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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

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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 militias and the Syrian Kurdish People’s Protection Units (YPG), which operates primarily 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-Iraqi-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/east-mediterranean-mena/syria/239-containing-transnational-jihadists-syrias>

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, plumbed 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-98320731>

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/07/2003157209/-1/-1/1/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-displaced-syrians-brink.html>

⁷ Amany Qaddour 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%20shook,record%201%2C000%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/90851213/why-gofundme-suspended-fundraising-campaigns-for-victims-of-the-earthquake-in-syria-in-turkey>

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 Majalla, March 31, 2023. <https://en.majalla.com/node/288586/politics/can-us-uk-sanctions-dismantle-syrias-drug-industry>

¹³ Celine Alkhalidi, "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.