

SYRIA: A LEGACY OF WESTERN FOREIGN-POLICY FAILURE

Anthony Paphiti and Sascha-Dominik (Dov) Bachmann

Brigadier (ret.) Paphiti served in the UK army 1981-2006 in various capacities as a legal officer, latterly having day-to-day responsibility of the Army Prosecuting Authority. Dr. Bachmann is an associate professor of international law at Bournemouth University, UK, an associate professor in War Studies at SEDU, Sweden, and a research fellow at CEMIS, Faculty of Military Science, Stellenbosch University, RSA.

War in Syria has been raging for more than seven years. A popular uprising in March 2011 was hijacked by extremist elements and turned into a non-international armed conflict of savage proportions.¹ This, in turn, has drawn in a number of countries to support one side or the other. Principally, it is Russian and Iranian forces, along with Hezbollah fighters, who support the Assad government. In the case of those opposing it, there are many different factions, most of which at this stage of the conflict are hardline extremists, such as the Islamic State (IS), which has captured (and since lost) large tracts of Syrian territory in its mission to set up an authoritarian caliphate under sharia law, and the al-Qaeda-affiliated terrorist group al-Nusra Front (currently re-branded as Hayat Tahrir al-Sham).² Their vision of victory is a similar anti-Western society governed by sharia law,³ where freedom of speech, freedom of religion and women's rights are severely curtailed.⁴ Numerous

other factions, including the so-called Free Syrian Army, fight under the banner of more extremist groups, like Nusra.

A third distinct group is the Kurds, the largest ethnic minority in the country. Fiercely anti-IS and anti-Turkish, they hope to carve out their own autonomous region in Syria. Supporters of these groups, in varying degrees, are to be found among the United States, the United Kingdom, Turkey, Saudi Arabia and Qatar.⁵

For the United States, regime change in Syria has been a policy goal since the 1950s.⁶ More recently, in December 2006, almost five years before the protest against the Syrian government broke out, the chargé d'affaires at the U.S. embassy in Damascus, William Roebuck, sent a cable to the effect that destabilizing the Syrian government was a central motivation of U.S. policy.⁷

More was discovered about the U.S. policy of "regime change" from the graphic revelations in General Wesley Clark's oft-quoted 2013 statement about U.S.

intentions to invade seven Middle Eastern countries in five years (something he says he was told about within 10 days of 9/11).⁸ Of consequence is the inclusion of Syria among the named countries revealed to General Clark.

As confirmation of the credibility of General Clark's statement, Paul O'Neill, Treasury Secretary to President G.W. Bush, related that in 2001, only days after his inauguration, President George W. Bush asked him to "go find me a way" to invade Iraq. O'Neill's distaste for this is obvious:

For me, the notion of pre-emption, that the U.S. has the unilateral right to do whatever we decide to do, is a really huge leap.⁹

Air strikes by Russian and Syrian forces against the rebel-held eastern part of Aleppo allegedly caused the breakdown in the ceasefire agreement between Russia and the United States. It actually got off to a shaky start when, within less than a week, the United States admitted conducting an air strike that killed 80 Syrian soldiers, "paving the way for Islamic State fighters to overrun the [Syrian army] position at Jebel Tharda."¹⁰ While mistakes do happen in war, it would be naive to suppose that, at a time of heightened tension in the region, especially between the United States and Russia, and within days of a cessation-of-hostilities agreement arrived at through a tortuous negotiation process, the United States, with its sophisticated satellite imagery, UAVs (drones) and knowledge of the battle space, was unaware of the presence of Syrian soldiers at that location or was so sloppy in its targeting as not to have identified whom they were killing.¹¹ It was,

after all, a military location used by those fighting what was supposed to be a common enemy, the Islamic State.¹² That said, "friendly fire" incidents are not unknown. British servicemen have been the victims of eager U.S. pilots,¹³ as have U.S. forces themselves.¹⁴ But the scale of the attack on Syrians, so soon after the agreement, was severe and displayed a lack of care at a delicate time. Or it was deliberate, to scupper the agreement?¹⁵ After an investigation carried out by Brigadier General Richard Coe, the official explanation that it had been an error was upheld. However, the investigation was not independently conducted.¹⁶ The report found, *inter alia*, that

the strikes were conducted under a good-faith belief that the strikes were targeting Daesh in accordance with the law of armed conflict and the applicable rules of engagement.¹⁷

Three days after the attack on Syrian forces, Russian aircraft allegedly struck a UN aid convoy,¹⁸ killing at least 20 people.¹⁹ The Russians were blamed by the United States and the UK but consistently denied responsibility and asked for evidence to be published to back up accusations of their complicity.²⁰ If it was rebel shelling, the occasion has been successfully used as an exercise in disinformation²¹ to throw off the pressure on Washington and put the Russians on the back foot. It is a case of plausible culpability: the world wants to believe it was the Russians.

This breakdown, in turn, increased the frustration of former U.S. Secretary of State John Kerry and spurred some politicians and commentators in the United States to press President Obama to take a more aggressive stance, even to the point

of deploying air strikes against Syrian troop positions.²² This was an overtly hostile act tantamount to open warfare against the armed forces of a sovereign state that posed no immediate threat to the security of the United States. The danger of escalation was obvious. However, as the *New York Times* pointed out,

The liberal interventionists seem to have forgotten that it is no longer the 1990s. Disastrous forays in Iraq and Libya have undermined any American willingness to put values before interests. Meanwhile, the second group of interventionists seem to have forgotten that Syria has been Moscow's client since early in the Cold War — a situation Washington was willing to live with when the geostrategic stakes were much higher.²³

This article articulates the dangers of following such a “hawkish” foreign policy and, in the light of its last sentence, makes one wonder why the United States is now seeing Syria as its responsibility.

We are left wondering whether Western diplomacy knows who its real enemy is and, if it does, what its plan is to defeat it.

A MORAL IMPERATIVE?

Putting aside the legalities of intervening in the affairs of another state, two questions remain: is there ever a moral imperative to do so, and can a moral imperative ever override a legal authority?

A case in point is Kosovo, where NATO went to war against Serbia without a UN Security Council resolution. It was described as “illegal but legitimate.”²⁴ The moral imperative was given precedence over international law by those who would, in other circumstances, decry ignoring the law. Nobody is likely to be punished for

the Kosovo intervention. In fact, the state of Kosovo won legitimacy on July 22, 2010, following the Advisory Opinion of the International Court of Justice and subsequent UN resolutions for its future.²⁵

Does suggesting that a moral imperative can override international law render international law irrelevant? One has to be careful not to create a precedent.

The difficulty with a moral imperative²⁶ is that it focuses heavily on the humanitarian element. To increase pressure on governments and leaders, propaganda encompassing misinformation (rhetoric, spreading inaccurate information) and disinformation (the wilful spreading of false or manufactured information)²⁷ has been used to shock the world and ally people to a cause. In military terms, this is the art of deception.²⁸ The military, together with specialists in psychological operations and public affairs, is skilled at using deception to its advantage.

The media have also used propaganda quite successfully in the case of Syria and, in particular, reporting on East Aleppo, by being selective and promoting a consistent anti-Assad line.²⁹ With the paucity of information from the media about events inside West Aleppo, one would be forgiven for thinking that it did not exist. News stories tended to report events in East Aleppo as if they were representative of the whole place, insinuating that the Syrian government was attacking the entire city.³⁰ This has been extremely disappointing. Some of the news and media organizations hitherto thought of as leaders in impartially seeking the truth were fed information by jihadists, as there was no western journalist reporting from East Aleppo.

It is only by looking to the non-mainstream media that one finds anger at the way the mainstream media manipulated

the story of Aleppo. In a stark account, Dr. Nabil Antaki, a gastroenterologist working in West Aleppo and one of a group of 15 specialists complained:

All of the campaigns launched by the western media concerned the east part of Aleppo, the part controlled by the “rebels.” All the media reported that the people there are suffering, the buildings are destroyed and that Syrian government are doing “war crimes.” But, what we are receiving in the part controlled by the Syrian government is much worse than in the east part. Nobody speaks about what is happening in the western part of Aleppo. There are not only tens of mortars every day which fell on the western part of Aleppo, but hundreds, and every day we have hundreds killed or wounded. And nobody spoke about it. When the media spoke about one supposed hospital destroyed in the eastern part, one week after, the main maternity hospital in Aleppo was hit by bombs sent by the “rebels,” and women were killed, and nobody spoke about this.³¹

There is the occasional example of impartiality, such as the Nov 4, 2016 report in the *New York Times* that graphically described the view from Aleppo’s government-held side of the city.³²

It could be argued that deliberate disinformation is being used by both the mass-media and politicians in the United States and the UK in the wake of the breakdown of the last agreement on cessation of hostilities, to throw the blame on the Russians. In this context, it is important to consider the views of Virginia State Senator Richard Black, a former U.S. JAG Corps Colonel who, as an enlisted Marine, served in Vietnam. In an interview³³ with

Jeffrey Steinberg, he agreed that there was a “willful act of sabotage” over the bombing of Syrian army positions just a day or so after the deal was reached between the United States and the Russians.³⁴ He added that it had happened a second time: “This is clearly not an accident.” Steinberg’s view was that, despite all the propaganda, there was a possibility of winning this war in classic military terms. Events have proved that he was right.

This absence of impartial coverage, in a war that has been raging for more than seven years, cannot be other than deliberate. If the media are concerned about the suffering of the Syrian people, why do they skew coverage to focus on the “butcher Assad,”³⁵ without equally outlining the atrocities of the militants and jihadists fighting the Syrian government forces? How is this in the interest of the West or the region? Yet, the anti-Assad media focus public perception of the war in a way that fits the West’s narrative. What is needed is realism. History reminds us that the West allied with the “butcher” Josef Stalin because it was necessary to defeat Nazi Germany.

In the current situation in Syria, we are told that we must defeat ISIS, which the Syrian government is also fighting. However, the United States and the UK are training rebel forces and weapons are being provided indirectly through Saudi Arabia, Qatar and Turkey,³⁶ some of which are falling into the hands of hardline jihadists. As Alastair Cooke wrote recently, “U.S. policy of aiding Syrian jihadists enabled Al-Qaeda and ISIS to rip Syria apart.”³⁷ Moralizing and insults have backed leaders into a corner. The dangerous muddle that exists in U.S. foreign policy and the conflicting approaches of the CIA and the Pentagon have led to America’s covert

and clandestine programs to train and arm Syrian militias. It is, in practice, a program to train “the next generation of jihadists.”³⁸ Moreover,

the CIA, obsessed with overthrowing President Bashar al-Assad, and operating under a separate Presidential authority, conducts a separate and parallel program to arm anti-Assad insurgents.³⁹

Both approaches foment and maintain the violence that kills more Syrians. The failure of the regime-change policy has left the West with a dilemma: to back away or up the ante and risk falling into the “mission creep” trap. The moral imperative to “do something” can be a dangerous thing. Increased U.S. troop levels, commitments to the Kurdish-led Syria Defense Force and the use of air strikes on Syrian forces to “defend” self-declared “de-confliction zones” indicate how the U.S. mission is expanding.

Iraq, Kosovo⁴⁰ (an interventionist operation without a UN mandate that was based on an erroneous “moral imperative”), Libya⁴¹ and now Syria are all examples where one-sided reporting ramped up the moral pressure on leaders and swayed public opinion. In the case of Syria, by being force-fed images of destruction and suffering (mostly one-sided), and being told hundreds of thousands have been killed in the seven-year conflict (even though there are no accurate figures and no way of accurately gauging the number of rebel fighters and Syrian military personnel included in that figure), the public is made to feel that the moral imperative is so strong the legalities no longer matter. This may have been behind the statements of Hillary Clinton, an avid interventionist, that she would “re-set the policy against

the ‘murderous’ Assad regime.” Her spokesman, Jeremy Bash, said, “A Clinton administration would seek to bring ‘moral clarity’ to the U.S. strategy on the Syrian crisis.” To do this, he explained, Mrs. Clinton would both escalate the fight against ISIS and work to get Bashar al-Assad “out of there.”⁴² She herself stated,

I wouldn’t give up on “train and equip,” but I sure would push the Pentagon to take a hard look at why what has been done has been such a failure and what more we can do to support Kurdish fighters who are on the front line.⁴³

In Aleppo, the Syrian armed forces laid siege to the rebel-held eastern part of the city. The media reports this as starving the population. The truth was far more complicated. In international humanitarian law, laying siege to a town or an area is perfectly lawful if done for the purpose of securing a military objective and the population is given the opportunity to leave. What is unlawful is to use starvation of the civilian population as a method of war or directly target civilians in an attack. The UK Manual of the Law of Armed Conflict makes clear,

A more effective method may be to encircle enemy forces, cutting them off from supplies and communications with the outside world and forcing their surrender. The same is true of besieging a town or stronghold. Siege is a legitimate method of warfare as long as it is directed against enemy armed forces.⁴⁴

This distinction was never made by the media, nor was any reference made to the possibility that the jihadists were preventing the civilians from leaving and

using them as human shields. Contrast that with the reporting of the U.S.-led coalition assault on Raqqa.⁴⁵ At the end of July 2016, President Assad did offer the civilians and rebels safe passage out of the city. He also “offered amnesty to rebels who gave up their weapons and surrendered to authorities within the next three months.”⁴⁶ This was repeated in October. The rebels remained.⁴⁷

While it is true that the parties to the siege must allow humanitarian aid to come in, this becomes more complicated when the very aid intended for civilians is used to restore and replenish the enemy. This is another reason the Aleppo rebels may have been keen to hang on to their civilians. Similarly, it is prohibited to deliberately attack hospitals, except if they are being used by the enemy for belligerent purposes. Terrorist fighters in Aleppo had been using schools and mosques for military purposes.⁴⁸

FALSE-FLAG OPERATIONS

In Kosovo, inflated accusations of Serb atrocities were made by politicians, NATO and Kosovan fighters; in Libya, stories created by rebels — to the effect that Colonel Qadhafi was about to commit genocide, had adopted a rape policy and had even distributed Viagra to troops — were spread enthusiastically by newspapers and politicians, such as Susan Rice, the U.S. ambassador to the United Nations and one of the advocates of liberal intervention in the Obama administration.⁴⁹

“False flag” operations are a different type of deception, in that they create the narrative through military action.⁵⁰ They comprise a clandestine attack or operation by one party or government against the interests of another, in order to deceive and falsely lay blame, thereby providing a sem-

blance of legitimacy for a military or other response against the other party.⁵¹

Could the sarin attack in Eastern Ghouta on August 21, 2013, be an example of such an operation? The Human Rights Watch Report found that the

August 21 attacks were likely chemical weapons attacks using a surface-to-surface rocket system of approximately 330mm in diameter — likely Syrian-produced — and a Soviet-era 140mm surface-to-surface rocket system to deliver a nerve agent. Evidence suggests the agent was most likely Sarin or a similar weapons-grade nerve agent...

Human Rights Watch has investigated alternative claims that opposition forces themselves were responsible for the August 21 attacks, and has found such claims lacking in credibility and inconsistent with the evidence found at the scene.⁵²

In the opinion of Human Rights Watch, there was little doubt about who was responsible. Even today, the media blame the Syrian military for this attack. Yet the evidence of rebel involvement raises more than a reasonable doubt.

Timing: The Eastern Ghouta attack followed the famous “red-line” ultimatum declared by President Barack Obama before the White House press corps on August 20, 2012.⁵³ The Assad government knew from this statement that a breach of the ultimatum could induce a U.S. military strike against them. It seems to have escaped most impartial commentators, that it would have been verging on suicide for Syria to have undertaken the Eastern Ghouta attack in the face of the U.S. threat while UN inspectors were in the country.⁵⁴ This never struck the media

as a rather odd coincidence, coming so soon after President Obama's "red line" speech. One needed to ask, *cui bono*? Who would benefit from persuading the United States that the red line had been crossed?⁵⁵ These same questions can be asked about the Douma incident in April 2018. Two senior retired British officers, Lord West and Major General Shaw,⁵⁶ publicly stated that they could see no possible military advantage to Syrian forces using chemical weapons at this point, as President Assad would have known there would likely have been a response from the allies. He was "in the process of winning this civil war and he was about to take over and occupy Douma."⁵⁷ Lord West considered a jihadist false-flag operation was a real possibility, as the evidence provided was by a highly partisan group known as the White Helmets, "who let's face it

are not neutrals ...they're very much on the side of the disparate groups who are fighting Assad."

So, what evidence is there to cast any doubt upon the culpability of the Syrian government or its armed forces?

Access to sarin: The error in the assertion that the jihadists did not have access to sarin was apparent from May 2013, three months before the Eastern Ghouta attack, when Turkish authorities in Adana arrested 12 people from Syria's al-Qaeda-linked al-Nusra Front.⁵⁸

They had allegedly been planning an attack inside Turkey and were in possession of 2 kg (4.5 pounds) of sarin.⁵⁹ In that month, Carla del Ponte, the former prosecutor at the International Criminal Tribunal for Yugoslavia (ICTY) and a member of the UN Independent Commission of Inquiry on Syria, considered that the rebels were more likely responsible for the attack. She stated that, on the basis of

witness testimony, there is evidence rebels "may have used sarin" in Syria,⁶⁰ adding,

We have no indication at all that the government, the authorities of the Syrian government, had used chemical weapons. I was a little bit stupefied by the first indication of the use of nerve gas by the opponents.⁶¹

Pulitzer Prize-winning journalist Seymour Hersh discovered that

the Syrian army is not the only party in the country's civil war with access to sarin. ... In the months before the attack, the American intelligence agencies produced a series of highly classified reports, culminating in a formal Operations Order — a planning document that precedes a ground invasion — citing evidence that the al-Nusra Front, a jihadi group affiliated with al-Qaida, had mastered the mechanics of creating sarin and was capable of manufacturing it in quantity.⁶²

Hersh's analysis makes disturbing reading, but it does go some way to explain why, in spite of his earlier threat, President Obama did not order an attack on Syria. In Hersh's interviews with intelligence and military officers and consultants past and present, he found intense concern and, on occasion, anger over what was repeatedly seen as the deliberate manipulation of intelligence.⁶³

In a subsequent article, "The Red Line and the Rat Line," Hersh explained why the president had had a change of heart:

Obama's change of mind had its origins at Porton Down, the defence laboratory in Wiltshire. British intelligence had obtained a sample of the

sarin used in the 21 August attack and analysis demonstrated that the gas used didn't match the batches known to exist in the Syrian army's chemical weapons arsenal. The message that the case against Syria wouldn't hold up was quickly relayed to the U.S. joint chiefs of staff. ...As a consequence the American officers delivered a last-minute caution to the president, which, in their view, eventually led to his cancelling the attack.⁶⁴

In their October 2017 announcement on their internet page, the U.S. State Department formally acknowledged the fact that the jihadists possessed, and used, chemical weapons: "Tactics of ISIS, Hayat Tahrir al-Sham, and other violent extremist groups include the use of suicide bombers, kidnapping, small and heavy arms, improvised explosive devices, and chemical weapons." The Ghouta attack almost worked, in spite of the obvious question, *cui bono*? Coming so soon after the Obama "red line" threat, one answer was clear: not Syria.

After pressure from the Russians, Syria agreed to give up its chemical weapons stocks the following month.⁶⁵ Indeed, by then, the Organisation for the Prohibition of Chemical Weapons (OPCW) confirmed that Syria's declared chemical-weapons equipment had been destroyed, a day before the deadline set by the OPCW. Syria had until mid-2014 to destroy the chemical weapons themselves.⁶⁶ This can be interpreted in many ways, one of which is that the Syrians were so nervous about U.S. threat that they wanted to eliminate, once and for all, any future possibility of attribution.

Israel also laid the blame on Syria, claiming its Mossad agents had intercepted telephone conversations between Syrian

government officials and the military that included discussion of the attack. But, at the time, Israel had reasons of its own to want Assad removed. In the end, as with other claims by the U.S. administration and the UK, the evidence pointed in quite the other direction:

In contrast, the report of [German] high-level national security sources ... based on intercepted phone calls, suggested Assad was not himself involved in the attack or in other instances when government forces allegedly used chemical weapons.⁶⁷

The report suggested that these intercepts tended to add weight to the claims of the Obama administration, Britain and France that elements of the Assad regime, and not renegade rebel groups, were responsible for the attack in the suburb of Ghouta. However, there was still an absence of unequivocal evidence of Syrian complicity.

This is then put into context by leaked audio tapes dating to early 2014, of Turkish military and political officials discussing plans to stage a false-flag terror attack as a pretext for invading Syria.⁶⁸ This story was never given proper coverage by the establishment press or so-called independent news channels.

Vindication of Hersh's investigative journalism came with a report in *Today's Zaman*, a Turkish newspaper,⁶⁹ that CHP deputies Eren Erdem and Ali Şeker said at a press conference:

The purpose of the attack was allegedly to provoke a U.S. military operation in Syria which would topple the Assad regime in line with the political agenda of then-Prime Minister Recep Tayyip Erdoğan and his government.⁷⁰

“DIRECTED” INFORMATION

Images of injured children resonate powerfully around the world. The photograph of Omran Daqneesh,⁷¹ the young boy pulled from the rubble in east Aleppo and seated in the back of an ambulance, produced much condemnation of the Syrian and Russian bombing. It was used to underline the savagery of the Syrian and Russian forces’ targeting processes. Television news emphasizes pictures of injured children in hospitals. In contrast, the news channels largely ignored the plight of civilians in the government-controlled western side of the city who were under fire from “hell cannons” of the jihadis.⁷² This refers to a completely indiscriminate weapon⁷³ that cannot be targeted accurately and “may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.”⁷⁴

The media can also apply the moral imperative through sensational reporting, by loosely using words like “genocide,” “war crimes” and “crimes against humanity,” and attaching to them arbitrary numbers of victims. The effect may be to deliberately drive policy and force politicians to act. This is not to suggest that the media are inventing the claims, merely that they are accepting them at face value without checking. This can inflame opinion and force politicians to “do something.”

An example of this is the report that 100,000 Kosovan men may have been killed by Serbs, a claim made by Joint Chiefs of Staff Chairman Gen. Henry Shelton and Secretary of Defense William Cohen on CBS’s “Face the Nation,” May 16, 1999, in justifying the NATO air campaign.⁷⁵ Secretary Cohen was alleg-

ing genocide by the Serbs, although a UN tribunal later found that there was no genocide in Kosovo.⁷⁶ The Institute for War & Peace Reporting quoted opponents of the NATO bombing campaign who claimed estimates were wildly exaggerated through cynical propaganda. In particular, they quoted from a report issued by the Texas-based analytical group, Stratfor, which claimed that casualty figures among civilians in Kosovo were deliberately exaggerated⁷⁷ to justify NATO’s attack on Serbia.⁷⁸ John Pilger wrote:

One year later, the International War Crimes Tribunal, a body in effect set up by Nato, announced that the final count of bodies found in Kosovo’s “mass graves” was 2,788. This included combatants on both sides and Serbs and Roma murdered by the Albanian Kosovo Liberation Army.⁷⁹

Pilger criticized the British press for its sensationalist headlines alleging “genocide” and echoes of “the Holocaust.” This criticism jibes with the current Western mainstream-media reporting on Syria.

POLITICAL MANIPULATION

A moral imperative can be exaggerated and manipulated, of course, to suit the particular foreign policy agenda of a government or international organisation, or opposition group. Governments will do what they can to portray the target of regime change as a pariah, calling him “a butcher,” a person who has lost the confidence of his own people or has “lost legitimacy,” and so on.⁸⁰ This process of demonization is the preamble to the justification for intervention.⁸¹

Political Level: In the case of Libya, the accusation of genocide made against Qadhafi at the United Nations by his

former ambassador had the desired effect of lighting up the consciences of Western leaders. How could anyone ignore such a horrendous accusation? Genocide is an appalling crime and conjures up disturbing memories from World War II and the wars in the Former Yugoslavia and Rwanda. As pointed out by Maximilian Forte in *Counterpunch*,

This is excellent: a myth that is composed of myths. With that statement he linked three key myths together — the role of airports (hence the need for that gateway drug of military intervention, the No-Fly Zone), the role of “mercenaries” (meaning, simply, black people), and the threat of “genocide” (geared toward the language of the UN’s doctrine of the Responsibility to Protect).⁸²

The Libyan opposition also falsely claimed that Qadhafi had deployed his air force against protesters,⁸³ exaggerated the behavior of Libyan troops, and depicted the rebels as “secular-minded professionals — lawyers, academics, businesspeople — who talk about democracy, transparency, human rights and the rule of law.”⁸⁴ The truth, as we now know, is quite different.

The use of such inflammatory language would be virtually unthinkable to ignore and was designed to force a positive response from governments.⁸⁵ The more such claims were made, the greater the pressure to “do something” to avoid another Rwanda. There was just a whiff of hypocrisy in some of the allegations made by President Obama⁸⁶ against Colonel Qadhafi.⁸⁷

Similar claims are leveled by human-rights organizations against other countries in the Middle East, such as Saudi Arabia, yet that did not prevent Saudi Arabia from being elected in 2015 to chair the UN

Human Rights Council or, in April 2017, to the UN Commission on the Status of Women.⁸⁸

Pumping up the rhetoric, UK Foreign Secretary William Hague announced in April 2011 a threat to Misrata, saying that rebels⁸⁹ have been holding out against attacks for two months, but Mr. Hague stressed that NATO needed to act swiftly to prevent a “massacre” in the city.⁹⁰

Similar claims were made about Benghazi. After the country had been destroyed at the end of 2011, the influential House of Commons Foreign Affairs Committee report on Libya⁹¹ highlighted what informed commentators had been saying about the “genocide” threat to massacre the people of Benghazi: it was a gross exaggeration without any evidence to substantiate it.⁹² It did, however provide a moral justification to the United Nations to persuade the Security Council to “do something,” which it did in the shape of the much criticised UNSCR 1973,⁹³ thereby providing a loosely defined legal basis for the destruction of Libya.

Once it was all over, it was said that Mr. Cameron became “distracted” and lost his focus.⁹⁴ There was no plan for the day after victory. The country imploded into a failed state, and numerous attempts at forming a government of national unity have thus far failed to produce anything lasting or unifying.⁹⁵

Opposition Fighters: Many sensational claims may originate with opposition forces in order to press the moral imperative, as we saw in Libya and Iraq.⁹⁶ The same applied in Kosovo, as John Pilger reports in his discussion over the wildly exaggerated claims by Kosovar Albanians about those murdered in a genocidal rage by the Serbs. Unfortunately, this was not apparent until after the intervention. Ac-

cording to Major General Lewis MacKenzie, the former UN commander in Bosnia,

The Kosovar Albanians played us like a Stradivarius violin. We have subsidised and indirectly supported their violent campaign for an ethnically pure Kosovo. We have never blamed them for being the perpetrators of the violence in the early 1990s, and we continue to portray them as the designated victim today, in spite of evidence to the contrary.⁹⁷

In Kosovo, the propaganda and anti-Serb rhetoric greatly helped drive the case for military action. General Nauman, Chairman of NATO's Military Committee at the time, told the Foreign Affairs Committee on Libya,

Milosevic, despite a bit of to-ing and fro-ing around the edges, had honoured the October Agreement by removing his troops from Kosovo, and then the void was filled by the KLA⁹⁸ going in and committing atrocities and abuses against the Serbs which then left Milosevic in the precarious position of either sitting back and allowing that to continue or to react. The suggestion he was putting forward was that the KLA manufactured the final NATO involvement there by taking that line when they did. If that was the case, did no-one see that coming?

The moral imperative was epitomized in the extraordinary justification, "illegal but legitimate," put forward by the Kosovo Commission.⁹⁹ It raises doubts as to whether it was actually hijacked by a more sinister intent: to get rid of Milosevic, an international irritant and pariah since the early 1990s, and the war in the Former Republic of Yugoslavia. The truth, as always, was a little more complex and inconve-

nient. Milosevic had been of assistance to the Dayton Peace Accords when the ICTY had indicted Radovan Karadzic, the Bosnian Serb leader, shortly before he was about to fly to the United States as part of the delegation of the Republika Srpska,¹⁰⁰ to participate in the peace talks at Wright-Patterson Air Force Base. Milosevic was willing to mediate with him and negotiate on his behalf, influencing the other members of Karadzic's delegation.¹⁰¹

SYRIA'S "MODERATE FIGHTERS"

After what he regarded as his successful intervention in Libya,¹⁰² Cameron was eager to go to war with Syria and displayed a crusading zeal equal to that of his predecessor, Tony Blair. The obstacle he faced was persuading a sceptical British parliament. His first attempt was in late August 2013, to deter the use of chemical weapons. Parliament rejected his entreaty.¹⁰³

Cameron tried again in December 2015 to persuade Parliament to approve the proposal, this time presenting a statistic that hardly anyone accepted, almost from the moment he announced it. He informed Parliament that there were 70,000 moderate rebels ready to fight the Syrian armed forces.¹⁰⁴ These were the local boots on the ground who would take the fight to Assad. Although the intention of regime change was overtly denied,¹⁰⁵ the desire was clear in the exhortations for President Assad to go.

The degree of UK parliamentary scepticism was palpable among MPs. Julian Lewis told Parliament, "So instead of having dodgy dossiers, we now have bogus battalions of moderate fighters."¹⁰⁶ Even the Ministry of Defense had been unconvinced.¹⁰⁷ Military officers were called to the Defense Select Committee to

explain the proposition. They articulated their doubts.¹⁰⁸ That scepticism was shared by members of the public and newspaper commentators of repute, such as Robert Fisk¹⁰⁹ and Patrick Cockburn,¹¹⁰ writing in the *Independent*.

In his evidence to the Liaison Committee on January 12, 2016, Prime Minister Cameron conceded that

some of the opposition forces are Islamist. Some of them are relatively hard-line Islamist and some are what we would describe as more secular democrats.¹¹¹

That was a significant concession, severely undermining the credibility of his earlier assertion of 70,000 moderates. This was how aggression against Syria was being sold, not just to the British public, but also to Parliament,¹¹² where Cameron made the initial statement.

Julian Lewis was clear at Q401 of the evidence to the committee:

We have had testimony from several witnesses who make it quite clear that the overwhelming majority of opposition forces — opposition people with guns — are Islamist, which is exactly what you said in October in response to the written question.¹¹³

In the words of Lancelot, “The truth will out.”¹¹⁴ And so it did.¹¹⁵ However, the damage this assertion of 70,000 moderates caused is hard to gauge, but it was being compared with the assertion by Tony Blair when, as prime minister, he alleged in Parliament that Saddam Hussein had weapons of mass destruction. As Sir John Chilcot, chairman of UK’s inquiry into the circumstances surrounding the Iraq War of 2003, remarked in his report on the inquiry, these assertions “were presented with a certainty

that was not justified.”¹¹⁶

The same can be said about the 70,000 so-called Syrian “moderate” fighters. In any event, the rush to find local “boots on the ground” with which to coordinate the fight against Daesh in Syria, cost Cameron a great deal in terms of credibility¹¹⁷ and exposed him to later criticism that he was rushing to war.¹¹⁸

Be that as it may, the success of the reporting, focusing mainly on the actions of Syrian government forces, gained a significant head of steam by the time of the second debate in December, over whether the UK should join the air campaign. Even though there were significant dissenters, Cameron convincingly won parliamentary approval, by 397 votes to 223.¹¹⁹ The moral imperative had worked.

“DO SOMETHING”

The moral imperative is articulated in other ways than calling for direct military intervention. Governments may come under pressure to “do something,” such as impose economic sanctions, which may have the coincidental effect of harming the very people they are intended to protect, or to establish “safe zones,” “exclusion zones” or “no-fly zones.”

Even if there were a legal (as opposed to moral) duty to protect civilians in Syria by implementing no-fly zones or safe areas, these proposals tend to find little enthusiasm with the military. They understand the full implications: how are these concepts defined? Where would these areas or zones be located? Who would police them? In the absence of a UN mandate, what legal authority would be relied on to use force against aircraft or armed forces of the sovereign country in whose territory they were located? This is a recipe for mission creep and outright war. Micah Zenko

makes similar points in his commentary on the U.S. vice-presidential debate.¹²⁰

As Zenko points out, a demilitarized zone means no military. The Geneva Conventions make no reference to them. However, rules of customary international law refer to

“open towns and non-defended localities.”¹²¹ The ICRC Glossary defines a non-defended locality as one where all combatants, as well as mobile weapons and military equipment, must have been evacuated. No hostile use may be made of fixed military installations or establishments; no acts of hostility may be committed by the authorities or the population; and no activities in support of military occupation may be undertaken. No combatants would be allowed in.

While there is also no reference to no-fly zones in the Geneva Conventions, their very name requires exclusion of “un-authorized” aircraft from the skies above the delineated area and the use of force to do so. The *Manual on International Law Applicable to Air and Missile Warfare* provides the requisite guidance in belligerent airspace:

- A Belligerent Party may establish and enforce a No-Fly Zone in its own or in enemy national airspace.
- The commencement, duration, location and extent of the no-fly zones must be appropriately notified to all concerned.
- Subject to the Rules set out in Sections D and G of this Manual, aircraft entering a No-Fly Zone without specific permission are liable to be attacked.¹²²

References to “belligerent party” and “enemy” take any involvement to a different level and contemplate armed conflict against, in the case under discussion, Syria.

That would require a UN Security Council mandate under Chapter VII. In light of recent events, Russia has defensively deployed S-300 air-defense missiles to its Syrian base at Tartous, and S-400s to its Khmeimim airbase near Latakia. Interestingly, when Senator John McCain put to General Lloyd Austin the suggestion that the United States should establish a no-fly zone and a buffer zone in Syria, the general, much to the Senator’s obvious chagrin, said he would not recommend either.¹²³

Absent a UN mandate to establish any such exclusion area or protected zone, the act of doing so is itself a violation of sovereignty. The rhetoric of the moral imperative on both sides of the Atlantic and, to a more measured extent, within Europe, was to press ahead with regime change by using air power. Few military officers agreed that air power alone could achieve the desired effect. Boots on the ground were needed — but not Western ones. Whose, then? This paved the way for the phantom 70,000 “moderate” rebels mentioned above.

However, in spite of all the media moralizing and pressure from anti-Assad quarters, the former Obama administration was not keen to move forward under a moral imperative, cognizant of the military and legal problems involved. Moreover, ultimately, it was feared that even partial intervention through no-fly zones could lead to war with Russia:

Contrary to expectations, the United States is unlikely to enter into war with Russia over Syria. The moral argument for intervention cannot outweigh the immense risks that the U.S. military would be taking were it to engage in a direct and costly war with Russia.¹²⁴

This view was shared by many, including the former head of MI6 in the UK who was wary of the distinct risk of causing a military confrontation with Russia that such a policy would bring.¹²⁵

Whither the moral imperative? The irony in Syria is that foreign-policy decisions by those intervening, arming and training the various rebel factions have maintained and fed the violence and done little, if anything, to bring about resolution of the crisis. More Syrians have died as a result.

NEGOTIATING STRATEGY

From the beginning of the uprising in Syria, world leaders critical of President Assad have made powerful, uncompromising statements about his fate and used strong epithets to describe his character. When he was prime minister, in 2013, two years after the war had started, David Cameron famously decreed, in the new sound-bite diplomacy of modern politicians, that “Assad must go,” as he has “blood on his hands” and insisted it was “unthinkable” the dictator could play any part in the nation’s future.¹²⁶ In Parliament and the press, he demonized Assad as a “butcher.”¹²⁷

Former President Obama also declared that “Assad must go,” a statement he backed by “U.S. sanctions designed to undermine Assad’s ability to finance his military operation.”¹²⁸ This inflexible rhetoric was subsequently modified. It was a mindset that severely restricted any realistic possibility of a political resolution by setting a precondition to peace talks that was obviously unacceptable to the Syrian government from the outset. It was a significant blunder: the longer the fighting continued, the more Syrians died and the more bitter and entrenched the positions

became. Did the parties insisting on the pre-condition actually want peace?

Western leaders had failed to learn the lessons of Libya. They failed to take account of the growing Islamist threat in Syria, to acknowledge that the initial uprising had been hijacked by foreign extremists whose vision for Syria was not the liberal democracy envisaged by those who took to the streets in March 2011 — or even the secular system of the government they were trying to usurp. They had armed “rebels” and fed the violence. They had publicly placed their trust in a political opposition that exercised no effective control over rebel combatants, most of whom became members of or were embedded within extremist Islamist organizations.

Laying down such a precondition, in full knowledge of its unacceptability, may have been an exercise in gamesmanship, but it demonstrated a signal lack of sincerity on the part of the West and the opposition it supports. In the early years, this lack of resolve may well have been used to deliberately undermine the Geneva peace process, to buy time for a military change of tempo in favor of the rebels the United States was attempting to train.¹²⁹ As events now show, things worked out differently.

In addition, the absence of a coherent plan for the aftermath of the departure of President Assad was testament to the shoot-from-the-hip rhetoric of the political classes, veering from removing Assad to defeating ISIS. Patrick Cockburn acerbically noted that David Cameron planned to go to war, “but has not produced realistic plans for defeating the group.”¹³⁰

This might be perceived as reckless, when one looks back at the plight of Iraq and the catastrophe of Libya. There was clearly a need for a plan, for an appreciation of the situation within Syria and its

complex mix of militias, their loyalties and affiliations and their attitude to outside military intervention. It was important to understand the religious attitudes of the Syrian people themselves — Sunni and Shia, Alawites, Druze, Christians, Yazidis and Kurds. Moreover, while the West might think democracy is a great system, this view may not be shared by those we are exporting it to. Our governments did not seem to see beyond “Assad must go” in their R2P-driven fervor for intervention in the secular state of Syria.

[As] the Syrian civil war [progressed] the revolution ... shifted from a movement clamouring for social and political change to an all-out sectarian conflict.¹³¹

We should not delude ourselves. James Harkin, the author of *Hunting Season*, about the kidnapping of foreigners in Syria and a frequent visitor to opposition-held areas is of the view that

[none of the armed opposition] inside Syria like us. They see the U.S. Britain and France as enemies. This includes the non-jihadists, whom the West hopes to enlist, who suspect they will be used as cannon fodder and then discarded.¹³²

Even events on the ground have proved to be troubling for our faith in those we define as worthy of our support, such as the Free Syrian Army (FSA). In September 2016, U.S. troops were forced to flee the Syrian town of al-Rai after FSA rebel threats to “slaughter” U.S. special forces.¹³³ The so-called “moderates” have become increasingly integrated into more extremist units, like Nusra, if they actually exist anymore:

When the West does attempt to give names and faces to these so-called “moderates,” it is a simple matter to trace them directly back to Al Qaeda.¹³⁴

The interests of other regional powers, especially Turkey, are not necessarily consonant with those of the West. Turkey is a Sunni nation undergoing a steady metamorphosis into a fundamentalist state. The authoritarianism of President Erdogan has made it an unpredictable member of NATO; it has felt secure in challenging Syria and Russia, as it has the protection of the NATO Treaty.

In being serious about negotiating peace, it is important not to antagonize the other parties involved, whatever the rights and wrongs of the matter. A grave negotiating misjudgement in the Syria peace process was the announcement by John Kerry, echoed by the UK and France, that

Russia and Syria should face a war-crimes investigation for their attacks on Syrian civilians, further illustrating the downward spiral in relations between Washington and Moscow.¹³⁵

It is always dangerous to make such noble declarations when our own friendly forces may surely be similarly accused.¹³⁶ The United States should be trying to build ties with Russia, a nation that is influencing the strategic as well as tactical situation, to find a common course to end the war rather than using vituperative language.

Of course, in the world of international diplomacy, inflammatory remarks and theatrical gestures¹³⁷ may be intended for public consumption while, behind the scenes, the serious talking continues.

The problem facing the political opposition, in the latest form of the National

Coalition of Syrian Revolutionary and Opposition Forces, is that it may be seen as lacking credibility with the fighters on the ground. The latter see no advantage in any peace deal or cessation of hostilities. One proposal was that the so-called “moderates,” if they indeed exist anymore,¹³⁸ should separate themselves from the jihadists, who would then be attacked by the Russians and Americans. It is perhaps unsurprising that the moderates co-located with extremists were loathe to place themselves at risk of attack.

In all of the debates on Syria, one thing seems to stand out: the West’s failure to understand, or pay sufficient regard to, the importance of Syria to Russia. In the first place, Russia’s domestic interests are threatened by Islamic extremists from the Middle East. ISIS militants as recently as August 2016 called again for terrorism in Russia by threatening Vladimir Putin, the Kremlin and Moscow.¹³⁹ Helping Syria to stamp out radical Islamists is very much in Russia’s interests, considering Syria’s proximity to its borders. It is not clear how well this is understood by those calling for the withdrawal of lawfully deployed Russian forces.

Syria also serves an important strategic purpose, providing Russia with a military footprint in the Middle East at the Mediterranean naval base of Tartous. This facility has been leased by Russia since 1971, in the days of the “Cold War.” Syria has been part of Russia’s geopolitical sphere of influence for a long time. In the past, the United States and all of the present interlopers would have stayed well clear of mentioning, let alone participating in, any overt intervention.

Events with Turkey, consequent to the shooting down of the Su-24 Russian jet, graphically highlighted that the Bospho-

rous could provide a choke hold on Russian warship movement, unless they were prepared to seriously escalate tensions by forcing their way through. Tartous raises none of those concerns. The Russian intent is now to upgrade and expand the facility and turn it into a permanent base.¹⁴⁰

The path to peace has been further complicated by the roles of regional powers that have various interests in either seeing President Assad overthrown or, in the case of Iran, maintained in power. Countries such as Turkey have been a smooth conduit of weapons and ammunition to the jihadists. Former Vice President Joe Biden spoke openly about Turkey’s murky role in Syria, with fighters and equipment freely passing across the border.¹⁴¹ Turkey’s view of Assad’s future role is very volatile. While the attitude did become softer and more flexible since the tentative rapprochement with Russia in the wake of the downing of the Su-24 jet in November 2015, it has veered once more to seeking his removal.

Other Middle Eastern countries¹⁴² have supplied large amounts of cash and training to the jihadists, too.¹⁴³ There have been so many interlopers playing their own game that the plight of the Syrian people has been effectively sidelined. Rather than being discouraged by the United States, the opposite has been the case, with U.S. weapons being channeled to the rebels through these countries. It came as something of a shock, therefore, when President Trump, during a visit to Saudi Arabia in early June 2017, singled out Qatar as “sponsoring terror”¹⁴⁴ without mentioning the roles of other Gulf states, including his hosts.

The delay caused by the “Assad must go” mentality has allowed the situation to deteriorate and for some regional actors to exploit the situation for their own pur-

poses. The United States is keen to support the rebels and the Kurds and has supplied training, “military advisers,” cash and weapons to both. Turkey is more interested in the Kurds than ISIS. The Kurds are more interested in carving out their own territory, and current U.S. military efforts may be deliberately feeding that ambition. President Assad, supported by Russia, Iran and Hezbollah, sees all terrorist groups as the enemy. The various rebel factions were disjointed and often fought each other, although they are now slowly coalescing around the Tahrir al-Sham/al-Qaeda-affiliated Islamist group (al-Nusra Front), fighters, whose vision for Syria is as fundamentalist as that of ISIS. ISIS/Daesh has spread its terror to Europe.

The failure of the Western policy of regime change is slowly dawning. It was recognized by John Kerry, albeit behind closed doors, that the United States has no legal justification for attacking Mr. Assad’s government, whereas Russia was invited in by the government:

The problem is, the Russians don’t care about international law and we do. And we don’t have a basis ... unless we have a UN Security Council resolution, which the Russians can veto and the Chinese, or unless we are under attack from the folks there, or unless we are invited in. Russia is invited in by the legitimate regime — well, it’s illegitimate in my mind — but by the regime.”¹⁴⁵

This renders it all the more puzzling that there should be any suggestion of air strikes against Syrian troops, when it would be a clear breach of international law. Do those advocating such attacks not appreciate the legal position that U.S. government legal advisers have given correctly? If so, it is difficult to see how they

reconcile such an approach with finding a peaceful solution to the war. Syria’s principal ally expressed a willingness to defend them and its own troops,¹⁴⁶ although they have so far avoided confronting U.S. forces, in spite of aggression from the United States.¹⁴⁷

A WAY FORWARD

Criticism of difficult foreign-policy decisions is easy, especially with hindsight. Unfortunately, a lot of material tends to justify criticism in the case of Syria. One thing is clear: a plan is needed, and a coherent one. The fundamental question is whether any political progress is possible until the fighting has resulted in victory for one of the protagonists.

The position we are in now, after more than seven years of bitter fighting, war crimes on both sides, and death and destruction on a vast scale, is far less conducive to a successful political outcome than at any time since the revolution changed from a local uprising to one infiltrated and overrun by outside jihadists. Then, there was some real hope, but the “Assad must go” mindset prevailed to confine the ambit of negotiations while a concerted policy of arming and training rebel fighters fed the revolt. This approach has raised the degree of violence and caused deeply entrenched positions, with distinct armed anti-government groups allowed to develop, with their own agendas. It is doubtful any meaningful peace process is now viable until the fighting ends.

For an end to hostilities, the West must acknowledge that there is no real alternative to the Assad government. It must determine the weight to be attached to the political opposition, in the latest form of the National Coalition. Does that organization carry sufficient credibility

with the fighters on the ground, and is there certainty that anything they agree to will be accepted by the extremists? Or is it just a political figurehead for the opposition, which the West finds politically convenient?

That leaves the interests of the fighters to be considered. The armed opposition to President Assad is dominated by ISIS, still a significant force in spite of many defeats, the al-Qaeda affiliate Jabhat al-Nusra/Tahrir al-Sham and the ideologically similar Ahrar al-Sham.¹⁴⁸ The likelihood that these terrorist groups will be amenable to peace talks is highly questionable and this emasculates the authority of the National Coalition. Certainly, insofar as attempts at a ceasefire in Aleppo show, their wish is to maintain the fight until the last moment.¹⁴⁹

Thus, if the National Coalition (NC) is ineffective, one must ask whether a peace deal with the jihadists would be viable, or if it would just provide them welcome pause to regroup and move forward with their plans for global jihad. In the event of a peace deal, it is entirely possible that the two jihadist organizations may seek some sort of rapprochement between themselves.¹⁵⁰ It could actually make matters worse, with a larger jihadist organization ready to spread its dark influence across the globe. It is equally possible, of course, that they might engage in further fighting with each other and any government in place. With so many interests involved, it is doubtful that an Assad defeat would mean an end to the fighting.

It cannot be truly in the interests of the West to contemplate any form of jihadist victory. Consequently, the focus must be upon their military defeat — the sooner the better. This, realistically, means allying with the Syrian government and Russia.

All the same, while peace talks will be

difficult, they should not be entirely abandoned. They are obviously important to help construct a post-conflict vision of Syria. But they must be approached with some pragmatism and genuine intent, not with blatant and unacceptable preconditions.

It is not certain that, as the victor, President Assad will be receptive to any negotiation with the NC, but the Russians will be decisive in influencing this. What is clear is that the NC's intransigent insistence that "Assad must go" has to be diluted to an acceptance of the democratic process and that his legitimacy as president has been determined, whether they like it or not.¹⁵¹ He currently argues that he has a mandate, from the people, until 2021. Furthermore, for those who believe in democracy to say that the future of a country must be decided according to the terms set down by outsiders is problematic. Democracy is the power of the people to decide. This point has been repeatedly made by Bashar Al-Assad.

This is not to suggest that negotiations will be anything other than extremely difficult. It is unlikely that a victor would readily cede any significant authority to those who purported to represent groups violently opposed to him. This has been a long and bitter war and, whoever wins, there will be the inevitable round of atrocities as "scores are settled."¹⁵² But Assad may now be amenable to some changes, with Russian persuasiveness, to help heal the deep wounds in the country and provide a foundation for some form of unity.

With the United States pursuing an increasingly military role on behalf of the Kurds, the other big question is, what will happen if they attempt to establish an independent state that will quite probably be opposed by the Syrian government and is very actively and militarily opposed by

Turkey? If the occupation of Cyprus is a precedent, it is unlikely Turkish forces will withdraw once they have achieved their objective of routing the YPG. That could ultimately lead to a confrontation between Syria and NATO member Turkey, unless Russian diplomacy can find a solution. Any nascent Kurdish state may well find an enemy to the north as well as to the west. This would require a continued U.S. military presence for some years, as the Kurds have no air force and will need significant assistance in establishing their organs of state. On the other hand, the creation of an autonomous region may be acceptable to both Syria and, possibly, Turkey, and would reduce the chance of confrontation between Turkey and the United States in any support it gives to the Kurds.

CONCLUSION

It looks increasingly as if any meaningful political process can now only take place after a military victory is achieved. That initiative lies now with the Syrian government, assisted by its allies. It is, nevertheless, hoped the peace momentum can be maintained and that there finally will be an opportunity for a constructive

dialogue towards national reconciliation and reconstruction. This is already happening in areas liberated from the jihadis. Having the right people around the table will be key. The big question is, in the event of a military victory, however defined, will the Syrian government feel any compulsion to engage with those who opposed it so fervently?

The foreign policy of U.S. president Donald Trump is difficult to comprehend. His position has vacillated from his campaign stance, when he suggested allying with Russia against the jihadists. He proposed a sharper focus on fighting ISIS in Syria, rather than on ousting Bashar al-Assad.¹⁵³ For his part, in an apparent policy shift, former Secretary of State Rex Tillerson told Antonio Guterres, UN secretary general, that Syria's president was a Russian issue.¹⁵⁴

It is quite likely that defeated jihadists will simply disappear underground to continue their opposition through terror tactics. This will, in many ways, make them more difficult to eradicate, presenting even more reason for right-minded and visionary Syrians to stand together against them — along with all states affected by the terrorist threat.

¹ See Ryan Goodman, "Is the United States Already in an 'International Armed Conflict' with Syria?" *Just Security*, <https://www.justsecurity.org/33477/united-states-international-armed-conflict-syria/>.

² In Syria, the group continues to profess its goal of toppling the Assad regime and establishing an Islamic state in its place, albeit incrementally, and remains committed to employing terrorist tactics in order to secure an Islamist state: *Counter Extremism Project*, <http://www.counterextremism.com/threat/nusra-front-jabhat-fateh-al-sham>; See also, "The establishment of the Fateh al-Sham Front in place of the Al-Nusra Front, Al-Qaeda's branch in Syria: reasons and Implications," August 4, 2016, http://www.terrorism-info.org.il/Data/articles/Art_21048/E_143_16_43106582.pdf. On November 10, 2016, the US State Department amended the Terrorist Designation of al-Nusrah Front to add new aliases, most notably, Jabhat Fath al Sham (a slight variation in spelling). They are now proscribed by the United States: See, Media Note, November 10, 2016: <http://www.state.gov/r/pa/prs/ps/2016/11/264230.htm>.

³ See, for example, "Anjem Choudary: Steps to an Islamic Caliphate." *The Clarion Project*, April 30, 2012, <http://www.clarionproject.org/analysis/anjem-choudary-steps-islamic-caliphate#>: "A Muslim must not obey, submit or follow anyone or anything other than Allah in his life. This means that democracy is anathema to Islam, which says that sovereignty belongs to man, whereas Islam says that sovereignty belongs to God and that the authority must be in the hands of Muslims

who must implement the sharia.”

⁴ Nahla Mahmoud, “Here is why Sharia Law has no place in Britain or elsewhere,” *National Secular Society*, February 6, 2013, <http://www.secularism.org.uk/blog/2013/02/here-is-why-sharia-law-has-no-place-in-britain-or-elsewhere>.

⁵ Email from John Podesta to Hillary Clinton, “... the governments of Qatar and Saudi Arabia, which are providing clandestine financial and logistic support to ISIL and other radical Sunni groups in the region. This effort will be enhanced by the stepped up commitment in the KRG. The Qataris and Saudis will be put in a position of balancing policy between their ongoing competition to dominate the Sunni world and the consequences of serious U.S. pressure.” September 27, 2014, <https://wikileaks.org/podesta-emails/emailid/3774>. See also, “Wesley Clark Told The Truth,” <https://www.youtube.com/watch?v=LAFHOHIFZA>.

⁶ Ben Fenton, “Macmillan backed Syria assassination plot,” *The Guardian*, September 27, 2003, <https://www.theguardian.com/politics/2003/sep/27/uk.syria1?cat=politics&type=article>; See also, “57 Years Ago: U.S. and Britain Approved Use of Islamic Extremists to Topple Syrian Government,” *WashingtonsBlog*, July 7, 2014, <http://www.washingtonsblog.com/2014/07/57-years-ago-u-s-britain-approved-use-islamic-extremists-topple-syrian-government.html>.

⁷ WikiLeaks Files, “Influencing the SARG in the End of 2006,” Wikileaks Cable: 298, December 13, 2006, https://wikileaks.org/plusd/cables/06DAMASCUS5399_a.html.

⁸ General Wesley Clark, “General Wesley Clark: Wars Were Planned — Seven Countries In Five Years,” https://www.youtube.com/watch?v=9RC1Mepk_Sw. The countries named are: Iraq, Syria, Lebanon, Libya, Somalia, Sudan and Iran. See Susan Lindauer, “Former CIA Asset EXPOSES 9/11 Cover Up Tells All,” <https://www.youtube.com/watch?v=cTDrWAc-kY8>.

⁹ See, “Before 9/11, Bush Asked To ‘Go Find Me A Way’ To Invade Iraq,” <https://www.youtube.com/watch?v=Elg4lSm52qU>; and Ron Suskind, *The Price of Loyalty: George W. Bush, the White House, and the Education of Paul O’Neill*, (Simon & Schuster, 2004).

¹⁰ “At least 80 Syrian soldiers killed by US-led air strike,” *Jerusalem Post*, September 17, 2016, <http://www.jpost.com/Breaking-News/At-least-80-Syrian-soldiers-killed-by-US-led-air-strike-467988>.

¹¹ “Syrian army says U.S.-led coalition jets bombed it in support of Islamic State,” *The Star*, September 18, 2016, <http://www.thestar.com.my/news/world/2016/09/18/syrian-army-says-us-led-coalition-jets-bombed-it-in-support-of-islamic-state/>.

¹² The U.S. airforce did strike the Médecins Sans Frontières (MSF) hospital in Kunduz, on October 3, 2015. MSF says the “[t]otal number of people killed in the attack is at least 30, including 14 MSF staff members, 10 patients and seven unrecognisable bodies yet to be identified... The attacks took place despite the fact that MSF had provided the GPS coordinates of the trauma hospital to Coalition and Afghan military and civilian officials as recently as September 29.” Médecins Sans Frontières, *Kunduz hospital attack: MSF factsheet*, <http://www.msf.org.uk/kunduz-hospital-attack-msf-factsheet>. The U.S. reportedly said that the attack was a “human error,” as “The medical facility was misidentified as a target by U.S. personnel who believed they were striking a different building several hundred meters away where there were reports of combatants,” *US DoD News, Defense Media Activity*, November 25, 2015, <http://www.defense.gov/News/Article/Article/631304/campbell-kunduz-hospital-attack-tragic-avoidable-accident>, 16 military personnel were disciplined for the attack. *Department of Defense Press Briefing by Army General Joseph Votel, commander*, U.S. Central Command, April 29, 2016, <http://www.defense.gov/News/Transcripts/Transcript-View/Article/746686/department-of-defense-press-briefing-by-army-general-joseph-votel-commander-us>.

¹³ “‘Friendly fire’ Iraq video found” *BBC News*, January 31, 2007, <http://news.bbc.co.uk/1/hi/uk/6318565.stm>; and for a list of friendly-fire incidents, see https://en.wikipedia.org/wiki/List_of_friendly_fire_incidents#cite_ref-120.

¹⁴ See, for example, “‘Friendly fire from the air’ kills 5 U.S. service members in Afghanistan,” CNN, June 10, 2014, <http://edition.cnn.com/2014/06/10/world/asia/afghanistan-isaf-deaths/index.html>, which also reports on the 2004 death of Pat Tillman, a renowned U.S. football player who joined the U.S. Army’s elite Rangers force.

¹⁵ Tim Hume, Steve Almasy, Barbara Starr and Richard Roth, “Syria ceasefire under threat after US-led strikes kill regime troops, Russia says,” CNN, September 18, 2016, <http://edition.cnn.com/2016/09/18/middleeast/syria-claims-coalition-airstrike-hit-regime-forces/index.html>.

¹⁶ See the redacted “Executive Summary of Allegations of the Commander Directed Investigation (CDI) into airstrikes in the vicinity of Dayr az Zawr, Syria, on 17 September 2016,” CENTCOM, “MEMORANDUM FOR USAFCENT/CC” dated November 2, 2016, is available online: http://www.centcom.mil/Portals/6/media/REDACTED_FINAL_XSUM_Memorandum_29_Nov_16_CLEAR.pdf.

¹⁷ “U.S Air Force’s Central Command completes Dayr Az Zawr investigation,” *CENTCOM Press Briefing*, November 29, 2016, <http://www.centcom.mil/MEDIA/PRESS-RELEASES/Press-Release-View/Article/1014575/us-air-forces-central-command-completes-dayr-az-zawr-investigation/>.

¹⁸ Alaa Halabi (in Arabic), “Aid convoy attacked near Aleppo?” *Al-Safir*, September 12, 2016, <http://assafir.com/Article/5/510772>; and, in relation to the earlier ceasefire, Gareth Porter, “How Media Distorted Syrian Ceasefire’s Breakdown,” *Fairness and Accuracy in Reporting*, August 11, 2016, <http://fair.org/home/how-media-distorted-syrian-ceasefires-breakdown/>.

¹⁹ “Russia and Syria deny striking UN aid convoy in Aleppo,” *Al Jazeera*, September 21, 2016, <http://www.aljazeera.com/news/2016/09/suspends-syria-aid-convoy-bombed-160920080213025.html>.

²⁰ “Moscow asks UK’s Johnson to present images proving Russia’s attack on Aleppo aid convoy,” *Al Masdar News*, Oc-

tober 12, 2016, <https://www.almasdarnews.com/article/moscow-asks-uks-johnson-present-images-proving-russias-attack-aleppo-aid-convoy/>. If it was not the Russians (the Syrians having already been discounted as not having a night-vision capability) then who was it? Satellite imagery will obviously help resolve this.

²¹ Thomas Nicholas O'Brien defines it as "a communications tool used to mislead an adversary by purposely disseminating false information." *Russian Roulette: Disinformation in The U.S. Government and News Media* (1978).

²² Daniel R. DePetris, "Is America About to Go to War in Syria?" *The National Interest*, October 6 2016, <https://pjmedia.com/trending/2016/10/06/are-we-about-to-go-to-war-in-syria/>; see also, "McCain urges White House to consider a 'necessary military component' to end Syrian war," *The Hill*, October 5, 2016, <http://thehill.com/policy/defense/299393-mccain-urges-white-house-to-consider-a-necessary-military-component-to-end>.

²³ Steven Simon and Jonathan Stevenson, "Don't Intervene in Syria," October 6, 2016, <http://www.nytimes.com/2016/10/06/opinion/dont-intervene-in-syria.html>.

²⁴ Ibid. note 46.

²⁵ By ten votes to four the Court was of the opinion that "the declaration of independence of Kosovo adopted on February 17, 2008, did not violate international law," <http://www.icj-cij.org/docket/files/141/16012.pdf>. However, the court was really endeavouring to catch up with events. The UN Security Council had been seized of the matter since March 31, 1998, (Resolution 1160). UN SCR 1244 (1999) was adopted by the Security Council, available at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1244\(1999\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1244(1999)), on the basis of Chapter VII of the United Nations Charter, and therefore clearly imposed international legal obligations and the regulations promulgated thereunder by the United Nations Mission in Kosovo (UNMIK).

²⁶ This was first discussed by the author in "Intervention in the Internal Affairs of States," October 25, 2011, E-International Relations, <http://www.e-ir.info/2011/10/25/intervention-in-the-internal-affairs-of-states/>.

²⁷ "Adversary disinformation" is equated with propaganda in US Joint Publication 3-61 – Public Affairs, at III-3. See also, Joseph Caddell, "DECEPTION 101: PRIMER ON DECEPTION."

²⁸ Ibid., Caddell, FN 30 refers to the Department of Defense (DoD) definition of deception.

²⁹ "Early in the Libyan conflict Secretary of State Clinton formally accused Qadhafi and his army of using mass rape as a tool of war. Though numerous international organizations, like Amnesty International, quickly debunked these claims, the charges were uncritically echoed by Western politicians and major media," *Foreign Policy Journal*, January 6, 2016, "Hillary Emails Reveal True Motive for Libya Intervention," <http://www.foreignpolicyjournal.com/2016/01/06/new-hillary-emails-reveal-true-motive-for-libya-intervention/>.

³⁰ Michael Lee, "Syria: Doctors in Aleppo refute Western media lies," *Uprooted Palestinians Blog*, October 9, 2016, <https://uprootedpalestinians.wordpress.com/2016/10/09/syria-doctors-in-aleppo-refute-western-media-lies/>.

³¹ Ibid., 33.

³² Ibid., note 80, citing article by Anne Barnard.

³³ *Executive Intelligence Review*, September 28, 2016, <https://www.youtube.com/shared?ci=oHXql3Q2NLY>.

³⁴ Op Cit, 137.

³⁵ See, for example, "David Cameron On Libya: Gaddafi Was A Monster And We've Learnt The Lessons From Iraq," *Huffington Post*, November 1, 2011, http://www.huffingtonpost.co.uk/2011/09/02/david-cameron-on-libya-ga_n_946134.html.

³⁶ Marcus Weisgerber, "Pentagon Fronts Bomb Buys For Allies Fighting ISIS," *Real Clear Defense*, October 5, 2016, http://www.realcleardefense.com/2016/10/05/pentagon_fronts_bomb_buys_for_allies_fighting_isis_286409.html.

³⁷ Alastair Crooke, "How the US Armed-up Syrian Jihadists," *Consortium News*, September 29, 2016.

³⁸ Jack Murphy, "US Special Forces sabotage White House policy gone disastrously wrong with covert ops in Syria," *SOFREP*, September 14, 2016.

³⁹ See Crooke, *supra* note 43.

⁴⁰ In his Press Briefing on October 23, 2000, on the Kosovo Commission report, Judge Goldstone quoted the findings on p.4: "Regarding military intervention, the Commission had unanimously concluded that the NATO military intervention was illegal, and a contravention of international law, because it did not have the consent of the Security Council, which under the United Nations Charter was a sine qua non for military intervention of this kind. The Commission had found, however, that while being illegal, the military intervention by NATO was legitimate, both from a political and from a moral point of view. There was a gap between legality on the one hand, and legitimacy on the other." <http://www.un.org/press/en/2000/20001023.kosovobrfg.doc.html>, p.4. For the full report, see: <http://reliefweb.int/sites/reliefweb.int/files/resources/6D26FF88119644CFC1256989005CD392-thekosovoreport.pdf>.

⁴¹ See "Gaddafi – The Truth About Libya," a documentary that not only showed media bias in reporting but, significantly, that Qadhafi warned about al-Qaeda as the real enemy. He also revealed the close ties between members of the U.S. administration and Saddam Hussein. Indeed, his own friendship with Tony Blair proved to be a betrayal by the west, as he agreed to rid Libya of its WMD. <https://youtu.be/TkTUDw0mjMA>.

⁴² Ruth Sherlock, "Hillary Clinton will reset Syria policy against 'murderous' Assad regime," *Daily Telegraph*, July 29, 2016, <http://www.telegraph.co.uk/news/2016/07/29/hillary-clinton-will-reset-syria-policy-against-murderous-assad/>.

⁴³ Rebecca Kaplan, "Hillary Clinton still wouldn't give up on training Syrian rebels," CBS News, September 22, 2015, <http://www.cbsnews.com/news/hillary-clinton-history-with-arming-syrian-rebels/>.

⁴⁴ Ibid, § 5.34.1.

- ⁴⁵ "ISIS uses terrified civilians as massive human shield in Syrian city," *New York Post*, March 29, 2017, <http://nypost.com/2017/03/29/isis-uses-terrified-civilians-as-massive-human-shield-in-syrian-city/>; See also, "The city of human shields," *Daily Mail*, March 29, 2017, <http://www.dailymail.co.uk/news/article-4359616/300-000-civilians-trapped-Raqqa-used-human-shields.html>.
- ⁴⁶ Voice of America, July 28, 2016, <http://www.voanews.com/a/assad-offers-amnesty-for-rebels-free-passage-for-civilians-in-aleppo/3438239.html>; see also, "The city of human shields."
- ⁴⁷ Jason Ditz, "Syria Offers Rebels Safe Passage to Flee Aleppo," October 2, 2016, <http://news.antiwar.com/2016/10/02/syria-offers-rebels-safe-passage-to-flee-aleppo/>; see also, Al Jazeera, October 3, 2016, <http://video.aljazeera.com/channels/eng/videos/syrian-army-offers-rebels-safe-passage-out-of-aleppo/5152803060001>.
- ⁴⁸ "We fought them in every street, house, neighborhood and schools, and they used mosques to launch attacks," an army brigadier general in Minyan who identified himself as Nabil told Al-Manar TV, Fox 8, <http://www.fox8live.com/story/33692974/syrian-troops-reverse-rebel-advance-west-of-aleppo>; also reported on ABC News, November 5, 2016, <http://www.abc.net.au/news/2016-11-13/syrian-army-reverses-rebel-gains-in-western-aleppo/8020692>.
- ⁴⁹ Ewen MacAskill, "Gaddafi 'supplies troops with Viagra to encourage mass rape', claims diplomat," *The Guardian*, April 29, 2011, <https://www.theguardian.com/world/2011/apr/29/diplomat-gaddafi-troops-viagra-mass-rape>; see also, "From: Sidney Blumenthal To: Hillary Clinton, Date: 2011-03-27," <https://wikileaks.org/clinton-emails/emailid/12674>. The allegations were discredited by Amnesty International investigator, Donatella Rovera, *Liberation*, June 22, 2011, http://www.liberation.fr/planete/2011/06/22/il-y-a-eu-des-dizaines-de-cas-de-soldats-assassines_744380.
- ⁵⁰ Perhaps one of the most infamous "false flag" operations was the so-called Gleiwitz incident, used as a pretext to the start of the war against Poland in 1939. Bob Graham, "World War II's first victim," *Daily Telegraph*, <http://www.telegraph.co.uk/history/world-war-two/6106566/World-War-II-s-first-victim.html>. For an interesting counterpoint, see Carolyn Yeager, "The Gleiwitz 'False Flag' Incident is Pure Fiction," March 23, 2012, <https://carolynyeager.net/gleiwitz-%E2%80%9Cfalse-flag%E2%80%9D-incident-pure-fiction>.
- ⁵¹ On February 5, 1994, a mortar was fired into the market place in Sarajevo, killing about 70 people. The allegation was that the mortar was fired from Serb positions. This was denied by the Serbs, who accused the Bosnians themselves of the outrage in order to provoke outrage and NATO intervention. See Michael Rose.
- ⁵² "Attacks on Ghouta: Analysis of Alleged Use of Chemical Weapons in Syria," *Human Rights Watch Report*, September 10, 2013, <https://www.hrw.org/report/2013/09/10/attacks-ghouta/analysis-alleged-use-chemical-weapons-syria>.
- ⁵³ <https://www.whitehouse.gov/the-press-office/2012/08/20/remarks-president-white-house-press-corps>.
- ⁵⁴ "UN inspectors in Syria: under fire, in record time, sarin is confirmed," *The Guardian*, September 16, 2013, <https://www.theguardian.com/world/2013/sep/16/un-inspectors-syria-sarin-gas>.
- ⁵⁵ The alleged gas attack would not necessarily have crossed President Obama's "red line," as he talked about "a whole bunch of chemical weapons moving around or being utilized."
- ⁵⁶ <https://www.youtube.com/watch?v=RPujDD5vXDw&feature=youtu.be>.
- ⁵⁷ <https://www.youtube.com/watch?v=foj29LIXpy4>.
- ⁵⁸ A jihadist terrorist organization with a Wahhabi/Salafi ideology, formally known as al-Nusra, an al-Qaeda affiliated terrorist organization proscribed by the United States. However, due to their prowess at fighting, Saudi Arabia and Qatar wanted them to break with al-Qaeda, so that they could then financially support them. This led to their re-branding as Jaish Fatah al Sham, in 2016. Neither the UK nor the U.S. designates JFS as a terrorist organization, even though they are al-Nusra under a new name. See, <http://www.state.gov/j/ct/rls/other/des/123085.htm>; and (November 5, 2016), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/538297/20160715-Proscription-website-update.pdf. The U.S.-supported rebels have been working alongside JFS in Syria – "'I Saw My Father Dying': A View From Aleppo's Government-Held Side."
- ⁵⁹ Jonathon Burch, "Turkey arrests 12 in raids on 'terrorist' organization," *Reuters*, May 30, 2013, <http://www.reuters.com/article/us-syria-crisis-turkey-idUSBRE94T0YO20130530>.
- ⁶⁰ Quoted in the *Independent*, May 6, 2013, <http://www.independent.co.uk/news/world/middle-east/uns-carla-del-ponte-says-there-is-evidence-rebels-may-have-used-sarin-in-syria-8604920.html>. The U.S. government response was reported as being "highly sceptical of suggestions that Syrian rebels used chemical weapons."
- ⁶¹ See the *BBC News* online page, at <http://www.bbc.co.uk/news/world-middle-east-22424188> "I was a little bit stupefied by the first indication of the use of nerve gas by the opposition."
- ⁶² Seymour Hersch, "Whose sarin?" *London Review of Books*, Vol. 35 No. 24, December 19, 2013, 9-12, <http://www.lrb.co.uk/v35/n24/seymour-m-hersh/whose-sarin>.
- ⁶³ Sadly, the misuse and misinterpretation of intelligence was in evidence in the case of the UK justification for the Iraq War. The so-called "Dodgy Dossier" of August 24, 2002 (Iraq's Weapons Of Mass Destruction: The Assessment Of The British Government) made the assertion, on what they later knew to be bad intelligence, that Saddam Hussein's "military planning allows for some of the WMD to be ready within 45 minutes of an order to use them." (Ibid. p.4): http://news.bbc.co.uk/nol/shared/spl/hi/middle_east/02/uk_dossier_on_iraq/pdf/iraqdossier.pdf.
- ⁶⁴ *London Review of Books*, Vol. 36 No. 8, April 17, 2014, pages 21-24, <http://www.lrb.co.uk/v36/n08/seymour-m-hersh/the-red-line-and-the-rat-line>.
- ⁶⁵ "Syria vows to give up chemical weapons, no deal yet at U.N," *Reuters*, September 10, 2013, <http://uk.reuters.com/>

article/uk-syria-crisis-idUKBRE9860L420130910.

⁶⁶ "Syria chemical weapons equipment destroyed, says OPCW," BBC News, October 31, 2013, <http://www.bbc.co.uk/news/world-middle-east-24754460>.

⁶⁷ Simon Tisdall and Josie Le Blond, "Assad did not order Syria chemical weapons attack, says German press," *Guardian*, September 9, 2013, <https://www.theguardian.com/world/2013/sep/08/syria-chemical-weapons-not-assad-bild>. But see, "German intelligence concludes sarin gas used on Assad's orders," *RT* report, September 2, 2013, <https://youtu.be/4Qb1QLEpfb8>

⁶⁸ <https://www.youtube.com/watch?v=M3Rc20Ah7LY> Published on 27 Mar 2014. See also, Paul Joseph Watson, "Scandal: Mass Media Censors Shocking Admission of Turkish False Flag," *InfoWars*, March 28, 2014, <http://www.infowars.com/scandal-mass-media-censors-shocking-admission-of-turkish-false-flag/>; See also, "Recordings, Posted Online, Rattle Officials in Turkey," *The New York Times*, March 27, 2014, <http://mobile.nytimes.com/2014/03/28/world/europe/high-level-leaks-rattle-turkey-officials.html?referrer=>.

⁶⁹ An English-language daily newspaper produced in Turkey. Turkish authorities on March 4, 2016, seized control of the critical daily newspaper, which they say has links to US-based Muslim cleric Fethullah Gulen, accusing the paper of aiding terrorist groups. See, <http://www.dw.com/en/editor-in-chief-of-turkish-daily-todays-zaman-now-in-brussels-exile/a-19129163>.

⁷⁰ Translation from the original Turkish report, "The Syrian Chemical Weapons Attack Was a False Flag By Turkey and ISIS," *Washington Blog*, December 15, 2015, <http://www.washingtonsblog.com/2015/12/syrian-chemical-weapons-attack-false-flag-turkey-isis.html>. The independent newspaper, *Today's Zaman*, was effectively closed down in March 2016, when a court ruling placed it under state control. The BBC reports, "The paper is closely linked to the Hizmet movement of influential U.S.-based cleric Fethullah Gulen, which Turkey says is a 'terrorist' group aiming to overthrow President Recep Tayyip Erdogan's government," <http://www.bbc.co.uk/news/world-europe-35735793>.

⁷¹ *The Times of Israel*, August 18, 2016, <http://www.timesofisrael.com/haunting-image-shows-syrian-boy-rescued-from-aleppo-rubble/>.

⁷² It was not until articles such as that written by distinguished journalists like John Osborne, in his article for the *Spectator*, pointed out the hypocrisy in the manner of reporting in the media the situations in Mosul (in Iraq, supported by the U.S. and UK) and Aleppo (supported by Syria and Russia), which "nevertheless, are fundamentally identical;" "Why is it ok to bomb Mosul but not Aleppo?," November 5, 2016, <http://www.spectator.co.uk/2016/11/youre-not-hearing-the-whole-story-about-aleppo/>.

⁷³ See Peter Osborne, *OP CIT*, note 79, "Few journalists have dwelled on the fact that these improvised weapons have been deliberately used to kill hundreds of [West] Aleppo civilians." See also, "'I Saw My Father Dying': A View From Aleppo's Government-Held Side," By Anne Barnard, *New York Times*, November 4, 2016, http://www.nytimes.com/2016/11/05/world/middleeast/aleppo-syria.html?smid=tw-share&_r=0.

⁷⁴ AP I, Art 51(5)(b), cited at FN15 of JSP 383: Manual of the Law of Armed Conflict

⁷⁵ "Cohen Fears 100,000 Kosovo Men Killed by Serbs," *Washington Post*, 16 May 1999, <http://www.washingtonpost.com/wp-srv/inatl/longterm/balkans/stories/cohen051699.htm>

⁷⁶ "Kosovo assault 'was not genocide,'" BBC News, September 7, 2001, <http://news.bbc.co.uk/1/hi/world/europe/1530781.stm>. "A United Nations court has ruled that Serbian troops did not carry out genocide against ethnic Albanians during Slobodan Milosevic's campaign of aggression in Kosovo from 1998 to 1999."

⁷⁷ "Where Are Kosovo's Killing Fields?" *STRATFOR*, October 17, 1999, <https://worldview.stratfor.com/analysis/where-are-kosovos-killing-fields>.

⁷⁸ "The Kosovo Numbers Game," *The Institute for War & Peace Reporting*, November 16, 2005, <https://iwpr.net/global-voices/kosovo-numbers-game>.

⁷⁹ "John Pilger reminds us of Kosovo — the model for Blair's war on Iraq. Kosovo, the site of a genocide that never was, is now a violent 'free market' in drugs and prostitution," *New Statesman*, December 13, 2004, <http://www.newstatesman.com/politics/politics/2014/04/john-pilger-reminds-us-kosovo>.

⁸⁰ "Libya before and after Gaddafi," April 21, 2016, https://www.youtube.com/watch?v=7Q3_e0s0NJo.

⁸¹ Mr Cameron labeled Gaddafi a "monster," [http://www.express.co.uk/news/uk/268871/World-will-be-better-without-Gaddafi-the-monster-PM; Assad a "butcher" and even members of the United Kingdom Independence Party "a bunch of "fruitcakes, loonies & closet racists,"](http://www.express.co.uk/news/uk/268871/World-will-be-better-without-Gaddafi-the-monster-PM; Assad a 'butcher' and even members of the United Kingdom Independence Party 'a bunch of 'fruitcakes, loonies & closet racists,') <http://news.bbc.co.uk/1/hi/4875026.stm>.

⁸² "The Top Ten Myths in the War Against Libya," August 31, 2011, <http://www.counterpunch.org/2011/08/31/the-top-ten-myths-in-the-war-against-libya/>.

⁸³ As reported in Counterpunch, U.S. Secretary of Defense Robert Gates replied, "We've seen the press reports, but we have no confirmation of that." Backing him up was Admiral Mullen: "That's correct. We've seen no confirmation whatsoever."

⁸⁴ David D. Kirkpatrick, *New York Times*, March 21, 2011, http://www.nytimes.com/2011/03/22/world/africa/22tripoli.html?_r=2&pagewanted=all&ref=daviddkirkpatrick&_r=2.

⁸⁵ https://youtu.be/7Q3_e0s0NJo?t=221. The oft maligned RT news programme correctly called the disinformation about Libya. See for example, https://youtu.be/7Q3_e0s0NJo?t=249.

⁸⁶ The CIA had been very happy to seek Gaddafi's cooperation over their secret extraordinary rendition program, which

exported the torture of suspected terrorists to Libya and other countries. See “20 Extraordinary Facts about CIA Extraordinary Rendition and Secret Detention,” *Open Justice Society*, February 5, 2013: <https://www.opensocietyfoundations.org/voices/20-extraordinary-facts-about-cia-extraordinary-rendition-and-secret-detention> To access their report: “Globalizing Torture — CIA Secret Detention And Extraordinary Rendition”: <https://www.opensocietyfoundations.org/sites/default/files/globalizing-torture-20120205.pdf>. As for claims of imminent atrocities by Colonel Gaddafi against his people, see below, note 102 for link and also note 103. President Obama’s use of strong language underlining the rule of law to justify acting against Gaddafi should be contrasted with his failure to or criticise Hillary Clinton when, as secretary of state, she jokingly celebrated the death of Colonel Gaddafi, uttering the infamous phrase, “We came, we saw, he died.” At the time he was killed, Colonel Gaddafi was a protected person under the Geneva Conventions (Common Article 3), as he had been captured by the rebels. Consequently, his brutal murder, filmed on mobile phones by his captors, was a grave breach of the conventions (willful killing). See the short clip of Mrs. Clinton’s reaction to this international crime: https://youtu.be/2dmp3Jndj_o.

⁸⁷ https://youtu.be/7Q3_e0s0NJo?t=512.

⁸⁸ “It’s scandalous that the UN chose a country that has beheaded more people this year than ISIS to be head of a key human-rights panel,” said UN Watch executive director Hillel Neuer. “Petro-dollars and politics have trumped human rights.” <http://www.unwatch.org/again-saudis-elected-chair-of-un-human-rights-council-panel/>. See also, Human Rights Watch’s report, “Saudi Arabia, Events of 2015,” <https://www.hrw.org/world-report/2016/country-chapters/saudi-arabia> and “How Saudi Arabia Kept its UN Human Rights Council Seat, While Russia Loses Bid in Close Vote,” <https://www.hrw.org/news/2016/11/01/how-saudi-arabia-kept-its-un-human-rights-council-seat>.

⁸⁹ Gaddafi had been warning about al-Qaeda elements. See, for example, “Before he was overthrown and killed, Libyan dictator Muammar Gaddafi warned jihadists would conquer northern Africa” in the *National Post*, 25 January 2013, <http://news.nationalpost.com/news/before-he-was-overthrown-and-killed-libyan-dictator-muammar-gaddafi-warned-jihadists-would-conquer-northern-africa>; and “Colonel Gaddafi warned Tony Blair of Islamist attacks on Europe, phone conversations reveal,” by Robert Mendick in *The Telegraph*, January 7, 2016, <http://www.telegraph.co.uk/news/politics/tony-blair/12086505/Tony-Blairs-phone-conversations-with-Colonel-Gaddafi-revealed.html> when “Gaddafi insisted [to Tony Blair] he was trying to defend Libya from al-Qaeda fighters.”

⁹⁰ Libya: Obama, Cameron and Sarkozy vow Gaddafi must go, *BBC News*, 15 April 2011: <http://www.bbc.co.uk/news/world-africa-13089758>.

⁹¹ Libya: Examination of intervention and collapse and the UK’s future policy options - Third Report of Session 2016-17, <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmaff/119/119.pdf>.

⁹² There was no evidence of genocide. The words were directed at the usurpers/rebels; and Gaddafi had not attacked his citizens in any of the other towns. See the evidence of Alison Pargeter, to the House of Commons Foreign Affairs Select Committee *Oral evidence: Libya: Examination of intervention and collapse and the UK’s future policy options*, HC 520, Tuesday, October 13, 2015, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/foreign-affairs-committee/libya-examination-of-intervention-and-collapse-and-the-uks-future-policy-options/oral/22980.html>.

⁹³ http://www.nato.int/nato_static/assets/pdf/pdf_2011_03/20110927_110311-UNSCR-1973.pdf.

⁹⁴ Jeffrey Goldberg, “The Obama Doctrine,” *The Atlantic*, April 2016, <http://www.theatlantic.com/magazine/archive/2016/04/the-obama-doctrine/471525/>.

⁹⁵ Rebecca Murray, “Libya: A tale of two governments,” *Al-Jazeera*, April 4, 2015, <http://www.aljazeera.com/news/2015/04/libya-tale-governments-150404075631141.html>.

⁹⁶ “Curveball,” see The Chilcot Report: The Source Who Lied, *BBC Radio*, “The Briefing Room”: <http://www.bbc.co.uk/programmes/b07j7j6k>. Curveball’s real name is Ahmed Alwan al-Janabi. Chilcot Report: SECTION 4.3, §493, §596-§633, http://www.iraqinquiry.org.uk/media/246496/the-report-of-the-iraq-inquiry_section-43.pdf#search=Curveball.

⁹⁷ See Note 89.

⁹⁸ Kosovo Liberation Army, an “ethnic Albanian Kosovar militant group active during the 1990s that sought Kosovo’s independence from Serbia, a republic in the federation of Yugoslavia... Individual KLA members were tried and convicted of war crimes, both by Kosovo courts and by the United Nations International Criminal Tribunal for the Former Yugoslavia (ICTY), located in The Hague.” *Encyclopaedia Britannica* (online), <https://www.britannica.com/topic/Kosovo-Liberation-Army>.

⁹⁹ See Note 46.

¹⁰⁰ Republika Srpska is the autonomous Serb entity within Bosnia, whose president was Radovan Karadzic. “On Nov. 1, 1995, the conference began. Bosnian President Alija Izetbegović, Serbian President Milošević, Croatian President Franjo Tudjman, and representatives from the United States, the United Kingdom, France, Germany, Italy, Russia, and the European Union (EU) met at the Wright-Patterson Air Force Base on the outskirts of Dayton, Ohio,” *Encyclopaedia Britannica*: <https://www.britannica.com/event/Dayton-Accords>.

¹⁰¹ On November 2, 1995, Roger Cohen, writing in *The New York Times* euphemistically observed, “Mr. Milosevic, who initially armed and supported them, has in effect become America’s means to avoid dealing with his former proxies in Bosnia.” <http://www.nytimes.com/1995/11/02/world/conflict-balkans-reporter-s-notebook-limousine-carries-milosevic-message.html>. The Dayton Accords were signed on November 21, 1995. <http://www.state.gov/p/eur/rls/or/dayton/52577.htm> and a number of Annexes thereto, <http://www.state.gov/p/eur/rls/or/dayton/index.htm>.

¹⁰² “Cameron — Britain should be proud of role in Libya,” UK Government website, September 2, 2011, <https://www.gov.uk/government/news/cameron-britain-should-be-proud-of-role-in-libya>.

¹⁰³ *Hansard*, August 29, 2013, Volume 566, <https://hansard.parliament.uk/Commons/2013-08-29/debates/1308298000001/SyriaAndTheUseOfChemicalWeapons>.

¹⁰⁴ *Hansard*, December 2, 2015, <https://hansard.parliament.uk/Commons/2015-12-02/debates/15120254000002/ISILInSyria?highlight=70000#contribution-15120254000133>.

¹⁰⁵ Gavin Newlands, “... given that the Prime Minister has ruled out regime change or boots on the ground, it is extremely unclear how that new Government will come about,” *Hansard*, <https://goo.gl/NsMKbW>.

¹⁰⁶ Julian Lewis, *Hansard*, December 2, 2015, Column 370, <http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm151202/debtext/151202-0002.htm#15120254000409>.

¹⁰⁷ Ian Johnston, “Syria air strikes: MoD disputed David Cameron’s claim there are 70,000 moderate rebels,” *The Independent*, December 4, 2015, <http://www.independent.co.uk/news/uk/politics/syria-air-strikes-mod-disputed-david-camersons-claim-there-are-70000-moderate-rebels-a6759746.html>.

¹⁰⁸ See, for example, the evidence of Lieutenant General Carleton-Smith, at para. 96 and Lieutenant General (retd) Sir Simon Mayall, at para. 97. See also, John Nicolson: “Without a blush, the Government, who 24 months ago wanted to bomb President Assad, now want us to bomb his enemies. As Members, we are offered ever more florid claims by Ministers and their Labour allies. Perhaps the most absurd that we have heard today is that 70,000 fighters, spread across Iraq, consisting of disparate groups and with no central command or shared vision, will march collectively thousands of miles to support a British bombing mission. It is utterly absurd, and that argument has fallen apart during today’s debate.” *Hansard*, December 2, 2015, Column 440, <http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm151202/debtext/151202-0004.htm#15120264000267>.

¹⁰⁹ “David Cameron, there aren’t 70,000 moderate fighters in Syria - and whoever heard of a moderate with a Kalashnikov, anyway?” *The Independent*, November 29, 2015, <http://www.independent.co.uk/voices/david-cameron-there-arent-70000-moderate-fighters-in-syria-and-whoever-heard-of-a-moderate-with-a-a6753576.html>. See also, “Syria’s ‘moderates’ have disappeared... and there are no good guys,” *Independent*, October 4, 2015, <http://www.independent.co.uk/voices/syria-s-moderates-have-disappeared-and-there-are-no-good-guys-a6679406.html>. The figure of 70,000 was defended by Charles Lister, a critic of President Obama’s non-interventionist approach to Syria. See *The Spectator*, November 27, 2015, <http://blogs.spectator.co.uk/2015/11/yes-there-are-70000-moderate-opposition-fighters-in-syria-heres-what-we-know-about-them/>.

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¹¹² See, for example, the speech of Julian Lewis: “I have to say that the suggestion that there are 70,000 non-Islamist, moderate, credible ground forces is a revelation to me and, I suspect, to most other Members in this House. Adequate ground forces, in my view, depend on the participation of the Syrian army, so if the dictator Assad refuses to resign, which is the greater danger to our national interest: Syria under him or the continued existence and expansion of ISIL/Daesh? We may have to choose between one and the other.” *Hansard*, November 26, 2015, Column 1501, <http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm151126/debtext/151126-0001.htm#15112625001037>

¹¹³ See *ibid*, FN 122

¹¹⁴ *The Merchant of Venice*, Act 2, Scene 2, by William Shakespeare.

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¹¹⁶ BBC News broadcast, July 6, 2016, linked from *The Independent*, “Chilcot report: Blair didn’t tell truth about WMDs, the deal with Bush or the warnings of fallout – how Britain went to war in Iraq,” <http://www.independent.co.uk/news/uk/politics/chilcot-report-inquiry-tony-blair-iraq-war-weapons-of-mass-destruction-evidence-verdict-a7122361.html>.

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