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Research Article

LEGAL RESPONSIBILITY OF IRAN FOR COMPENSATING VICTIMS OF THE SYRIAN WAR

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ABSTRACT

Background: Since the outbreak of the armed conflict in 2011, Syria has suffered widespread destruction, resulting in the collapse of its infrastructure and substantial human and material losses, which continue to affect millions of civilians today. Iran has played a major role in supporting the Syrian regime politically, financially, and logistically throughout the conflict, thereby potentially prolonging hostilities and exacerbating the humanitarian situation. This paper examines the extent of Iran's responsibility toward Syrian victims under international humanitarian law and public international law and explores potential legal mechanisms to hold Iran accountable while safeguarding the rights of affected individuals.

Methods: The study employs a descriptive-analytical method to document violations and examine relevant international legal texts. The study also employs a comparative method to analyse similar international experiences, such as the conflicts in the former Yugoslavia and Rwanda, to develop tangible legal solutions applicable to the Syrian context.

Results and conclusions: *The results demonstrate that Iran and its affiliated militias bear clear legal responsibility for violations of international humanitarian law. The findings underscore the necessity of establishing a competent international criminal court to address the crimes committed during the Syrian conflict, ensure accountability for perpetrators, and facilitate the redress of victims and the restoration of their rights.*

1 INTRODUCTION

International law places great significance on safeguarding human rights during armed conflicts, starting with the necessity to uphold and respect fundamental rights and freedoms. This protection is pursued through binding rules designed to mitigate the effects of war on civilians and to ensure the redress of victims. Consequently, the matter of reparations for victims of violations of the international humanitarian law constitutes a critical means for judicial remedy, based on the principle of state responsibility, which compels states to bear the legal consequences of their internationally wrongful acts.

Given the multiplicity of the parties involved in the Syrian conflict—including the Syrian regime, Iran, Russia, and Hezbollah—all of which have contributed to the serious violations of international humanitarian law, this study specifically focuses on Iran's role in these violations and the resulting legal consequences within the framework of its international obligations. Iran plays a pivotal role due to its direct impact on prolonging the war and complicating the humanitarian disaster. Accordingly, this research raises the following fundamental questions: To what extent does Iran bear legal responsibility for compensating the victims of the Syrian war? And what are the available legal frameworks that hold it accountable and restore the rights of the victims?

This research focuses on examining the legal framework of Iran's responsibility in the context of the Syrian conflict, given its position as one of the regime's primary supporters. The study covers the period from the outbreak of the conflict on 3 May 2011 until the fall of the Syrian regime at the hands of Syrian opposition forces on 8 December 2024.

Iran's support for the Syrian regime stems from both geopolitical and strategic considerations.¹ The Iranian government views the pro-Iranian Syrian government as a vital ally and a core national interest for Tehran, despite the significant economic and political costs.² Geopolitical and ideological interests have driven Iran to support the Syrian regime, as it is the most prominent regional ally that advances its interests in the area. Maintaining this alliance is seen as an extension of Iran's "forward defence" doctrine, which it relies on

1 Rafał Ożarowski, 'Iran's Engagement in Syrian Conflict: Causes and Consequences' (2018) 11 *Przegląd Strategiczny* 201. doi:10.14746/ps.2018.1.14.

2 Andrew Terrill, 'Iran's Strategy for Saving Asad' (2015) 69(2) *The Middle East Journal* 222. doi:10.3751/69.2.13.

to protect its national security by cultivating its regional allies. The Syrian regime stands at the forefront of this strategy.³

To that end, Iran has provided significant military and diplomatic support in recruiting militias to assist it. This support plays an important role in prolonging the war, helping the Syrian regime and increasing its ability to continue the conflict to preserve its interests.⁴ Beyond the military, political and economic assistance to Bashar al-Assad's regime, Syria has been used as a strategic corridor linking Iran with allies in Lebanon, Iraq, and Yemen. This has contributed to consolidating the Iranian influence in the Middle East, preserving its strategic interests, and strengthening its image as a power opposed to Western and Israeli hegemony.⁵

Iran's approach to the Syrian crisis has been characterised by consistency and continuity since the outbreak of the war in 2011, even in light of major humanitarian crises. Notably, this includes its stance following the chemical attacks carried out by regime forces in Eastern Ghouta in Damascus in 2013, which resulted in the deaths of hundreds and injuries to thousands of civilians.⁶ This reflects Iran's persistent will to protect the Syrian regime and its key role in maintaining the regime's stability. As such, Iran is held directly liable to compensate for the humanitarian damages brought about by its intervention in the Syrian conflict.

The research confirms that Iran's military strategy in Syria is centrally directed by its high command, reflecting the significance of the Syrian war as a tool for advancing Iran's regional goals and consolidating field control, even at the cost of exacerbating sectarian conflicts and destabilising the region. In this context, since the outbreak of the war in 2011, the Iranian government has supported the Syrian regime, emerging as a key player in the conflict. This support, estimated at around \$6 billion annually, has led to international criticism of Iran's role in human rights violations.

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- 3 Gawdat Bahgat and Anoushiravan Ehteshami, *Defending Iran: From Revolutionary Guards to Ballistic Missiles* (CUP 2021); Karim Sadjadpour, *Reading Khamenei: The World View of Iran's Most Powerful Leader* (Carnegie Endowment for International Peace 2015).
 - 4 Murat Cingöz, Muharrem Hilmi Özev and Ramazan İzol, 'Saudi Arabia's Quest for Regional Hegemony on the Basis of Opposition to Iran' [2025] *Journal of Asian and African Studies*. doi:10.1177/00219096251313551; Göktuğ Sönmez, 'Foreign Shiite Fighters in the Syrian Civil War: Actors, Recruitment Strategies and Iran's Regional Role' (2022) 24(2) *Güvenlik Çalışmaları Dergisi* 158. doi:10.54627/gcd.1130746.
 - 5 Hadi Ajili and Mahsa Rouhi, 'Iran's Military Strategy' (2019) 61(6) *Survival* 139. doi:10.1080/00396338.2019.1688575; Hassan Ahmadian, 'Dignity, Wisdom and Expediency: How Ideational Factors Shape Iran's Foreign Policy' (2021) 56(4) *The International Spectator* 33. doi:10.1080/03932729.2021.1991118; Murat Cingöz and others, 'Iran's Axis of Resistance through the Lens of Ontological Security' (2024) 45(13) *Third World Quarterly* 1963. doi:10.1080/01436597.2024.2398613.
 - 6 Sinem Cengiz, 'Assessing the Astana Peace Process for Syria: Actors, Approaches, and Differences' (2020) 7(2) *Contemporary Review of the Middle East* 200. doi:10.1177/2347798920901876.

In the same respect, Iran's backing of the Syrian regime has contributed to the aggravation of violations against civilians. The intervention of Iranian-backed militias in military operations and indiscriminate attacks has led to catastrophic consequences, namely the deaths of thousands of civilians, widespread destruction, and heavy human losses. It also led to forced displacement and demographic change targeting Sunni-majority areas, aimed at establishing Shiite spheres of influence. Beyond this, militias seized the properties of displaced people and used them as military headquarters or residences for fighters, in addition to recruiting young people and children into the ranks of the militias and exploiting the difficult economic conditions.⁷

The research highlights several massacres and crimes committed by Iranian-backed militias that amount to war crimes or crimes against humanity. These include indiscriminate shelling, starvation sieges, summary executions, and systematic arrests of thousands of civilians, the use of chemical weapons, and the perpetration of sexual violence. Further complicating accountability, Iranian-backed militias have at times worn Syrian military uniforms as a way to hide their true identity and evade responsibility, despite the evident causal connection between Iranian sponsorship and the violations committed.⁸

It can be said that the violations committed by Iran in Syria bear a systematic and widespread character, which necessitates taking legal measures to hold the perpetrators accountable for these crimes that amount to war crimes and crimes against humanity. Despite the challenges of holding those responsible for the crimes liable, such as the non-membership of Syria and Iran in the International Criminal Court, serious attempts are being made in some European countries, such as Germany, Sweden, and France, to prosecute the perpetrators for the violations committed in Syria by invoking the principle of universal jurisdiction.⁹

A thorough examination of past literature confirms Iran's pivotal role in supporting the Syrian regime and prolonging the conflict for nearly 14 years. However, despite extensive research addressing Iran's strategic intervention in the Syrian war, little attention has been given to the legal consequences resulting from these unlawful violations, most precisely, Iran's responsibility for the material and human damages inflicted, or to the question of providing practical solutions to redress and compensate the victims for the extensive harm they have endured.

7 Yehuda Blanga, "If This Is the People's Will, the People Should Be Replaced": The Shi'ization of Syria During the Civil War, 2011–2018' (2022) 33(4) *Diplomacy & Statecraft* 794. doi:10.1080/09592296.2022.2143123.

8 Malik Al-Abdeh and Lars Hauch, 'Iran's Crimes in the Syrian Conflict: A Need for Documentation and Accountability' (2024) 154 TOAEP Policy Brief Series <<https://www.toaep.org/pbs-pdf/154-abdeh-hauch/>> accessed 15 July 2025.

9 Celeste Kmietek and others, *The Far Reach of Justice: Holding the Islamic Republic of Iran Accountable in European Courts* (US Atlantic Council 2023).

Accordingly, the significance of this study lies in this particular aspect, in that it focuses on addressing this gap by investigating possible mechanisms for compensating victims of the Syrian war, in accordance with the rules set forth by the International humanitarian law, while also assessing the effectiveness of existing rules in ensuring victims' rights to fair and comprehensive compensation. The research further contributes to the literature by proposing practical legal solutions that may contribute to achieving justice for victims and restoring stability in Syria, while at the same time focusing on holding Iran legally liable for its role in the Syrian war.

2 METHODOLOGY

This research employs a descriptive-analytical methodology to examine international legal texts addressing state responsibility for violations of international humanitarian law, including the Geneva Conventions and the Rome Statute of the International Criminal Court. The research also relies on primary sources, such as official reports and reports from international organisations, as well as secondary sources, including studies published in international journals and specialised books. This is done with the aim of achieving a comprehensive understanding of the mechanisms for claiming compensation in the context of the Syrian war. To ensure the data is up-to-date, academic databases such as Google Scholar and ResearchGate are utilised.

Furthermore, the research relies on a comparative approach to study previous international experiences related to reparations and compensation in the aftermath of armed conflicts, with the aim of deriving applicable solutions for the Syrian context.

The research also reviews the nature of Iran's continued support for the Syrian regime, encompassing logistical, technical, financial, and military training assistance, as well as the direct participation of combat forces. Such involvement has exacerbated the damage to the Syrian people and the country's infrastructure. The research also focuses on the legal means available to ensure fair and effective compensation for victims of the material, physical, and psychological damages they have suffered, while reviewing models from previous international experiences of reparations, such as Yugoslavia and Rwanda. The research also addresses the most significant political and legal challenges that hinder compensation efforts.

Ultimately, the study aims to evaluate the effectiveness of the existing international legal framework in compensating victims and concludes by providing recommendations aimed at improving accountability and redress mechanisms. This enhances the achievement of justice for victims of Syrian war crimes and ensures the accountability of parties liable for violations within the framework of international humanitarian law.

3 FINDINGS

The laws governing international responsibility are designed to establish the responsibility of states for severe violations against individuals and nations. By defining the legal framework for attributing responsibility, the international legislator enables the prosecution of states liable for these violations before various judicial bodies by defining the legal framework for establishing the responsibility of these states for their actions.¹⁰ Iran's intervention in the Syrian war is a real-world example that, at least in theory, embodies this international liability.

3.1. The Legal Framework of the State's Responsibility for Compensating Victims of International Humanitarian Law Violations

Victims of violations of international humanitarian law are defined as individuals or groups who have endured harm, including physical and mental harm, economic loss, psychological suffering, and other forms of deprivation of fundamental rights, due to committing an act or refraining from acting, that results in a serious violation of international humanitarian law.¹¹

Severe breaches of international humanitarian law are a fundamental pillar of international liability, through which victims' rights to fair compensation for losses or harm caused by the violations are realised.¹²

According to the United Nations document entitled *Responsibility of States for Internationally Wrongful Acts* of 2001, States are held liable for compensating for damages resulting from wrongful acts attributable to them, whether committed by their official bodies, agents, or persons acting under their direction or control.¹³ The Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 1949 also imposes an obligation on states to compensate victims for severe breaches, including unlawful acts committed by their armed forces, as well as militias and armed groups supported by them. These violations include willful killing, torture, inhuman treatment or punishment, and causing serious injury or serious damage to physical integrity. In addition, other crimes include forcible transfer, hostage-taking, unlawful detention, compelling protected persons to serve in the armed forces of a hostile power, and depriving them of a fair trial.

10 Nicolás Zambrana-Tévar, 'The International Responsibility of the Holy See for Human Rights Violations' (2021) 13(6) Religions 520. doi:10.3390/rel13060520.

11 Ahmed Alameldeen, Erik Beuck and Tayyab Sagheer, 'Violations of International Humanitarian Law: Threats to Noncombatants in the Syrian Crises, 2011–2020' (2021) 8(10) The International Journal of Social Sciences and Humanities Invention 6649. doi:10.18535/ijsshi/v8i10.06.

12 Rebecca Crootof, 'War Torts' (2022) 97(4) New York University Law Review 1063. doi:10.2139/ssrn.4040075.

13 Natalie R Hajdin, 'Responsibility of Private Individuals for Complicity in a War of Aggression' (2022) 116(4) American Journal of International Law 788. doi:10.1017/ajil.2022.50.

Available redress or compensation means for a claimant who prevails in a case include several practical forms. These remedies include appropriate, effective, and prompt financial compensation, rehabilitation, and guarantees of non-repetition.¹⁴

According to Article 38 of the Responsibility of States for Internationally Wrongful Acts of 2001, mechanisms of reparation for violations of international humanitarian law encompass restoring the situation to what it was before the wrongful act. This may involve, for instance, the release of detainees if the violations relate to arbitrary arrest or unlawful detention, or the return of confiscated property, such as returning land and property seized during the conflict to their owners. If this procedure is not practically possible due to changed circumstances or the continuation of the conflict, monetary compensation is provided instead to cover the material and moral damages incurred by victims due to these violations. The amount of compensation is determined based on a comprehensive assessment of the damages and accurate documentation by the victims or their representatives.

Compensation may also include moral or symbolic forms intended to ease tensions and recognise the rights of victims in ways that cannot be materially repaired. Such measures include a formal apology from the State or responsible parties, a public expression of regret and clear acknowledgement of responsibility, or commemorating the victims through the creation of memorials or the organisation of commemorative events.

For example, the Algiers Agreement of 2000 stipulated the establishment of an Eritrea-Ethiopia Claims Commission to “decide through binding arbitration all claims for loss, damage or injury by one Government against the other” related to the armed conflict and resulting from “violations of international humanitarian law, including the 1949 Geneva Conventions, or other violations of international law.”¹⁵ This example underscores the importance of compensation in addressing the consequences of war, achieving a comprehensive agreement to end the war and the establishment of normal relations between the conflicting parties.

Additionally, compensation emerges as a fundamental tool in addressing the consequences of wars, such as compensation for material damages, economic losses, and harm caused by violations of international humanitarian law, while also addressing their psychological, social, and economic impacts. The research, therefore, affirms that compensation is an essential part of State responsibility, as it achieves equality and justice and provides immediate financial support to victims. However, it may undermine the international legal system if it lacks a comprehensive vision to assist these victims in the future, which would also be in their long-term interest.¹⁶

14 Adriana Garcia, Fatima Yasmin Bokhari and Masha Lisitsyna, *Repairing from the Bench: From Finding Responsibility to Fashioning Judicial Redress* (ICTJ 2024).

15 Agreement between the Government of the State of Eritrea and the Government of the Federal Democratic Republic of Ethiopia (12 December 2000) A/55/686 - S/2000/1183, art 5.

16 Oona A Hathaway, Maggie M Mills and Thomas M Poston, ‘War Reparations: The Case for Countermeasures’ (2024) 76(5) *Stanford Law Review* 971.

3.2. Manifestations of Iran's International Responsibility for Violations of International Humanitarian Law in the Syrian War

The Syrian regime, with direct support from Iran, committed widespread violations and grave breaches of international humanitarian law during the Syrian war that began in 2011. United Nations Secretary-General Ban Ki-moon expressed his deep concern about the humanitarian situation in Syria, resulting from indiscriminate bombing, the targeting of civilians, and the destruction of infrastructure, in addition to the lack of access to humanitarian aid to besieged areas and the suffering of the population from hunger and lack of medical care.¹⁷

Several international reports have demonstrated Iran's direct involvement in the Syrian conflict since its outbreak in 2011. Iran has played a pivotal role in exacerbating the war by providing military, financial, and intelligence support,¹⁸ as well as deploying military advisors and members of the Iranian Revolutionary Guard. Additionally, Iran has financed, trained, and armed local and foreign armed groups.¹⁹

The militias supported by Iran fall into two categories. Local militias, including the Soldiers of Mahdi, the Mahdi Army, the Faiq al-Sadiq Corps, the Zain al-Abidin Brigade, and the Mukhtar al-Thaqafi Brigade. Foreign militias include Iraqi, Afghan, and Pakistani groups, as well as Lebanese Hezbollah, which is widely considered Iran's most prominent arm in the region. These militias have directly contributed to military operations that have caused widespread destruction, targeted civilians, destroyed infrastructure, and launched prohibited chemical attacks.²⁰

From this perspective, Iran cannot be regarded as a merely supporting party but rather as a major actor in the conflict. Tehran bears legal responsibility for the violations committed, especially given the causal relationship between the support provided and the damage inflicted on the civilian population. This establishes a legal basis for imposing international responsibility in accordance with the rules of international humanitarian law, which apply extraterritorially whenever a State exercises effective or legal control over individuals or foreign territory. This rule is of great importance in the case of Iranian intervention in Syria, where Iran exercises forms of de facto authority through its militias, security services, and military proxies. Such involvement entails direct legal obligations under the provisions of

17 UN, 'Letter dated 17 February 2016 from the Secretary-General addressed to the President of the Security Council' (17 February 2016) S/2016/152.

18 Amnesty International, *The State of the World's Human Rights: April 2024* (Amnesty International Ltd 2024) <<https://www.amnesty.org/en/documents/pol10/7200/2024/en/>> accessed 15 July 2025.

19 Shahram Akbarzadeh, William Gourlay and Anoushiravan Ehteshami, 'Iranian Proxies in the Syrian Conflict: Tehran's "Forward-Defence" in Action' (2023) 46(3) *Journal of Strategic Studies* 683. doi:10.1080/01402390.2021.20230.

20 Marina Calculli, 'Self-Determination at All Costs: Explaining the Iran-Syria-Hezbollah Axis' (2020) 54(2) *Annals of the Fondazione Luigi Einaudi* 95. doi:10.26331/1118.

the International Covenant on Civil and Political Rights and other relevant international agreements and instruments.²¹

Amnesty International's report *Syria: Relentless Bombing of Civilians in Eastern Ghouta Amounts to War Crimes* stated that the Syrian government, with support from Iran, "is intentionally targeting its own people in Eastern Ghouta.²² People have not only been suffering a cruel siege for the past six years, they are now trapped in a daily barrage of attacks that are deliberately killing and maiming them, and that constitute flagrant war crimes." During the conflict, heavy weapons and warplanes were used to target residential areas and humanitarian facilities such as hospitals and schools, resulting in the deaths of thousands of civilians. This is a clear violation of the rules of international humanitarian law.²³

In addition, international reports have demonstrated the existence of arbitrary arrests of thousands of civilians and opponents, along with systematic killings and torture carried out by Syrian government forces with the participation of Iranian forces and affiliated armed militias. These violations included cruel methods of torture in detention centres and prisons affiliated with the regime, such as Saydnaya Military Prison, widely regarded as a symbol of these crimes. In its 2017 report *Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison*, Amnesty International described Saydnaya as a "human slaughterhouse" due to the inhumane conditions and horrific violations of human rights and international humanitarian law to which detainees were subjected there, including physical, psychological, and sexual torture; cruel and degrading treatment; mass executions; extermination; and other grave violations of human rights and international humanitarian law.

The report estimated that between 5,000 and 13,000 detainees were executed at Saydnaya between 2011 and 2015. These executions followed mock trials before the Military Field Court that lasted no more than one to three minutes, during which the detainees were convicted and sentenced to death after confessions were extracted under torture. Detainees were transferred at night to the execution chambers, where groups of 20 and 50 were hanged at a time, at a rate of once or twice a week. The bodies of the victims were subsequently buried in mass graves.²⁴

21 Frederic Megret, 'Nature of Obligations' in Daniel Moeckli, Sangeeta Shah and Sandesh Sivakumaran (eds), *International Human Rights Law* (3rd edn, OUP 2018) 86. doi:10.1093/he/9780198767237.003.0005.

22 'Syria: Relentless Bombing of Civilians in Eastern Ghouta Amounts to War Crimes' (*Amnesty International*, 20 February 2018) <<https://www.amnesty.org/en/latest/news/2018/02/syria-relentless-bombing-of-civilians-in-eastern-ghouta-amounts-to-war-crimes/>> accessed 15 July 2025.

23 Maya Khater, 'Sexual Violence against Women during Armed Conflicts: Russian Aggression against Ukraine as an Example' (2022) 5(Spec) Access to Justice in Eastern Europe 102. doi:10.33327/AJEE-18-5.4-n000431.

24 Amnesty International, *Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison, Syria* (Amnesty International Ltd 2017) 4-5 <<https://www.amnesty.org/en/documents/mde24/5415/2017/en/>> accessed 15 July 2025.

The crimes committed in Saydnaya Prison—including mass executions, brutal torture, and arbitrary arrests—amount to crimes against humanity, given their widespread and systematic nature, and thus constitute serious violations of international humanitarian law.

Iran's role in the Syrian regime, however, was not merely limited to intervening in Syrian internal affairs or preventing the collapse of the regime. Its responsibility also extends to the severe violations of the international humanitarian law committed either directly by Iranian forces or by armed groups supported by the Iranian government. These include the deaths of large numbers of civilians due to disproportionate attacks, indiscriminate bombing of civilian areas, the targeting of infrastructure, and the use of prohibited weapons, such as the use of intentionally banned cluster munitions and chemical agents. Notably, chemical weapons attacks in areas such as Eastern Ghouta constitute flagrant violations of the Geneva Conventions and the international prohibitions on chemical weapons.

International reports have also documented the forced displacement of millions of Syrians, both internally and across borders, as part of demographic engineering operations aimed at achieving strategic gains for the regime and its allies by forcing local residents to leave their areas.²⁵ This was compounded by severe restrictions on access to supplies and humanitarian aid, which intensified the suffering of civilians in besieged areas where residents suffered from hunger and lack of healthcare.²⁶

These violations, in their severity and scope, reflect Iran's role as a prominent strategic ally in the Syrian war, whose actions have significantly exacerbated the humanitarian situation and increased civilian casualties. This involvement included the deployment of Revolutionary Guard and regular Iranian forces, the formation and support of local and foreign militias, the provision of critical financial and military supplies, and operational and intelligence coordination with Syrian government forces. Additionally, Iran bears legal responsibility for the serious violations committed by its forces and affiliated militias it supports—acts that amount to crimes against humanity and war crimes, and that constitute a blatant violation of the principles and provisions of international humanitarian law.²⁷

Despite the severity of these crimes—including indiscriminate bombing, the targeting of civilians, the use of prohibited weapons, and forced displacement—neither the Syrian nor Iranian authorities have, to date, taken steps to hold any entity liable, reflecting a state of impunity. This entrenched impunity underscores the necessity of holding government forces and their supporters, including Iran, liable for these crimes, while affirming the victims' right to reparation as a fundamental pillar of justice, peace, the restoration of rights,

25 Amnesty International (n 18).

26 Maya Khater, 'Humanitarian Assistance in Cases of Natural Disasters and the 2023 Earthquake in Turkey and Syria' (2023) 24(2) Environment Conservation Journal 423. doi:10.36953/ECJ.22842584.

27 Maya Khater, 'The Legality of the Russian Military Operations against Ukraine from the Perspective of International Law' (2022) 5(3) Access to Justice in Eastern Europe 107. doi:10.33327/AJEE-18-5.3-a000315.

and the preservation of dignity. The diversity of legal trial mechanisms, represented by a range of international, regional, and national courts, can contribute to establishing Iran's international responsibility for compensating the victims of the Syrian war.

It is worth noting that Iran has reportedly demanded repayment from the Syrian government of an estimated \$50 billion, claimed as dues for its continued support during the war. However, the extent of Syria's future commitment to repaying these debts remains a matter of legal debate, particularly in light of the "odious debt" principle. According to this principle, new governments may be exempt from repaying debts incurred by despotic regimes where such debts were used to oppress their people. If Iran is proven to have used those funds to empower an oppressive regime, these debts may be considered personal debts of the former regime, and the new state will not bear their consequences.²⁸ Indeed, this opens the door for the new Syrian government to demand that Iran compensate for the serious damage caused to the Syrian people and the state's infrastructure as a result of its political, military and economic support for the Assad regime throughout the years of conflict—an argument advanced by this research.

3.3. Legal Standards for Aiding and Abetting Responsibility

One of the underexplored legal dimensions of Iran's involvement in the Syrian conflict is the doctrine of aiding and abetting responsibility under international law. Aiding and abetting refers to the provision of practical assistance, encouragement, or moral support that has a substantial effect on the commission of crimes, even when the assisting party does not directly perpetrate them.

This principle has been affirmed by international courts, including the International Criminal Tribunal for the former Yugoslavia (ICTY) and the Special Court for Sierra Leone, both of which recognised that states or individuals can be held responsible for indirectly facilitating war crimes or crimes against humanity.²⁹ In the Syrian context, Iran's extensive logistical, financial, and military support to the Assad regime and affiliated militias—acts responsible for well-documented violations—may meet the legal threshold for aiding and abetting.

To establish such responsibility, it must be shown that the assisting party (i) had knowledge that its support would likely contribute to the commission of international crimes, and (ii) that the assistance had a substantial effect³⁰ on the occurrence of those crimes. In this regard, Iran's sustained and coordinated involvement over more than a decade arguably satisfies

28 Ziarat Ali and others, 'Iran-Syria Relations During the Syrian Civil War (2010-2024)' (2025) 3(1) *Dialogue Social Science Review (DSSR)* 579.

29 Case IT-95-17/1-T *Prosecutor v Furundžija* (ICTY, Trial Chamber, 10 December 1998) paras 235, 236 <<https://www.refworld.org/jurisprudence/caselaw/icty/1998/en/20418>> accessed 6 August 2025.

30 Case SCSL-03-01-T *Prosecutor v Taylor* (SCSL, Trial Chamber III, 26 April 2012) <<https://www.refworld.org/jurisprudence/caselaw/scsl/2012/en/85716>> accessed 6 August 2025.

both elements. Incorporating this legal framework strengthens the argument that Iran's conduct is not merely politically consequential but legally actionable under established principles of state responsibility.

4 DISCUSSIONS

The international community agrees on the right of victims of violations of international humanitarian law to obtain fair and comprehensive compensation for the damage incurred. However, despite this theoretical recognition, national human rights institutions, victims' rights groups, and other human rights defenders face many challenges in their efforts to obtain compensation from government actors involved in armed conflicts.³¹ These difficulties relate to the complexities of sovereignty and state immunity, as well as political and legal obstacles, in addition to the difficulty of proving the causal link between the violation and the damage.³²

In this context, the research presents the legal mechanisms available to victims of the Syrian war to claim compensation from Iran, including recourse to international committees as well as international, regional, and local courts, considering the limited effectiveness of these mechanisms under the current circumstances.

4.1. International Committees

International commissions provide an important mechanism for holding states liable for serious violations of international humanitarian law and for providing compensation to victims. For example, the International Commission of Inquiry, established in 1991, was tasked with investigating and documenting allegations of serious violations of international humanitarian law. While such commissions lack judicial authority to compel states to pay compensation, their reports serve as powerful tools that can be utilised before international, regional, and national courts to establish state responsibility. Consequently, the reports of international investigative committees can be used to document Iran's violations resulting from its support for the Syrian regime.

A key example is the Independent International Commission of Inquiry on Syria's task, mandated to investigate all violations of international human rights law committed in Syria

31 Francesco De Santis di Nicola, 'Civil Actions for Damages Caused by War Crimes vs State Immunity from Jurisdiction and the Political Act Doctrine: ECtHR, ICJ and Italian Courts' (2017) 3(1) *International Comparative Jurisprudence* 45. doi:0.1016/j.icj.2017.02.002.

32 Liydmyla Panova and others, 'Expropriation and Other Forms of Reparation in Terms of Compensation for Damage Caused as a Result of War Crimes: International Legal Experience' (2023) 41(78) *Cuestiones Políticas* 723. doi:10.46398/cuestpol.4178.49.

since March 2011, to identify those responsible and to ensure their interrogation.³³ The Commission has recorded a range of serious violations, including the use of chemical weapons, indiscriminate attacks on civilians, torture, enforced disappearances, sexual violence, and extrajudicial executions. It has also identified the parties responsible for these violations, including government forces and non-state armed groups, emphasising the need for interrogation. The Commission has urged the international community to take concrete measures to this end, such as referring the situation in Syria to the International Criminal Court or establishing a competent court.

Given the scale of violations linked to Iran's support for the Syrian regime and its allied militias, investigative committees can play a pivotal role in documenting these violations and demanding that Iran provide compensation to victims. This mirrors the precedent set by previous international committees, such as the United Nations Compensation Commission (UNCC), which was established after the Gulf War between Iraq and Kuwait. The UNCC successfully provided a framework for international accountability by documenting violations of international humanitarian law and compensating parties harmed by the violations in the conflict.³⁴

Therefore, the significance of these investigative committees lies in their ability to generate robust reports that can be employed as compelling evidence before international, regional, and national courts to condemn the implicated states and secure justice for victims.

4.2. The United Nations Compensation Commission (UNCC): A Precedent for Institutional Accountability

An important precedent for institutional accountability and victim compensation is the United Nations Compensation Commission (UNCC), established by the UN Security Council in 1991 following Iraq's invasion of Kuwait. The UNCC processed approximately 2.7 million claims and awarded over \$52 billion in compensation for losses and damages directly resulting from the conflict.³⁵ This mechanism stands out as a tangible and structured international effort to ensure that victims of armed conflict receive reparations.

The significance of the UNCC lies in its ability to effectively combine political will, legal authority, and administrative structure to implement compensation in a timely and equitable manner. It relied on clearly defined claims categories, a robust evidentiary framework, and a

33 The Independent International Commission of Inquiry on the Syrian Arab Republic was established on 22 August 2011 by the Human Rights Council through resolution, see: HRC Res S-17/1 'Situation of Human Rights in the Syrian Arab Republic' (22 August 2011) <<https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/independent-international-commission>> accessed 15 July 2025.

34 Robert C O'Brien, 'The Challenge of Verifying Corporate and Government Claims at the United Nations Compensation Commission' (1998) 31(1) *Cornell International Law Journal* 1.

35 'Establishment and Mandate of the United Nations Compensation Commission (UNCC)' (*United Nations*, 2025) <<https://uncc.un.org/en>> accessed 6 August 2025.

transparent funding mechanism derived from Iraqi oil revenues. Such a model could serve as an institutional prototype for addressing compensation claims in the Syrian context, especially considering Iran's financial and military involvement in the conflict.

Drawing on lessons from the UNCC, the establishment of a similar mechanism—funded by the seizure of Iranian assets or coordinated contributions from the international community—could provide a credible and enforceable path toward victim redress. This would also reinforce the normative claim that state actors engaged in systematic violations of international humanitarian law must bear the costs of their conduct.

4.3. International Courts

International responsibility laws allow for the recourse to a variety of courts to condemn states accused of human rights violations. Despite differences in their roles, jurisdictions, and origins, this diversity can enhance the prospects for victims to secure accountability and obtain compensation for the damages incurred.

4.3.1. International Court of Justice

The International Court of Justice, under Article 36 of its 1945 Statute, is competent to review disputes filed by sovereign states, when the subject relates to “the nature or extent of the reparation to be made for the breach of an international obligation.” However, individuals do not have a standing to bring claims directly before the Court.

Based on this, Syrian war victims, as individuals, cannot directly sue Iran or demand compensation before the court. However, the Syrian state, as a representative of the victims, can file a case against Iran to secure reparations on behalf of affected individuals. Such reparations could include financial compensation or restoring the situation to its pre-violation state, encompassing reconstruction and providing psychological support to the victims.

It should be noted that the success of such a mechanism depends on Iran's acceptance of the court's jurisdiction, which requires diplomatic cooperation and strong international legal support.

Notably, in 2023, Canada and the Netherlands jointly filed a lawsuit against the former Syrian government at the International Court of Justice, accusing the Syrian government of committing serious violations, including:

“The use of torture and other cruel, inhuman or degrading treatment or punishment ..., including through abhorrent treatment of detainees, inhumane conditions in places of detention, enforced disappearances, the use of sexual and gender-based violence, and violence against children.”

This move came after Russia used its veto power in the United Nations Security Council, preventing the referral of the Syrian regime to the International Criminal Court for accountability regarding war crimes.

4.3.2. International Criminal Court

The International Criminal Court, under Article 5 of the Rome Statute of the International Criminal Court (1998), is responsible for prosecuting and punishing those responsible for committing the most serious crimes that threaten international peace and security, including genocide, war crimes, crimes against humanity, and crimes of aggression. At the same time, the Statute places special importance on compensating victims for all material and moral damages they have incurred.

The ICC is empowered to assess the damages resulting from crimes in its rulings, determining the extent of harm, loss, or injury suffered by victims or their family members. This can be based on a request from the victims or initiated by the court itself in exceptional circumstances. Article 75 of the Rome Statute allows victims or their representatives to claim reparations that include financial compensation, restitution, rehabilitation, or apologies.

A notable example of the International Criminal Court's commitment to providing complete justice and ordering reparations is the ruling on 8 July 2019, when the court convicted Congolese warlord Bosco Ntaganda of war crimes and crimes against humanity, including child recruitment, murder, rape, and sexual slavery. He was sentenced to 30 years in prison³⁶ and on 8 March 2021, the Court ordered the payment of \$30 million in reparations to the victims. Similarly, Congolese militia leader Thomas Lubanga Dyilo was convicted in 2012 for the recruitment and use of children in armed conflict. On 15 December 2017, the Court issued a decision awarding \$10 million in individual and collective reparations to the victims.³⁷

As for the crimes attributed to Iran in the Syrian war, significant obstacles hinder prosecution before the International Criminal Court, and consequently, the process of compensating victims. One of the most significant challenges is that neither Iran nor Syria is a party to the Rome Statute, which prevents the Court from exercising direct jurisdiction to investigate crimes arising from Iran's intervention in Syria or to indict those who committed them.

However, under Article 13(b) of the Rome Statute of the International Criminal Court (1998), the United Nations Security Council can refer cases involving non-member states to

36 Case ICC-01/04-02/06 *Prosecutor v Bosco Ntaganda* (ICC, Trial Chamber VI, 8 July 2019) <<https://www.icc-cpi.int/drc/ntaganda>> accessed 15 July 2025.

37 Case ICC-01/04-02/06 *Prosecutor v Bosco Ntaganda*, Order (ICC, Trial Chamber II, 25 October 2022) <<https://www.icc-cpi.int/court-record/icc-01/04-02/06-2786>> 25 October 2022) accessed 15 July 2025.

the ICC Prosecutor under Chapter VII of the Charter, subject to the condition that such cases include grave breaches of international humanitarian law. Through this mechanism, the Council could address Iran's liability, including obligations to compensate victims, notwithstanding Iran's non-membership under the Statute.³⁸

Beyond the lack of traditional jurisdiction, ICC intervention remains contingent on a Security Council referral. Referring the situation in Syrian, however, faces significant political obstacles, particularly the potential use of veto powers by Russia and China, which creates a further barrier.³⁹ In this context, Syria's accession to the Rome Statute becomes essential to ensure the court's legal authority to investigate crimes committed on its territory. Such accession would enhance the ICC's capacity to exercise its jurisdiction and prosecute Iranian officials for serious violations, even in the absence of a Security Council referral.

Furthermore, international law also allows for holding states accountable for human rights violations through special criminal tribunals. However, these tribunals are susceptible to political obstacles, which may impede their ability to fulfil their mission of establishing international responsibility.

4.3.3. Special International Criminal Courts

Competent international courts provide important avenues for achieving justice. These provisional judicial authorities are established to prosecute those accused of committing serious international crimes within a specific context or region. These courts have established a clear legal avenue for ensuring the rights of victims, including their right to claim reparations.

Prominent examples of special international criminal tribunals include the Nuremberg Tribunal, which had jurisdiction to try senior Nazi leaders after World War II on charges of committing crimes against humanity, war crimes, and crimes against peace, and the Tokyo Tribunal, which prosecuted Japanese leaders for crimes committed during the same period. Other notable examples include international criminal courts for the former Yugoslavia and Rwanda.

International criminal courts are typically established through UN Security Council resolutions under Chapter VII of the UN Charter. For instance, the International Criminal Court for the former Yugoslavia was established under Security Council Resolution 827 in 1993 to hold accountable those responsible for genocide committed during the Bosnian War, crimes of ethnic cleansing, mass rape, and indiscriminate bombing committed in the territory of Yugoslavia since 1991. Its Statute included provisions affirming the right of

38 Jennifer M Welsh, 'The Security Council's Role in Fulfilling the Responsibility to Protect' (2021) 35(2) Ethics & International Affairs 227. doi:10.1017/S089267942100023X.

39 Kmietek and others (n 9).

victims to claim compensation, including the restitution of property and proceeds obtained from crimes to their owners.

Similarly, the International Criminal Court for Rwanda was established under the Security Council Resolution 955 in 1994 in response to the crimes of genocide, sexual violence, forced displacement, torture, and mass killings witnessed in Rwanda in 1994. The provisions of the Court's Statute reflected the same commitments as those in the Statute of the International Court of Yugoslavia regarding the accountability of perpetrators and the compensation of victims, even extending compensation to include psychological and social support for victims, rehabilitation, and formal apologies.

The widespread violations in Rwanda and the former Yugoslavia bear strong similarities to the nature and scale of the violations in Syria. Based on these precedents, the importance of establishing a competent international court for the Syrian conflict would be crucial to ensure the accountability of perpetrators, including supporting parties, foremost among them Iran, and to provide a legal framework for compensating victims.

However, the lack of consensus among the permanent members of the Security Council constitutes one of the most significant challenges facing the establishment of a competent international court. These states often leverage their influence to align court decisions with their strategic interests. Russia and China, in particular, are the most prominent opponents within the Council, having previously used their veto power in 2014 to block the referral of the Syrian file to the ICC, complicating any attempts to reach an international consensus on legal responsibility.⁴⁰

The Syrian conflict also presents unique complexities due to the multiplicity of participating parties, including the Syrian regime and militias supported by Iran, Russia, and other countries. This makes establishing the responsibility of a given party extremely difficult from a legal perspective, especially in light of the absence of conclusive evidence, the complex and intertwined nature of the conflict, and its evolution over many years, along with extensive military and political interventions. Additional obstacles arise from the near-total collapse of the legal infrastructure in Syria, lack of resources and capabilities, loss of evidence and documents and difficulties in accessing victims and witnesses. These factors significantly hinder the documentation of crimes and the identification of perpetrators.⁴¹

From this perspective, coordinated diplomatic efforts are essential to pressure opposing Security Council members to support resolutions establishing such a court. Additionally,

40 'UN: Russian and Chinese Vetoes of Syria ICC Resolution "Callous"' (*Amnesty International*, 17 August 2021) <<https://www.amnesty.org/en/latest/news/2014/05/un-russian-chinese-vetoes-syria-icc-resolution-callous/>> accessed 15 July 2025.

41 Eduardo Almón and Juan-Pablo Pérez-León-Acevedo, 'Reparation for Victims of Serious Violations of International Humanitarian Law: New Developments' (2022) 104(919) *International Review of the Red Cross* 1315. doi:10.1017/S1816383122000297.

providing comprehensive financial and technical support for the court's work is crucial. If undertaken within the framework of international law, these measures would help promote accountability, achieve justice for victims, and uphold international principles of justice.

4.4. Regional Human Rights Courts

Regional human rights courts, such as the Inter-American Court of Human Rights and the European Court of Human Rights, provide effective legal solutions for victims of violations of international humanitarian law. These courts not only enable victims to file complaints regarding violations but also allow them to claim fair and equitable compensation for the material and moral damages they have suffered.

These courts have witnessed successful cases in which victims have demanded redress and compensation. For example, in 2005, the European Court of Human Rights ruled in favour of Roma children in Greece⁴² whose right to education had been violated. The children were subjected to racial discrimination, being placed in segregated schools or separate classrooms within public schools. The Court ordered the State to provide financial compensation for the damages incurred and to implement corrective measures to prevent future violations and ensure equal educational opportunities.⁴³

However, victims of violations resulting from Iranian support for the Syrian regime cannot file complaints to the regional human rights courts or claim compensation for damages resulting from severe violations, as Iran is not subject to the jurisdiction of these courts. Iran is not a party to any regional human rights system that provides a legal platform for considering its violations. Regional courts generally have jurisdiction only over member states, making it impossible to hold Iran accountable through them.

Thus, alternative mechanisms, such as international commissions of inquiry into violations or national courts applying the principle of universal jurisdiction, must be pursued. These mechanisms can provide an effective means of holding Iran accountable and ensuring justice for victims of the Syrian war.

4.5. National Courts

The principle of universal competence permits states to prosecute parties accused of committing serious international crimes, regardless of where the crime occurred or the nationality of the perpetrators or victims, on the grounds that these crimes threaten the

42 *Sampanis and Others v Greece* App no 32526/05 (ECtHR, 5 June 2008) <<https://hudoc.echr.coe.int/eng?i=001-86798>> accessed 15 July 2025.

43 Anita Danka and Iulius Rostas, 'Setting the Roma Policy Agenda: The Role of International Organizations in Combating School Desegregation' in Iulius Rostas (ed), *Ten Years After: A History of Roma School Desegregation in Central & Eastern Europe* (Central European UP 2012) 48.

international community as a whole.⁴⁴ This principle is grounded in international treaties and conventions, such as the Convention on the Prevention and Punishment of the Crime of Genocide and the four Geneva Conventions, which mandate states to enact laws necessary to pursue, prosecute, and extradite those accused of committing such violations.⁴⁵

Sanctions imposed by some Western countries on individuals involved in human rights violations also represent an effective alternative mechanism for recovering looted funds and providing indirect reparations to victims. In the Syrian case, these measures could target Iranian officials and leaders of militias supported by Tehran, whose assets abroad can be frozen and later confiscated to benefit victims affected by Iranian intervention in Syria.⁴⁶

Based on the principle of universal jurisdiction, victims of severe violations of international law may file cases before national courts in states exercising this jurisdiction, seeking compensation even if the defendants are not citizens of that country, the crimes were not committed on its territory, or its national interests were not directly affected. Given Iran's responsibility for war crimes and crimes against humanity committed in Syria—such as torture, extrajudicial killings, and arbitrary detention—victims or their representatives can pursue legal redress against Iranian authorities before these courts. Several European nations, including Germany, France, and Sweden, have initiated large-scale investigations into serious breaches of international law committed during the Syrian war under the principle of universal jurisdiction.⁴⁷

For example, on 15 November 2023, a French court issued international arrest warrants against Syrian President Bashar al-Assad and his brother Maher al-Assad, in addition to other officials, for complicity in crimes against humanity, linked to chemical attacks in rural Damascus in 2013. In January 2022, a German court sentenced former Syrian security official Anwar Raslan to temporary imprisonment for committing crimes against humanity, namely torture and murder in detention centres affiliated with the Syrian regime. Furthermore, on 21 January 2025, France issued a new arrest warrant against Bashar al-Assad for complicity in war crimes related to the 2017 bombing of the Syrian city of Daraa, which resulted in the death of a civilian holding both French and Syrian nationalities.

Although the investigations have primarily targeted Syrian officials, and no specific investigations have been conducted on Iranian officials, they demonstrate the possibility of conducting future investigations targeting Iranian officials for crimes committed in Syria, as well as the potential for victims to claim fair compensation for their losses.

44 Jessica Doumit, 'Accountability in a Time of War: Universal Jurisdiction and the Strive for Justice in Syria' (2021) 52(2) *Georgetown Journal of International Law* 263.

45 Bernard Ntahiraja, 'The Legality and Scope of Universal Jurisdiction in Criminal Matters: Is there Any Question to Answer?' (2022) 91(3) *Nordic Journal of International Law* 390. doi:10.1163/15718107-91030005

46 Cecily Rose, 'Magnitsky Sanctions, Corruption, and Asset Recovery' in Robert Rotberg and Fen Hampson (eds), *Grand Corruption: Curbing Kleptocracy Globally* (Routledge 2024) 224.

47 Kmietek and others (n 9).

5 CONCLUSIONS

The research addressed the international legal frameworks related to the right of victims of the Syrian war to seek and obtain compensation for the material and moral damages resulting from the armed conflict. It reviewed the legal means available for victims to claim their rights, including international committees, and national, regional, and international courts, while highlighting the challenges that hinder the achievement of justice. The research demonstrated that international humanitarian law is not merely limited to the principle of preventing impunity for perpetrators; it places significant importance on the right of victims to compensation. However, existing legal tools are insufficient for practical and effective implementation, as the international legal system lacks a binding international mechanism that enables victims to directly claim their rights through international courts, thereby limiting their ability to achieve justice and recover their legitimate rights.

The research demonstrates that Iran bears legal liability for compensating Syrian war victims due to its political, financial, and military support for the Syrian regime, and that victims affected by violations committed by Iran or its affiliated forces have the right to seek financial compensation and other forms of reparations from Iran.

Furthermore, the research emphasises that the lack of effective mechanisms to hold Iran and other involved parties accountable contributes to the spread of impunity and increases the risk of repeated violations on the international stage, underscoring the need to develop more effective legal mechanisms to ensure justice and protect victims' rights.

In light of the identified legal gaps and institutional weaknesses that hinder the enforcement of victims' rights to compensation, the research recommends the development of an independent international authority to monitor the effective implementation of compensation decisions, in cooperation with national governments, international organisations and NGOs, to ensure transparent and non-discriminatory compensation to victims. Additionally, drawing on lessons from the United Nations Compensation Commission (UNCC) and guided by trust-based victim support, the research proposes the establishment of an international fund for Syrian victims. This fund would be financed through confiscated properties owned by Iranian entities and individuals identified as having assisted the Assad regime, and would operate in collaboration with regional and international institutions as well as civil society organisations to ensure equity, accountability, and non-repetition.

The research recommends the following:

- Signing and ratifying the Rome Statute to ensure the International Criminal Court has jurisdiction to investigate serious violations committed on Syrian territory during the war without the need to refer the case through the UN Security Council.

- Forming an independent international commission of inquiry tasked with gathering evidence and documenting the severe violations committed during the Syrian conflict, requiring the cooperation of all involved parties, to ensure accountability and effectively address victims' compensation claims.
- Establishing a competent international criminal court to hold those responsible for serious violations during the Syrian conflict accountable, with particular attention to crimes involving Iran and its militias, and to ensure that perpetrators provide adequate compensation to victims.
- Forming an international body specialised in monitoring the implementation of compensations in collaboration with governments and NGOs to ensure that compensation effectively and transparently reaches those impacted.
- Establishing a special international fund for Syrian victims, funded by the financial and real estate assets confiscated by Iranian entities and officials implicated in supporting the Syrian regime, with active participation from international and regional organisations and civil society in financing and managing the fund.

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АНОТАЦІЯ УКРАЇНСЬКОЮ МОВОЮ

Дослідницька стаття

ЮРИДИЧНА ВІДПОВІДАЛЬНІСТЬ ІРАНУ ЗА ВІДШКОДУВАННЯ ШКОДИ ЖЕРТВАМ СИРІЙСЬКОЇ ВІЙНИ

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АНОТАЦІЯ

Вступ. З початку збройного конфлікту в 2011 році Сирія зазнала масштабних руйнувань, що призвело до нищення її інфраструктури та значних людських і матеріальних втрат, які продовжують впливати на мільйони мирних жителів і сьогодні. Іран відігравав важливу роль у політичній, фінансовій та логістичній підтримці сирійського режиму протягом усього конфлікту, тим самим потенційно продовжуючи воєнні дії та загострюючи гуманітарну ситуацію. У цій статті було розглянуто ступінь відповідальності Ірану перед жертвами сирійської війни згідно з міжнародним гуманітарним правом та міжнародним публічним правом, вивчено потенційні правові механізми притягнення Ірану до відповідальності, а також досліджено механізми захисту прав постраждалих осіб.

Методи. У статті використовується описово-аналітичний метод для документування порушень та вивчення відповідних міжнародно-правових текстів. У дослідженні також

використовується порівняльний метод для аналізу аналогічного міжнародного досвіду, такого як конфлікти в колишній Югославії та Руанді, з метою розробки реальних правових рішень, що можуть бути застосовані у сирійському контексті.

Результати та висновки. З огляду на результати дослідження було виявлено, що Іран та пов'язані з ним збройні угруповання несуть чітку юридичну відповідальність за порушення міжнародного гуманітарного права. У висновках наголошено на необхідності створити компетентний міжнародний кримінальний суд для розгляду злочинів, скоєних під час сирійського конфлікту, забезпечити притягнення до відповідальності винних, сприяти відшкодуванню шкоди жертвам та відновленню їхніх прав.

Ключові слова: відшкодування, міжнародне гуманітарне право, міжнародна відповідальність, підтримка Іраном сирійського режиму, сирійська війна.

ABSTRACT IN ARABIC

مقال بحثي

المسؤولية القانونية لإيران عن تعويض ضحايا الحرب السورية

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الملخص

منذ اندلاع النزاع المسلح في سوريا عام 2011، تعرّضت البلاد لدمار واسع النطاق، وانهيار في البنية التحتية، وخسائر بشرية ومادية جسيمة لا زالت تؤثر على ملايين المدنيين حتى اليوم. وقد لعبت إيران دوراً محورياً في دعم النظام السوري سياسياً ومالياً ولوجستياً، الأمر الذي ساهم في إطالة أمد الحرب وتفاقم الوضع الإنساني. تهدف هذه الدراسة إلى تقييم مدى مسؤولية إيران تجاه الضحايا السوريين وفقاً لقواعد القانون الدولي الإنساني والقانون الدولي العام، مع استعراض بعض الآليات القانونية الممكنة لمساءلة إيران وضمن حقوق المتضررين.

اعتمدت الدراسة على المنهج الوصفي-التحليلي لتوثيق الانتهاكات ودراسة النصوص القانونية الدولية ذات الصلة، بالإضافة إلى المنهج المقارن من خلال تحليل تجارب دولية مشابهة، مثل النزاعات في يوغسلافيا ورواندا، بغرض صياغة حلول قانونية قابلة للتطبيق على الحالة السورية.

تُظهر النتائج أن إيران والمليشيات التابعة لها تتحمل مسؤولية قانونية واضحة عن انتهاكات القانون الدولي الإنساني. كما تؤكد النتائج على ضرورة إنشاء محكمة جنائية دولية مختصة لمحاسبة مرتكبي الجرائم خلال النزاع السوري، وضمن إنصاف الضحايا واستعادة حقوقهم.