 20th Century project that sought to create liberal Arab states that wedded tradition and modernity; its continued success rests on confidence, in itself and in its allies.

Chain of command

CIJA files prove Assad's role in crimes

Bashar Assad doesn't know what a barrel bomb is. "I haven't heard of the army using barrels, or maybe, cooking pots," he said to a BBC interviewer in February 2015. Lame joke aside, it's no laughing matter. Despite overwhelming evidence of crimes committed, Assad's spin doctors have meticulously crafted the image of a calm and reasonable statesman resolutely standing up to foreign-sponsored extremists and winning. Nasty things done during the course of the war was the work of "terrorists", they would say; and where evidence points to regime culpability, the fault surely lies with overzealous apparatchiks acting without the knowledge of the President. Many have come to believe this "strategic ambiguity" take, or at least pretend to. Assad can feign ignorance because court-ready evidence proving direct culpability is rare in totalitarian states. The regime has systematically perpetrated crimes against humanity. There can be no doubt about *that*. Less clear is the *how*: who issued the orders? Who carried them out? Who reported back, and to whom?

Based on the Assad regime's own documents, corroborated by eyewitness testimonies, the Commission for International Justice and Accountability (CIJA), an investigative INGO, has meticulously reconstructed the exact chain of command at the time and place of major atrocities. CIJA has amassed over 1.5 million pages of internal communications in original paper form that had previously been held in the archives of several security bases overrun by rebels in the early years of the war. The documents were taken out of the country, examined, digitised, and are now stored at a secure location in Europe. They show that the regime conducted a campaign of terror and mass murder, directed by Assad and executed by army, security, and Ba'ath Party officers working within a strict hierarchy.

The richness of detail in the documents is striking. Internal communications reveal orders from the highest leadership levels to show no mercy to demonstrators and to disperse public protests regardless of consequences. The documents reveal how military commanders received written instructions to threaten communities with destruction in case of resistance, to strike mosques and schools, and to mobilise loyalist paramilitaries to commit massacres. They describe systematic torture and murder in regime prisons; and demonstrate how high-ranking officers watched these crimes unfold in real time through cameras installed in interrogation rooms. Some even participated personally in the rape of detainees.

These crimes were ordered and micromanaged by the Central Crisis Management Cell (CCMC), a body established by Assad in March 2011 to coordinate the response to street protests. Intelligence reports from that month took note of the demonstrators' calls for "*democracy, freedoms and reforms aimed at creating job opportunities.*" These calls, however, were regarded as evidence of a foreign conspiracy. In his 16 April 2011 speech, Assad struck a tone considered by Western media to be relatively conciliatory. Privately, he was signing off on CCMC clampdown orders, noting that "*the time for tolerance and meeting demands is over.*"

Riot police and *mukhabarat* agents led the initial wave, but as matters escalated the response became whole-of-state. In the early months the CCMC ordered daily pro-regime counter-rallies and firearms training for Ba'ath Party members designated to confront and dis-

perse protestors. The regime's resort to state employees and loyalist student and labour unions to generate displays of support, and to the Ba'ath Party for a ready supply of street thugs, was part of a 'broad front' strategy designed to deny the protests a narrow target – Assad and his family – and to dissipate their energy by confronting a wide spectrum of state and state-affiliated bodies and interests. Curiously, the CCMC's orders also included a requirement that detainees should not be released but instead should be referred to the courts for quick trials. This might sound reasonable: Syrian law allows suspects to be detained for up to 60 days before seeing a judge; but in practice this time limit was routinely ignored. The CCMC's order was less about maintaining the rule of law than about embroiling the judiciary in the violent crackdown.

The internal communications also reveal the complexities and challenges of fully mobilising the state's repressive potential. On multiple occasions, for example, judges ordered the release of detainees against the will of the security forces – which mainly reflected a judicial bureaucracy still in a pre-2011 routine repression mode that had not adjusted to the regime's sudden turn to maximum repression. Moreover, as noted by Reinoud Leenders, Syria had a history in which "*carrying responsibility for extra-judicial violence made officers over-confident or insistent to be rewarded. When these rewards did not come as expected, (aborted) coup attempts followed.*" In this light, the CCMC's order to refer suspects to courts can also be understood as a strategy by Assad to limit the influence of security and military actors by denying them full authority over extra-judicial violence. Despite the CCMC being a body that centralised power, divide and rule of state institutions continued to be routine.

CIJA's painstaking work reveals Assad as the pinnacle of all chains of command. He can no longer claim ignorance of the atrocities: detailed CCMC reports were delivered to him daily, and he gave written instructions that went down the various chains of command and were executed. The case against Assad rests principally on the records compiled by his own bureaucracy of death.

CIJA's report, *Behind the Curtain: Unravelling the Bureaucracy of Syria's Killing Machine*, is available at www.cija-syria-regime.org