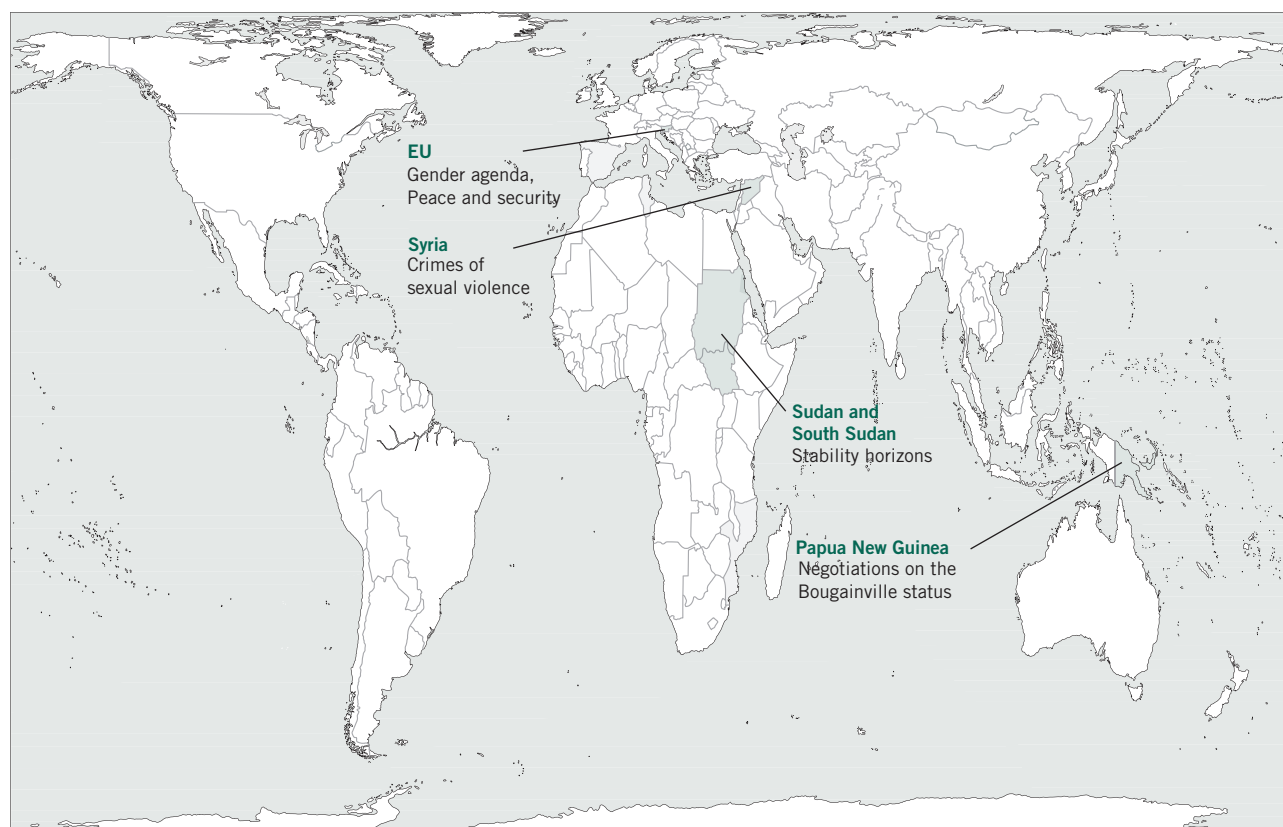


## 4. Opportunities for peace in 2021

After analysing the year 2020 from the perspective of conflicts and peacebuilding, the UAB's School for a Culture of Peace highlights in this chapter five areas that are opportunities for peace in 2021. They are contexts where there is, or has been, an armed conflict or socio-political crisis in the past where a series of factors converge that could lead to a positive turn in the situation and/or issues of the international agenda that may, in the short to mid-term, contribute to building peace. The opportunities identified for 2021 refer to the new horizons, challenges and hopes for stability in the Sudan region; the negotiations between Papua New Guinea and Bougainville; the fight against impunity and prosecution of crimes of sexual violence in Syria; and the perspectives of a greater focus on the gender, peace and security agenda in the EU.

All these opportunities for peace will require a real commitment and huge efforts from the parties involved and, whenever required, the support of international actors for the existing synergies and positive factors to lead to the building of peace. In this regard, the analysis by the School for a Culture of Peace aims at offering a realistic view of these scenarios and issues, identifying the positive elements that feed the hope for changes, but without neglecting the difficulties that exist and could be an obstacle for the realisation of these peace opportunities to come true.

Map 4.1. Opportunities for peace in 2021



## 4.1. New horizons, challenges and hopes for stability in the Sudan region

In the last decade, the region including Sudan and South Sudan has gone from a major political crisis that escalated after the independence of South Sudan in July 2011, to the initiation of transitional processes in recent years that have opened a new path of hope for the construction and consolidation of peace and stability in the area. While the January 2011 referendum in the southern Sudan region –foreseen in the 2005 peace agreement– resulted in the birth of the South Sudanese state, representing a turning point in the armed confrontations in the region, South Sudanese independence triggered new processes of confrontation and violence within both states. In Sudan, the regions of South Kordofan and Blue Nile, which had been excluded from the referendum, continued the war against the government in Khartoum with the SPLM-N, thus joining the other front of armed conflict in the west of the country, in the region of Darfur. Meanwhile, in South Sudan, a year and a half after the proclamation of independence in December 2013, civil war broke out, marked by lines of allegiance between supporters of President Salva Kiir and former Vice-President Riek Machar. At the same time, tensions between Khartoum and Juba increased with mutual accusations of supporting the neighbour's rebellions, as well as disputes over the unfinished border demarcation between the two states, with the Abyei enclave as the main focus of tension.

However, in recent years, due to significant external pressures on the countries to put an end to the violence, as well as the increase in protests and citizen mobilisation, mainly in the case of Sudan, a new scenario has emerged in the two Sudans, marked by the creation of two transitional governments, as well as the signing of two important peace agreements that have opened new horizons in the region. In Sudan, following the fall of Omar al-Bashir in April 2019 –after 30 years in power– a transitional government was set up by the Transitional Military Council (TMC) and the opposing coalition known as Forces for Freedom and Change (FFC) in mid-2019.<sup>1</sup> Subsequently, in October 2020, the new government succeeded in signing a historic peace agreement with some of the main armed actors in Darfur, South Kordofan and Blue Nile, the rebel coalition Sudan Revolutionary Front (SRF), the Sudan Liberation Movement faction led by Minni Minnawi (SLM/A-MM) and the Sudan People's Liberation Movement-North (SPLM-N) faction led by Malik Agar. In parallel, but in reverse, in South Sudan, the 2015 peace agreement, renamed the Revitalised Agreement on the Resolution of

the Conflict in the Republic of South Sudan (R-ARCSS), was ratified in August 2018, leading to the formation of the long-awaited Government of Unity (RTGoNU) in February 2020. A noteworthy aspect of both processes is that in achieving stability in each country, the engagement and mediation of the neighbouring state in the signing of the peace agreement has been fundamental –Khartoum hosted the signing of the South Sudan peace agreement, while Juba played a similar role in the northern neighbour's peace agreement– which has smoothed bilateral and diplomatic relations between the two states and facilitated progress in easing tensions over the unresolved border demarcation.

In both states, the clauses on the formation of the transitional governments and the peace agreements establish different aspects relating to the sharing of political power (at the state level –executive and legislative bodies– and at the sub-state level), the political-administrative decentralisation of the territory, reforms of the political, legal, economic and security sector systems (formation of armies of unity), and the establishment of a road map for the transitional period (about three years in both states), which should lead to the holding of elections, scheduled for 2022 in the case of South Sudan, and 2024 in the case of Sudan.

To accompany the development of the transitional process and stabilisation in both countries, the United Nations has kept peacekeeping missions deployed. In the case of Sudan: the United Nations Integrated Transition Assistance Mission in Sudan (UNITAMS), which is the latest mission approved by the Security Council in June 2020 in its resolution 2524 (2020). In South Sudan: the United Nations Mission in the Republic of South Sudan (UNMISS), deployed since 2011. In the disputed enclave of Abyei, the United Nations Interim Security Force for Abyei (UNISFA) remains in place. In addition to these missions, regional organisations such as the AU and IGAD, guarantors of the peaceagreements, are committed to ensuring their proper implementation.

Although important steps towards peacebuilding and stability have been taken in both countries, the major challenges on the horizon relate, on the one hand, to the capacity to incorporate non-signatory armed actors into the peace accords, and on the other, to the stabilisation of the transitional governments and compliance with the agreed roadmap. Regarding the former, in Sudan the government is engaged in a dialogue process with

***Both countries have successfully signed a peace agreement and implemented transitional processes in recent years***

1. See Josep María Royo Aspa, "La revolución sudanesa y sus mujeres de Pau", *Apunts ECP de Conflictos i Pau*, Núm.1, Escola de Cultura de Pau, 2020.

the faction of the rebel group Sudan People's Liberation Movement-North led by Abdelaziz al-Hilu (SPLM-N) and with the faction of the Sudan Liberation Movement led by Abdelwahid al-Nur (SLM/A-AW). At the same time, the situation in South Sudan is similar, with peace talks being held between the government and non-signatory groups to the R-ARCSS, initially organised through the South Sudan Opposition Movements Alliance (SSOMA). These talks led to the signing of the "Rome Declaration on the Peace Process in South Sudan" on 12 January 2020, in which the parties committed themselves to a ceasefire, humanitarian access and continued dialogue. The rebel SSOMA coalition fractured in mid-2020 due

to disagreements between its organisations, but talks are still taking place at separate tables. On the other hand, in relation to consolidating progress in the transition, while important steps have been taken to date, both countries need to find effective ways to reduce the animosity and regional-ethnic-identity fractures forged over decades, as well as to reduce the effects of the collapse of their economies on society and rebuild society's trust in their institutions after years of poor governance. The deadline for meeting these important challenges is 2022 in the case of South Sudan and 2024 in the case of Sudan, and therefore the progress made over the next few years will be crucial for the future of the region.

## 4.2. The negotiations between Papua New Guinea and Bougainville

During 2020, the government of Papua New Guinea and the Autonomous Bougainville Government (ABG) laid the foundations for a negotiating process that could lead to resolution of the political status of the island of Bougainville and thereby complete a peace process begun in the 1990s. Indeed, after an armed conflict between 1988 and 1998 in which around 20,000 people died, the government of Papua New Guinea and the Bougainville Revolutionary Army signed a truce in 1998 that facilitated the signing of the Arawa Agreement in 2001. Among other issues, the Arawa Agreement provided for the establishment of the Autonomous Region of Bougainville (ARB), the disarmament and demobilisation of the combatants and the holding of a non-binding independence referendum within a maximum period of 15 years after the election of the first ARB government, which finally took place in 2005. The clear results of the referendum, which was held in late 2019 (with 87% turnout and 98% of the votes in favour of the island's independence), motivated the start of the dialogue between the authorities of Papua New Guinea and Bougainville, which should lead to a proposal on the political status of Bougainville that will have to be ratified by the national Parliament.<sup>2</sup>

Although the COVID-19 pandemic, the elections in Bougainville and the outbreak of a political crisis within the government of Papua New Guinea slowed down the start of negotiations in 2020, at various times during the year both parties repeated their commitment to the negotiating process and their respect for the results of the referendum. In early January 2021, Papuan Prime Minister James Marape and new ARB President Ishmael Toroama met in the country's capital, Port Moresby, and agreed on the bases of the negotiating process, such as the institutional framework of the negotiations, the substantive agenda and the facilitation of dialogue at the hands of a neutral third party (in late 2020, it had emerged that such a role would fall to Bertie Ahern, the former Prime Minister of Ireland and chairman of the Bougainville Referendum Commission). Both leaders also agreed that in recent years the Autonomous Government of Bougainville had complied with two of the three fundamental pillars of the peace agreement (good governance and the disarmament and demobilisation of combatants) and reiterated that previously both governments had agreed that the concept of independence included full sovereignty, recognition under international law and separation from Papua New Guinea.<sup>3</sup> This last point

is important because according to some analysts, the government of Papua New Guinea could have tried to focus the negotiations on economic independence and self-determination, excluding from the dialogue the separation of Bougainville from the rest of the country.

Several analysts have stressed the importance of the leadership of both parties to the negotiations. James Marape took office as Prime Minister of Papua New Guinea a few months before the referendum was held. According to various media outlets, he facilitated the organisation of the referendum and expressed respect for it in advance. Furthermore, the President of Bougainville assumed office after the elections that were held between 12 August 1 and September 2020, the fifth since autonomous status was granted to Bougainville, in which Toroama defeated the other 24 candidates running by a wide margin. The fact that

Ishmael Toroama had been commander of the Bougainville Revolutionary Army and that he had played an important role in the demobilisation of the group could strengthen the negotiating process in two ways: first, because the negotiations on the political status of the island are going to be one of his government's priorities, as he has already stated; and second, because his personal background could give him some sway and political influence over groups that may be more sceptical of the developments or the outcome of the negotiations, now or in the future.

Another factor bolstering the negotiating process is the international support that it has enjoyed thus far. In the 1990s and the early 21st century, the United Nations

was actively involved in supervising the truce signed in 1998 (Lincoln Agreement), in facilitating the political dialogue that led to the 2001 peace agreement and in supervising its implementation through the United Nations Political Office in Bougainville (attached to the United Nations Department of Political Affairs and not the Department of Peacekeeping Affairs) and the United Nations Observer Mission in Bougainville. Since the late 1990s, several countries in the region, such as Australia, New Zealand, Vanuatu and Fiji, actively participated in the Truce Monitoring Group and later in the Peace Monitoring Group, which were essential to verifying the disarmament process. More recently, former Irish Prime Minister Bertie Ahern chaired the Bougainville Referendum Commission, which is charged with organising it. In 2018, the authorities of Papua New Guinea and Bougainville agreed to create

***Negotiations between Papua New Guinea and the Autonomous Government of Bougainville open the possibility of completing a peace process that began in the 1990s, implementing the 2001 peace agreement and making a consensual decision on the island's political status***

2. Ben Bohane, *The Bougainville referendum and beyond*, Lowy Institute, October 2019.

3. Keith Jackson, "Crucial Bougainville independence talks begin", PNG Attitude.com, 13 January 2021.

the Post-referendum Planning Task Force ahead of the negotiations that both governments were supposed to begin after the referendum was held, doing so through the Joint Supervisory Body, the main tool for implementing the peace agreement. The Task Force enjoyed the support and participation of UNDP and the British NGO Conciliation Resources. In fact, both governments have formally asked the United Nations to support the joint secretariat of this negotiating process and in late 2020 the media reported that Bertie Ahern had been appointed the facilitator for the consultations by both governments. In recent years, UNDP, UN Women and UNFPA have implemented projects of the United Nations Peacebuilding Fund to guarantee the inclusiveness of the peace process as a whole and the negotiating process on the political status of Bougainville, as well as the participation of women, youth and former combatants in both processes, and have expressed their intention to continue doing so in the future. In this regard, in late January the Autonomous Government of Bougainville organised the Bougainville Consultation Forum in the city of Buka, in which a team of 56 representatives from various civil society organisations was formed to hear the demands of civil society and help the authorities of Bougainville to design their negotiating strategy with the government of Papua New Guinea. In mid-June, the Bougainville Women's Federation Bill was approved, which according to the Autonomous Government of Bougainville guarantees female participation in decision-making processes in the political sphere and also in the private sector.

Despite the good political disposition of both negotiating parties, the support of the international community and efforts to make the process as participatory and inclusive as possible, the upcoming negotiations between Port Moresby and Bougainville also face some significant challenges, since according to the peace agreement, the independence referendum is not binding, the final result of the negotiations must be ratified by the national Parliament and the negotiations between both authorities do not have a defined timetable.<sup>4</sup> In fact, some media outlets have indicated that from Port Moresby's perspective, these negotiations could take several years. In fact, if both authorities fail to agree on a joint proposal, the current status quo will prevail. Even though Prime Minister Marape has shown greater support for holding the referendum than his predecessors in office from the outset, on several occasions he has insisted on a third way beyond the two proposed in the referendum (independence or greater autonomy), which would consist of economic independence for the region.<sup>5</sup> Marape has occasionally also indicated that he considers the economic empowerment of Bougainville more important than the

political aspect of the negotiations between the two authorities. In addition to these more structural issues, some in Bougainville were also sceptical about the political desire of the government of Papua New Guinea to initiate the negotiating process, especially after the formal meeting of the Joint Supervisory Body scheduled for late November 2020 did not take place, in which fundamental aspects of the negotiations were supposed to be discussed. The meeting had been agreed upon by Marape and Toroama in a previous meeting in Port Moresby, but it could not be held in the end due to the political situation of the government of Papua New Guinea, which was rattled by the resignation of several ministers and the possibility that the opposition would present a motion of censure against Marape.

Furthermore, some analysts of the political situation in Bougainville argue that holding a referendum on self-determination with such high turnout rates and with such a clear result could fuel centrifugal tensions and demands for greater self-government in Papua New Guinea, a state made up of many islands, while also strengthening demands to hold referenda in the region. Examples of this include New Caledonia (France), which held a referendum in September 2020; the island of Chuuk (Micronesia), whose referendum is scheduled for March 2020 (postponed until 2022); the Indonesian region of West Papua, where Papuan nationalist organisations argue that the 1969 referendum that incorporated the region into Indonesia had major flaws and failed to express the majority of the population's feelings about the political status of West Papua, so the region did not in fact exercise its right to self-determination; and even the Indonesian province of Aceh, where despite the signing of a peace agreement in 2005 that provided for higher levels of autonomy than the rest of the country's provinces, some have recently called for a referendum on self-determination.

Despite all the uncertainties and risks looming in the future, the political negotiations recently begun by the governments of Bougainville and Papua New Guinea not only open the possibility of fully implementing the 2001 peace agreement, overcoming one of the most lethal conflicts in the region in recent decades and making a consensual decision on the political status of the island, but they can also serve as an interesting example of conflict resolution for self-determination as long as the exercise of this principle (in this case in the form of a referendum) is agreed by both parties to the conflict and is contingent on achieving the other fundamental pillars of the peace agreement: the disarmament, demobilisation and reintegration of combatants, the establishment of autonomous institutions in Bougainville and the subsequent deployment of good governance policies on the island.

4. Gordon Peake, *Consulting on Bougainville's future: the what, who, how and when*, The Interpreter, 8 July 2020.

5. Kylie McKenna, *The Bougainville referendum: celebrations turn to sadness and hope*, The Interpreter, 20 January 2020.



### 4.3. Towards greater focus on the gender, peace and security agenda in the EU?

In recent years, the European Union's (EU) regulatory framework for the international women, peace and security agenda has broadened and strengthened its formal dimension. Several steps have been taken that make the new framework a potential tool for use by women's organisations in conflict zones and/or in peace processes that demand for women's effective participation, among others. Formal advances include a stronger and more comprehensive framework, greater connections between complementary agendas, as well as some openness to intersectionality. However, risks and obstacles remain, including the chronic gap between formal commitments and practical implementation, as well as the burden of incoherent policies, where the women, peace and security agenda –which aims to defend women's rights and promote women's agency– coexists with other European policies that undermine women's rights, such as migration policies or the promotion of large free trade agreements.

Among the developments shaping this opportunity, notable is the strengthening of the policy framework of the EU's women, peace and security agenda, which has been updated and reinforced in recent years. On the one hand, at the end of 2018 the EU adopted the Strategic Approach to Women, Peace and Security, which replaces, updates and expands the previous Comprehensive Approach to Women, Peace and Security of 2008. The Strategic Approach represents a qualitative step forward, strengthening the dimension of women's agency and the human rights approach and gender analysis aspects of conflicts, promoting effective participation in peace processes, making the prevention dimension more robust, and broadening references to the spectrum of EU actors with responsibilities for the implementation of the agenda, among other elements. Among the objectives of the new framework are the promotion of women's leadership and agency in all areas related to peace and security, the substantive participation of women in conflict prevention and resolution, as well as the prevention of all forms of sexual and gender-based violence, and the promotion and protection of the full exercise of women's human rights and the empowerment of women and girls. It establishes among other principles the nexus between internal and external policy, stating that the women, peace and security agenda is universally applicable and should therefore be systematically implemented by all EU actors in all internal and external policies, programmes and actions. Civil society organisations at the EU level participating in the gender working group of the European Peacebuilding Liaison Office (EPLO) platform were able to influence the drafting process, so

*The new regulatory framework of the EU's women, peace and security agenda offers opportunities for women's organisations in conflicts, although implementation and policy coherence deficits remain*

that many of their recommendations were incorporated into the officially approved document.

Moreover, unlike the previous framework document of 2008, the Strategic Approach has been accompanied by an Action Plan. It includes six objectives (participation, gender mainstreaming, leadership by example, prevention, protection and assistance/recovery), criteria for determining the degree of attainment of the objectives, as well as actions (short-, medium- and long-term) related to each objective, which it assigns to the respective EU actors. It includes relevant actions for the implementation of the agenda, such as establishing and institutionalising a mechanism to consult with women from diverse backgrounds and civil society organisations, both in Member States and in conflict-related settings, where the EU is operating (action 1.6), as well as the development and application of systematic gender and conflict analysis into all EU contributions to conflict prevention and peacebuilding (action 4.1).

The Action Plan therefore establishes and operationalises commitments to the broad Strategic Approach, potentially enhancing opportunities for implementation of the agenda and accountability. However, the indicators and criteria for meeting the objectives are vague and make it difficult to monitor and evaluate the implementation of the plan. Moreover, in many cases, the proposed actions are accompanied by a certain degree of ambiguity that can either lead to anecdotal implementation or move towards a more systematic practice. Nevertheless, the approval of the plan is a step forward in that it creates a tool with practical objectives and actions.

Another significant element is the recent integration of the women, peace and security agenda into the so-called gender equality and women's empowerment agenda (GEWE, the successor to the EU's gender and development agenda). In previous decades, both EU agendas –their circuits, actors– had remained largely disconnected from each other, despite the obvious links between the two. And although a basic tenet of the women, peace and security agenda has been gender mainstreaming, the EU –like other governance actors on the international stage– has for the most part kept the women, peace and security agenda isolated from other agendas and policies. The new Gender Action Plan III (2020-2025) incorporates the women, peace and security agenda –together with the objectives of the women, peace and security action plan– as one of its six thematic areas, finally aligning both agendas and expanding their potential. In addition, the update to the EU framework document on mediation has included a reinforcement of

its gender perspective, thereby advancing the alignment of these policies. Thus, the Concept on EU Peace Mediation, adopted in 2020, expands and strengthens its principle of “promoting gender equality and women’s empowerment” and mainstreaming certain gender elements. Among other concrete elements, the EU sets a minimum of 33% participation of women in all EU actions related to peace processes, underlines the importance of mainstreaming gender through gender analysis and its incorporation into political agendas, and commits to the implementation of international gender standards to support mediation. While this is a step forward and an opportunity, limitations in terms of commitments and accountability may continue to place their implementation in the realm of anecdotal practice, rather than a move towards their full integration.

Another element of progress, with the potential to be used by civil society actors, is the intersectional dimension. While the new regulatory and operational framework for women, peace and security (Strategic Approach and Action Plan) is weak on intersectionality –Member States’ resistance to include references to LGBTI people led to the need to circumvent this with references to non-discrimination– the recent adoption by the European Commission of the first ever LGBTIQ Equality Strategy 2020-2025 potentially opens the door to an intersectional approach to the women, peace and security agenda. Although this is not the focus of the Strategy, it combines the identification of a series of priority actions with attention to and mainstreaming of LGBTIQ-specific needs and concerns in all EU policies, legislation and funding.

However, alongside the formal advances that have been made in recent years, accompanied in some cases by practical experiences in which the EU has supported the promotion of women’s participation in peace processes

and dialogue initiatives, the exchange of experiences between women involved in peacebuilding and the strengthening of national frameworks (e.g. Georgia, Yemen’s national dialogue prior to the resumption of the war, Syria, among others), in practice there are many obstacles and challenges that limit the potential of the EU’s women, peace and security agenda. As in the case of other international actors, progress is still low, with anecdotal practices rather than systematic integration of the gender dimension in all policies, and little accountability. Many women’s civil society organisations in countries in the global South continue to perceive the EU as remote from their needs and priorities, inaccessible and overly bureaucratic in its processes, and tending in practice to prioritise large organisations. Furthermore, the course of various policies of the EU and its Member States (e.g. increasing militarisation, migration policy, promotion of large free trade agreements, among others) are in direct collision with women’s human rights in many territories, as well as with the sustainability of their ecosystems, perpetuating processes of gender inequality, exclusion and violence.

Against this background, the EU’s women, peace and security agenda is an opportunity –albeit a limited one– insofar as it is a framework that sets out commitments and obligations for the EU and possible avenues of support that can be used by women’s organisations in contexts of conflict and tension to advocate for their rights in their interactions with the EU. Numerous constraints and obstacles, including substantive policy incoherence, limit, but do not nullify, its potential. As with the international women, peace and security agenda as a whole, the EU agenda is a further tool –with its strengths and weaknesses– and potentially a strategic one, and any interaction with the EU in the area of women, peace and security will require awareness and caution regarding its limitations.

## 4.4. Fight against impunity and prosecution of crimes of sexual violence in Syria

Ten years ago, Syria became another scene of the popular uprisings that shook the entire North Africa and Middle East region. A decade later, the brutal repression of Bashar Assad's regime and the developments of the armed conflict have decimated demands for peaceful change, making the country synonymous with violence, devastation and extremely serious suffering among the civilian population. More than half a million people have died as a result of the conflict, half the country's population has been forced to flee their homes due to the violence and millions of Syrians are surviving amidst a severe humanitarian crisis and a marked rise in poverty. And that is far from all. In recent years, Syria has also become an emblematic case worldwide due to systematic violations of human rights and international humanitarian law. Countless reports from the United Nations and international NGOs have blamed the armed actors involved in the conflict for a wide range of abuses. These violations have continued and persist in a context of impunity, setting a dangerous precedent. In this context, and given the obstruction of other options to hold the perpetrators accountable, recent initiatives, some of which appeal to the principle of universal jurisdiction, encourage an incipient hope of justice and reparation for victims of the conflict, including survivors of sexual violence.

The need for accountability for crimes perpetrated in Syria has been on the table since the beginning of the armed conflict. References to it are already mentioned in the Geneva Communiqué (2012), a reference document for the peace negotiations on Syria that outlined principles that were supposed to guide an eventual transition in the country. There have also been various calls and initiatives for the case to be studied by the International Criminal Court, though this last avenue has been blocked by Russia and China's veto. Moscow, a staunch ally of Damascus, has warned that it will not allow the creation of a special tribunal similar to those established for Rwanda or the former Yugoslavia. Nevertheless, other international mechanisms have been put in place with a view to combating impunity and assigning responsibility. The UN Human Rights Council's Independent International Commission of Inquiry on the Syrian Arab Republic has regularly documented abuse committed during the conflict. In 2016, the UN General Assembly created the International, Impartial and Independent Mechanism to collect, preserve and analyse evidence of human rights violations, international humanitarian law and other abuses in Syria in order to facilitate and expedite court proceedings. In 2017, the UN Security Council established an Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL. Although its priority is to support the Iraqi authorities' efforts to bring justice to this issue, its work

is also important for violations that have taken place in Syria, given the transnational nature of the armed group's activity. More recently, in 2020, the Netherlands has tried to open another avenue by notifying the Syrian government that it intends to pursue responsibility for the massive allegations of torture in the regime's detention centres through a "dispute" procedure before the International Court of Justice. Although the initiative is still pending a series of procedures, human rights organisations have said that this route opens another gap in the concerted obstruction of efforts to ensure accountability in Syria.<sup>6</sup>

In recent years, the joint efforts of international human rights organisations, Syrian organisations and survivors of the armed conflict have also called for opening a series of judicial processes in mostly European third countries, appealing to the principle of universal jurisdiction. According to this principle, a national court can try individuals for their role in cases of torture, genocide, war crimes and crimes against humanity, assuming that these violations affect and erode the international community as a whole. That is, it allows for the investigation and prosecution of crimes regardless of where they were committed or the nationality of the victims and provides the possibility of seeking justice, deterring new abuse and preventing certain countries from becoming safe havens for human rights violators.<sup>2</sup> Therefore, proceedings related to the Syrian armed conflict have been initiated in Austria, France, Germany, Sweden, Norway and the Netherlands. Most of the cases seek to prosecute perpetrators who are in the respective countries. Thus, for example, in January 2020, Islam Alloush, a senior official of the armed group Jaysh al-Islam, was arrested and charged in France for the kidnapping and disappearance of prominent human rights defenders and activists in Syria in 2013, including Razan Zaitouneh and Samira Khalil, in addition to other crimes. Alloush was arrested in Marseille following a complaint by the Syrian Centre for Media and Freedom of Expression and the International Federation for Human Rights (FIDH). France has also issued arrest warrants for three senior Syrian military officials in connection with the disappearance of two Franco-Syrian citizens.

Many of the cases target senior security and intelligence officials of Bashar Assad's regime. One prominent example is the lawsuit filed with the German public prosecutor's office in June 2020 by seven survivors of sexual violence against high-ranking officials of the regime, the first legal action taken against this type of abuse. The lawsuit was filed by four women and three men who were detained in four prisons run by the Syrian Air Force Intelligence Directorate between April 2011 and October 2013, a period in which they suffered or

6. Balkees Jarrah, "The Netherlands' Action against Syria: A New Path to Justice", *Just Security*, 22 September 2020.

7. Human Rights Watch, *Germany: Syria Torture Trial Opens. Universal Jurisdiction Provides Opening for Justice*, HRW, 23 April 2020.



witnessed various forms of sexual violence, including rape, threats of rape, sexual harassment, electric shocks to the genitals and forced abortion. The complaint was filed by the European Centre for Constitutional and Human Rights (ECCHR) together with the Syrian Women's Network and Urnammu, and enjoyed the support of 40 other Syrian organisations and international feminist organisations. They have urged the German justice system to investigate crimes against humanity in Syria, giving priority to those of a sexual and gender-related nature. This lawsuit complements another brought against nine high-ranking officials of the regime in 2017 that already contributed to the issuance of an arrest warrant in 2018 against Jamil Hassan, then chief of the Air Force Intelligence Directorate. According to witnesses, Hassan was aware of the episodes of sexual violence committed in the facilities under his command and did not act to stop them. The lawsuit brought by survivors of sexual violence also coincides with the start of an emblematic trial in Germany against two former senior Syrian intelligence officials in April 2020, the first trial in the world against Syrian government agents in a decade of armed conflict. The Koblenz case has put Eyad A. and Anwar R. in the dock, the latter the highest-ranking Syrian official prosecuted in Europe, on charges of supervising the torture of more than 4,000 people in the Khatib detention centre (Damascus), in addition to accusations of murder, rape and sexual abuse.

Syrian and international organisations that are promoting reports to prosecute crimes of sexual violence have stressed the need to address them not as isolated cases, but to take into account the magnitude of the phenomenon in Syria and prosecute them as war crimes and/or crimes against humanity.<sup>8</sup> Various armed actors have been denounced for their responsibility for this type of abuse, but the forces of the regime and its related militias have especially been singled out, accused of using sexual and gender-based violence as a form of torture and as part of a deliberate strategy to punish civilians and weaken the political opposition. In 2018, a specific report by the Independent International Commission of Inquiry on the Syrian Arab Republic found that rape and other forms of sexual abuse had been persistent in the country during the conflict since 2011, that women and girls had been disproportionately affected by these crimes (although abuse against men and minors has also been documented), and that they constitute war crimes and crimes against humanity.<sup>9</sup> Sexual violence has been used to humiliate, frighten, extract confessions and intimidate. Nevertheless, the sexual violence perpetrated by the regime's forces has not sparked substantive discussion in places such as the UN Security Council, which has tended to focus its attention on other actors, such as ISIS and its serious abuse of the Yazidi population.<sup>10</sup>

Despite its prevalence, sexual and gender-based violence is one of the least frequently reported crimes. It is a sensitive issue in a patriarchal society where it is not only an affront to the victim, but also to the honour of her family and community. As such, there is a need to judge these crimes quickly to minimise the suffering of the survivors, who in addition to suffering the direct consequences of the abuse, are also affected by social stigma, discrimination and even marginalisation and rejection in their immediate environment. Syrian and international organisations have stressed the need for gender-sensitive justice that is not limited to legal mechanisms and that addresses the structural and less visible effects of sexual violence, including its economic, social and political dimensions and its effects on perpetuating the inferior status of women. They have also warned that the proliferation of weapons and the absence of protective mechanisms in Syria continue to be an obstacle for victims to report abuse and gain access to justice. Along these lines, a series of recommendations have been made, including holding not just individuals responsible for the use of sexual violence, but also the regime, and trying all responsible actors and excluding them from any type of amnesty.<sup>11</sup> In compliance with current regulatory frameworks, such as UN Security Council Resolution 1820 (2008), great importance has been placed on integrating the issue of sexual violence into any possible negotiations or agreement on the future of Syria.<sup>12</sup> The peace agreement in Colombia has set a precedent and may serve as an example in this regard.

The incipient and still timid steps towards accountability for the crimes perpetrated in Syria are currently the only hope for victims, including survivors of sexual violence. Efforts in this area should be intensified, with more initiatives exploring alternative avenues to prevent the perpetrators of abuse and the Syrian regime from continuing to feel untouchable. Judicial processes in third countries that appeal to the principles of universal jurisdiction represent one of these avenues, with an important symbolic role in the fight against impunity. Justice and reparation must be key aspects of any future peace and reconciliation effort for Syria.

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