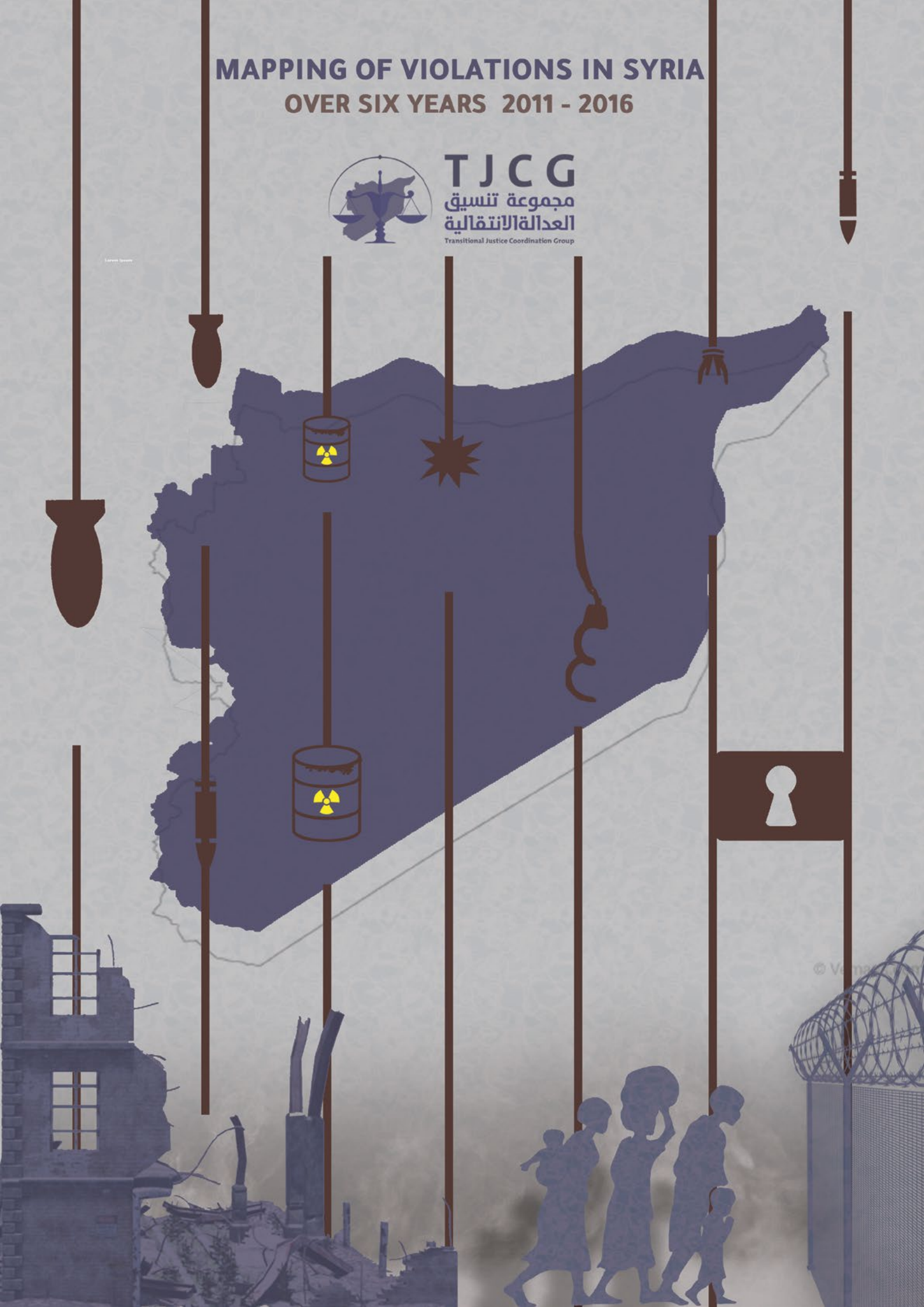


# MAPPING OF VIOLATIONS IN SYRIA OVER SIX YEARS 2011 - 2016



**TJCG**  
مجموعة تنسيق  
العدالة الانتقالية  
Transitional Justice Coordination Group

London, January 2017



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# **MAPPING OF VIOLATIONS IN SYRIA OVER SIX YEARS 2011 - 2016**

August 2021

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The transitional justice in Syria coordination group (TJCG) formed in 2014 working in transitional justice, civilian peace, and human rights, coordinating efforts to reach an integrated vision for transitional justice in Syria.

One of the main objectives for TJCG is coordinating between the member organisations in various fields, which includes the documentation, care, advocacy, awareness, preparation of files, reports and studies, and all issues related to transitional justice. Also, TJCG seeks to form a platform to exchange experiences and experiments in the working field of transitional justice to develop a comprehensive national project for transitional justice in Syria.

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***“What we have seen here in Syria, I never saw that in Rwanda, or in former Yugoslavia, in the Balkans. It is really a big tragedy.”***

***Carla Del Ponte (2017)<sup>1</sup>***

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<sup>1</sup> (Chief Prosecutor of the International Criminal Tribunal for the Former Yugoslavia in 1999 and member of the United Nations Independent Commission of Inquiry on Syria, resigned in 2017).

# Preface



The violation of human rights in Syria is not an unprecedented consequence of the 2011 uprising, nor has the excessive and systematic violence against dissidents occurred out of the context of reality. Since the Baath Party coup of 1963 and all that preceded and ensued this event, with Hafez al-Assad seizing power first as prime minister in 1970 and then as president of the Syrian Arab Republic in 1971, repression and violence in all their forms have been inherent in the fate of Syrians ruled by a one-man one-party doctrine; the Arab Socialist Baath Party.

All state institutions, civil, military and security, have used systematic action to silence any voices that would oppose authorities or fail to declare their full allegiance. Arrest, enforced disappearance, and assassination aimed at excluding political opponents were a key feature of former Syrian President Hafez al-Assad's "eternal" rule.<sup>1</sup>

Another feature that branded Assad's Senior's reign and cemented the iron fist with which he ruled Syria until his death in 2000 was the Hama massacre of 1982, which marked a turning point in the country's history and left a deep wound in the Syrian conscience. A wound that has not healed to this day and has had a profound impact on the events of 2011 and beyond.

Assad mercilessly punished the city and its people. Residential neighborhoods were bombarded with heavy artillery relentlessly for days, public field executions were carried out, and bodies were left exposed and rotting in the streets, not allowing them to be buried. Widespread arrests were unleashed, not only of Muslim Brotherhood members or those accused of affiliation, but also of anyone known to oppose the regime, whether leftist, communist, Nasserist, or non-partisan, in addition to writers, intellectuals and even some members of professional unions.

Although the city of Hama bore the brunt with the highest number of victims and the most severe violations, the campaign of arrests spread to all the governorates, especially to Aleppo and its countryside.

This retaliatory campaign was in response to protests that sprung from the city of Hama, led mainly by the Muslim Brotherhood in February 1982, during which some participants reportedly took up arms. However, before that, between 1979 and 1980, the "al-Talia al-Muqatila," or Fighting Vanguard, an armed guerrilla and more radical spinoff of the Muslim Brotherhood, had declared open confrontation with regime figures and leaders. The al-Talia launched a campaign of assassinations against Baathist leaders and figures close to the regime, reaching the heart of the capital Damascus, pushing matters towards a higher level of violence and conflict. As soon as the protests began in 1982, the response was swift, radical, and bloody, with no considerations. The "cleansing" campaign left thousands forcibly disappeared, estimated at 15,000, over 24,000

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See P. 3 for the slogans "eternal" and "immortal" entering into state terminology.

dead (some estimates put the number at 40,000), 100,000 exiled, and massive destruction in the city that was prevented from being restored for decades to serve as a lesson.

In reality, Hafez al-Assad's massacre in Hama served not only to eradicate the Muslim Brotherhood and subjugate the city while teaching its citizens a cruel lesson, but also to establish suppression, human rights abuses and extrajudicial reprisals as instruments for consolidating his rule and governing the country. Instruments that would later be the inheritance loyally transferred to his son, current Syrian president since July 2000, Bashar Hafez al-Assad.

Not long after these events, slogans such as "Syria's Assad", "The Immortal Leader" and "Our Leader Forever" (credited to the historic Defense Minister Mustafa Tlass) began to be imposed as official state slogans and conditions for citizenship. To reinforce moral subjugation and strengthen the iron grip on the collective psyche, these slogans were printed on textbooks, placed on entrances to public facilities, and engraved on statues that took over town squares at record speed.

This is a brief glimpse that may help to understand elements of the 2011 uprising, and how the government responded both in terms of political discourse and military field action, quickly summoning the same "repressive" approach in governance and administration. The instruments of repression, murder, arbitrary arrests, enforced disappearances, torture and the destruction of residential neighborhoods over the heads of its inhabitants, and all that international law has defined as "gross violations of human rights," which is the broad title of this report.

## **The Arab Spring and Ghosts from the Past**

When the Arab Spring revolutions erupted in Tunisia and Egypt, many expected they would not reach Syria on the assumption that the 1982 scar had not healed enough to allow a new spark. The "orphans of Hama," throughout the cities and countryside of Syria, were still struggling with life under the pressures of persecution, harassment, and the loss of fathers, brothers, uncles, and sometimes even mothers.

In fact, subsequent attempts to resist and oppose the regime were met with the same punitive measures of arrest and pursuit of political opponents, human rights activists, writers, journalists and bloggers demanding change, in the so-called "Damascus Spring" phase, which was also quickly quelled. The systematic campaigns to wipe out any opposition movement include but are not limited to



the “Kurdish Uprising”<sup>1</sup> (Qamishli on March 12, 2004) which was immediately suppressed, and the “Damascus Declaration”<sup>2</sup> (October 2005), the prosecution of whose signatories took a gradual and upward trend.

It was unexpected for Syrians to once again confront their regime in March 2011, launching a peaceful popular revolution which encompassed large areas of the country and demanding to live in freedom and dignity.

Today, seven years (at the time of writing) after the revolution began, Syrians can be proud of breaking the barrier of fear and Assad’s “eternal” chains. But the string of human rights abuses has not ceased for a moment. On the contrary, it has become harsher and tighter, and in recent years there have been unprecedented peaks anywhere in the world as this report will show. Moreover, the daily reality of many Syrians remains a constant state of lack of safety and security, let alone freedom, while some of those responsible for atrocious abuses retain their positions and exert influence, whether within government or without as de facto powers.

The legacy of the past is present today in the country’s material devastation, but also in the physical and psychological scars borne by the survivors of what has been described as the bloodiest conflict of the 21st century, leaving over (at the time of writing) 465,000 dead, one million injured and 12 million displaced; according to estimations half of the pre-war population. Therefore, no document or report can accurately describe or do justice to what Syrians have experienced. Each of them has a story, or perhaps stories, to tell of suffering and loss caused directly by the regime and its international allies through excessive use of military force and systematic repression, or committed by military commanders, Syrians on one hand and foreigners affiliated with opposition forces on the other, turning victims into perpetrators and perpetrators into victims in a cycle of violence that is not yet over.

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1 In March 2004, Syrian Kurds carried out large-scale demonstrations in several towns and villages in the north of the country to protest against ill-treatment against them by the authorities. While the protest was an immediate reaction to security forces shooting Kurdish football fans involved in a fight with Arab fans of a rival team, it was in fact a protest against long-standing grievances over discrimination against Kurds and repression of their political and cultural rights. The scope and momentum of this move alarmed Syrian authorities, who responded with more violence that killed at least 36 people and injured more than 160. Security forces detained over 2,000 Kurds (many of whom were later pardoned) as reports spread of torture and abuse of detainees. The 2004 protests, referred to as the “Kurdish Uprising,” marked a major turning point in their relations with the government. Syrian Kurds, who form about 10 percent of the population, suffer from marginalization, discrimination, deprivation of citizenship, the prohibition of the disposition of property and land, promotion of Arab nationalism and prevention of anything related to their cultural identity. That year, developments in Iraqi Kurdistan gave Syrian Kurds more confidence to demand increased political and cultural rights. This new confidence worried Syrian leadership who pursued a policy of increasing repression against the minority group as part of a wider repression of any form of political opposition.

2 The “Damascus Declaration” is a secular opposition coalition named after a 2005 statement by a group of formations and opposition members demanding multi-party democracy. It calls for a gradual, peaceful transition to democracy and equality for all citizens in a secular and sovereign Syria. (As defined by the Carnegie Middle East Center).

## Report

**On such a complicated background, this report was designed to be an integrated and balanced narrative for future generations of Syrians, a reliable reference for researchers, but also a document to refine collective memory as part of a broader strategy of transitional justice and legal accountability when the time comes.**

This report is not the result of independent field research, but rather relies on public documents and reports published by UN agencies, recognized international organizations, and trusted Syrian human rights organizations. Thus, particular incidents covered in the media or other documents, while having gained attention and circulated among the public, might only be mentioned in passing in the report due to lack of documented proof. The scarcity of reliable sources, and sometimes conflicting sources, mean certain facts and events are touched upon briefly while others are expanded upon, depending on the availability of sources.

Moreover, this report does not seek to identify and politically analyze the reasons for violence, nor to establish the criminal responsibility of those involved, but aims to be a stepping stone on this long course.

A team of Syrian researchers, specialists, lawyers, and former judges conducted a “map survey” and entered information into an integrated database for Syrian research. This was done by open source, which is of course neither comprehensive nor complete, taking into account the differing methodologies used by each organization, with unquestionable credibility as the basis for its accreditation.

### **Main Objectives of the Report:**

1. Expose serious violations of international human rights law, international humanitarian law, and international criminal law committed by all parties within Syrian territory from March 15, 2011, to March 15, 2017.
2. Present an objective description of the political and military context within which these abuses took place to provide a better understanding of the conflict in general, the circumstances and causes that led to these being committed, as well as outcomes and consequences whether among those directly affected or in the general context of events.
3. Strengthen concepts of accountability and combating impunity, through a road map that paves the way for transitional justice and peacebuilding in a future Syria by surveying and providing legal descriptions of human rights violations.



## **Importance of the Report:**

Obviously, the Syrian revolution and armed conflict that followed is one of the most photographed, documented events written about and covered in the media, probably stemming from an awareness among protesters that a blackout would be the strongest tool of abuse perpetrators. Therefore, media activists, documentation workers and anyone who publicly discloses these abuses has been a primary target of all parties in the conflict. It seems logical to question the importance of this report and its added value amidst the vast amount of existing reports, especially as it does not investigate matters beyond what is already available.

The answer is that this is the first Syrian report—researched and written by Syrians—to provide a comprehensive overview of violations committed on all Syrian territory over a period of almost six years, by comparing, documenting and consolidating data, incorporating them in their context and aligning them with their legal description; and this has not yet been covered in one Syrian report.

## **Research Methodology**

### **Selecting Sources:**

Selected were international organizations that carry out their own fact-finding and documentation, mainly Amnesty International, Human Rights Watch, the United Nations Human Rights Council, and the Independent International Commission on the Syrian Arab Republic.

Local (Syrian) sources were selected after a comprehensive survey of all organizations and institutions documenting violations, checking that each organization has researchers and observers on the ground, to ensure the processes of comparison and confirmation are accurate and credible, while taking into account the time period and region covered. Accordingly, sources were selected as follows:

- A. The organization is a human rights organization, not a media organization. Media organizations were disregarded except when needed to confirm an incident reported by a single source due to scarcity of information. In this case the information is indicated in the margin.
- B. The organization follows clear and accurate research methodology to ensure a high degree of trustworthiness and credibility regarding the events mentioned.
- C. The organization must be Syrian and accredited as one of the sources for international bodies or organizations such as Amnesty International, the



Human Rights Council, or others.

### **Sorting information:**

- A. Electronic library: After selecting sources, the process began of collecting reports issued by each of these sources and storing them in a digital library with encryption, so that each report has its own code and a hyperlink for reference.
- B. Database: Data in the reports was transferred and a database constructed where each entry is a single event from one source on a violation of international human rights or humanitarian law. Each entry mentions the number and nature of victims (men, women, children, paramedics, medical workers, journalists, etc.) and type, manner, place, time, and, where known, perpetrator of the violation, as well as a description of the relevant context. Other organizations and individuals working on human rights violations in the Syrian conflict may request access to this database by contacting The Day After.
- C. Severity Threshold: This database includes acts of violence committed by the various parties to the Syrian conflict that may constitute violations of international law, as discussed in the Legal Chapter. In order to decide which events to include in the database and how to code them, the team applied a “severity threshold” that varied according to the year and intensity of the conflict. For example, during the first year of the conflict (2011), an incident in which more than a few people were killed would have been considered a “massacre” and coded in the database accordingly. However, in subsequent years, as the conflict escalated and the frequency, magnitude, and geographical spread of the violence increased, the severity threshold was necessarily revised upward in order to reduce the number of eligible incidents to a manageable number for data entry and analysis. By 2012, for example, the database coded events as “massacres” only if the number of people killed was substantially greater than the number that would have constituted a massacre earlier in the conflict. Although raising the threshold resulted in the exclusion from the database of many events involving killings, we do not intend to suggest that these incidents were unimportant. We believe that this methodological decision was justified given the vast amount of data and our objective of illustrating broad patterns and trends in the most serious violations.



### **“Severity Threshold” Criteria:**

Collecting accurate data about events that occurred during armed conflict is extremely difficult because conflict areas are often inaccessible to human rights organizations, journalists, and researchers. Parties to the conflict often gather and make data publicly available, but such data is inevitably biased. Despite these challenges, we aimed to collect the most accurate data possible given the available sources and our knowledge of the local context.

### **We considered the following criteria in selecting events for inclusion in the database:**

- A. Evidence Suggesting a Possible Violation:** We included events for which there was sufficient evidence to suggest they may have been human rights violations according to the legal definitions of the crime of “genocide,” “crimes against humanity,” or “war crimes,” or violations of rights guaranteed by international law, including “the right to life,” “the right to physical and mental integrity,” “the right to liberty,” “the right to a fair trial,” etc. We did not draw any legal conclusions about these possible rights violations in the data collection process or in the factual chapters of the report.
- B. Number of Victims:** To be included in the database, events or tactics must have resulted in a significant number of casualties or injuries. A determination of what constitutes a significant number of victims took into account the event’s date. As noted above, the numerical threshold for inclusion of events increased over time as the conflict intensified. We also took into account the location of incidents and whether the targeted victims were civilians or combatants. When sources did not explicitly identify victims as civilians or combatants, we looked for common indicators of civilian status, such as the presence of women or children.
- C. Weapons or Military Tactics:** We gave considerable weight to events in which parties to the conflict used weapons or military tactics that are prohibited under international law, such as the indiscriminate use of barrel bombs, indiscriminate shelling, chemical weapons, torture, the unlawful use of siege, and starvation.
- D. Assassinations or Violations of Special Significance:** Some events affected society, the course of the conflict, or peace efforts or provoked sectarian fighting. Among such events were the assassination of prominent community leaders or activists. These were included in the database because of their qualitative importance, even if they did not result in a quantitatively significant number of casualties or injuries.

**Note on terminology:**

In many cases, the primary sources upon which this report is based provided only the number of people killed or injured in an incident, without specifying whether the victims were civilians or combatants. The report mirrors the original sources' use of the terms "people" and "civilians," with the understanding that "people" might refer to or include combatants. Similarly, many of the original sources describe only the nature of an attack (for example, airstrikes) without attributing the attack to a particular perpetrator. In this multi-party conflict, the source of airstrikes and munitions was often uncertain. Where the report does not attribute an attack to a particular perpetrator, this reflects the absence of such information from the cited source.

**Note on scarcity of data for the year 2011:**

Due to the almost complete lack of local documentation and scarcity of international reports on events in the conflict during 2011, that year required some methodological exceptions, including relying, at times, on a single source as sufficient evidence or reporting a particular incident from media sources, in addition to relying heavily on the book "The Path of Pains" by Azmi Bishara, published by the Arab Center for Studies (based in Doha). The book, based on a clear and scientific methodology, is one of the most prominent research findings documenting and chronicling accurately the facts of the first two years of the revolution.



## Chapter One: 2011

**Syrians opposed to the regime may disagree on the exact date their revolution began; March 15, 2011, date of the “spontaneous” demonstration in al-Hamidiyah Souq in central Damascus, and March 18, date of the first “organized” demonstration in Daraa (named the “Fazaa”). But they agree on the swift efforts of authorities to control the street and the immediate security response aimed at suppressing any potential for the popular movement spreading.**

The demonstrations began with popular marches declaring their solidarity with the Arab Spring revolutions abroad and sending appeals calling for “reform” internally. The demand to “overthrow the regime” and for President Bashar al-Assad to “leave” only became public about three months or more after the protests began, as the violence began to unravel.

Syrians who closely followed the revolutions of Tunisia and Egypt on December 17 and January 25, like other peoples of the region, were optimistic when a presidential decree was issued on February 8, to unblock Facebook and YouTube, utilizing them to organize meetings and gatherings, and broadcast live images. This was part of a series of decisions made gradually by Syrian authorities to suggest it was responding to the demands of the street and seeking to achieve its aspirations, but quickly became a weapon against users, as any video clip or correspondence on social media was turned into strong evidence of condemnation against the user. Offenses, arbitrary arrests, and violent acts continued apace, resumed in what became known as the “al-Hariqah incident”:

On February 17, 2011, the son of a Damascus merchant suffered physical and verbal abuse at the hands of a police officer, leading to a spontaneous popular rallying in the market during which the first slogan against the authorities was heard: “The protector is the violator” and “The Syrian people will not be humiliated.” The authorities quickly contained the matter and the Interior Minister, who came in person to the scene, promised to refer the police to discipline and trial, with no affirmations of the promise being fulfilled.

On February 23, security forces intervened to break up a sit-in in solidarity with the Libyan revolution organized by civil society activists and some artists and intellectuals in front of the Libyan Embassy in Damascus, protesting the repression of demonstrators in Benghazi. Slogans were heard that did not require much intelligence to realize they were also directed at the regime in Syria, including “He who kills his people is a traitor”, “Freedom, where are you? Muammar’s rule stands between us.”

The security forces beat and insulted protesters, and the sit-in turned into a political demonstration directed against the security forces, with participants chanting “Peaceful [protest] ... Peaceful [protest]” and “He who kills his people is a traitor.”<sup>1</sup>

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1 The Path of Pains pp.76-77.



The incident of the “Daraa Children” marked the first clear turn in the course of events and provoked anger.

On March 6, 2011, 15 boys from the city of Daraa, aged between 10 and 15, were arrested for writing the slogan “The people want to overthrow the regime” on the walls, imitating what they had seen in news bulletins from Cairo and Tunisia. The boys were detained in the local Political Security branch under the command of its Head, Brigadier General Atef Najib (cousin of President Bashar al-Assad), where they remained for about two weeks, during which events gradually escalated. While they were being tortured in the detention center, their relatives on the outside were trying to locate them through official channels. Failing to do so for several days, the parents, accompanied by local religious leaders, headed towards the home of Daraa Governor Faisal Kalthoum after Friday prayers to demand their release. The guards confronted them, called riot police, and used water cannons and tear gas. Political Security gunmen then opened fire on the protesters. Ambulances were blocked and demonstrators prevented from taking their wounded to the local hospital; instead, they had to transfer them to the Omari Mosque in the middle of old Daraa.

Najib was quoted as insulting fathers and telling them to “forget their children and go home to lay with their wives and beget new ones;” an outrageous insult to the sons of a predominantly clan-conservative region in an incident that forebode imminent escalation, especially as it coincided with events in other places.

On March 15, 2011, Syrian intelligence arrested sisters: Marwa Hassan al-Ghamyan, 27, and Rama Hassan al-Ghamyan, while participating in a peaceful demonstration in Damascus.<sup>1</sup>

On March 16, 2011, Syrian authorities dispersed a sit-in in front of the Ministry of Interior in al-Marjeh Square in central Damascus, using force and arresting large numbers of protesters who were demanding the release of political prisoners and prisoners of conscience not covered by a decree 10 days prior to release criminal detainees. Among those detained was a large number of women.<sup>2</sup>

On March 23 at 1:30 am, Syrian security forces used tear gas and bullets to storm the Omari Mosque in Daraa, where demonstrators had gathered since March 18, and used it as a field hospital for injured protesters. Syrian security forces killed at least 31 people during the attack.

At approximately 17:00, as the residents of Daraa were burying their dead, the funeral turned into a demonstration joined by citizens from neighboring villages, but security forces again opened fire and killed 11 people.

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1 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria, January 2011 to December 2012, Syrian Human Rights Committee, 30-06-2013.

2 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria, January 2011 to December 2012, Syrian Human Rights Committee, 30-06-2013; Bashar al-Assad: Criminal Against Humanity, Report on Human Rights Violations Committed in Syria March - July 2011, FIDH, 03-2011.

On March 25, residents of Daraa and neighboring towns started a new day of demonstrations, calling it “Friday of Pride.” One witness said: “There were snipers on the roofs of the governorate headquarters and other official buildings. Security forces were mainly on the streets firing into the air, but the snipers shot directly at the crowd. We ran away jumping over bodies. Anyone trying to recover bodies or rescue the wounded was shot.”<sup>1</sup>

A resident of Daraa said the March 25, protests had been peaceful. When news reached the gathered crowd that security forces in the nearby village of as-Sanamayn had killed demonstrators on their way to join the funeral in Daraa, they took out their anger by attempting to destroy a statue of former President Hafez al-Assad. At that moment, security forces opened fire. A resident of Daraa said 14 people were killed in the shooting which began at that time.

A resident of as-Sanamayn described what had happened in his village: “We were on our way to Daraa to join the funeral when security forces prevented us from going through. When we refused to stop, they started shooting at us.” He said that security forces killed 16 people from his village. A Syrian official told Agence France-Presse that 10 people were killed in the clashes between protesters and security forces in as-Sanamayn but gave no further details.<sup>2</sup>

## **Dual Maneuver: Externally, the carrot and internally, the stick**

At that time, Syrian authorities adopted two parallel tracks that for a moment made them appear confused and uncertain, but it later became clear it was an employment of both the carrot and the stick to face the street’s demands. The first track was to launch positive media discourse inclusive of all segments of Syrian society, coupled with a number of “reformist” and harmonious presidential decrees and decisions; while the second track was to severely punish disgruntled demonstrators with the use of excessive force against them and against civilian activists demanding their right to “freedom and dignity.”

Thus, following a decision to lift the ban on Facebook and YouTube, the Governor of Daraa, Faisal Kalthoum, was dismissed on March 20, 2011, followed three days later by a general amnesty for detainees of recent events, particularly in Daraa.

1 Syria: Security Forces Kill Dozens of Protesters Many Activists and Protesters Arrested, Human Rights Watch, 21-03-2011.

Same source, Security Forces Commit Crimes against Humanity, 01 June 2011. International Independent Investigation Commission, First Report, 23 Nov 2011.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011

Syria: Security Forces Fire on Protesters: Death Toll at Least 61 in Daraa Region, 12 in Latakia, Human Rights Watch, 21-03-2011.



Then on March 27, Syrian Presidential Advisor Bouthaina Shaaban announced that the decision to lift the state of emergency in force in the country since 1963 had already been taken and was awaiting implementation by presidential decree. This would happen in practice on April 21, 2011 with the issuance of four presidential decrees lifting the state of emergency, abolishing the Supreme State Security Court, referring cases to the competent judicial authorities, and guaranteeing the peaceful demonstration law provided permission was obtained from the Ministry of Interior.

In line with this, on March 31, 2011 Syrian President Bashar al-Assad gave instructions to set up three committees to take some reform steps. The Head of the High Judicial Council established a special judicial committee to conduct “immediate investigations into all cases that have claimed the lives of a number of civilian and military citizens in the provinces of Daraa and Latakia.”

And in what was considered a gesture towards the “Kurdish component” in the country’s north, a decision was taken to form another committee to “study implementation of the recommendation by the 10th National Conference of the ruling party to solve the problem of the 1962 census in al-Hasakah province, and submit it to President Assad in preparation for issuing the appropriate legal instrument.” Indeed, on April 7, 2017 Assad issued a decree granting Syrian nationality to individuals registered in al-Hasakah Foreigners Registry, something they had been denied for decades.

In what was regarded consideration for the Sunni, specifically urban, majority (of Damascus and Aleppo), on April 4, 2011 Assad issued Legislative Decree No. 48 establishing the Higher Institute of Damascus for Islamic Sciences, Arabic Language, and Islamic Studies and Research, based in Damascus and linked to the Ministry of Awqaf. The following day, he ordered the reinstatement of veiled teachers (1,200) to their teaching positions and the closure of the only licensed casino in Syria (Damascus Casino).

All this showed regional and international public opinion that “the Syrian leadership is convinced with its people of the need to reform, fight corruption and open new horizons in Syrian political life (...) and that President Bashar al-Assad believes in reform and is serious and determined (...) and is prepared to take huge reform steps, but calmly, carefully and responsibly,” as stated by Hezbollah Secretary General Hassan Nasrallah in his first speech revealing the party’s explicit stance on events in Syria on May 25, 2011.

Internally, however, attempts did not cease in the meantime to suppress demonstrations by various means, including bloody and vengeful methods. In Daraa, for example, the civilian governor was dismissed while the root of the problem, Atef Najib, serving as de facto military ruler in the city, was kept on, until he was transferred at a later time.



## Protests Widen

In the meantime, many Syrian cities began to witness public demonstrations against the regime in a more organized manner, not even resorting to a front of “solidarity” with Arab Spring revolutions, reaching Damascus itself. What was happening domestically was enough to generate solidarity and angry repercussions that spread across the provinces, one form of which was the establishment of “local coordination committees.” The peaceful movement tried to organize itself and assemble its efforts in various forms, including the coordination committees and the Syrian Revolution Coordinators Union, which later became the “Syrian Revolution General Commission,” and the “Supreme Council for the Leadership of the Syrian Revolution,” and other assembly efforts.

The committees formed an umbrella for around 70 local coordinators, which spread throughout the country from Daraa and Homs to al-Hasakah, Qamishli and Deir ez-Zur, passing through the Syrian coast and Baniyas, Salamiyah, Saraqib, Idlib, Hama, ar-Raqqah and as-Suwayda, to the capital Damascus and its suburbs. In its first communiqué of April 22, 2011, the committees called on the Syrian President to “end the Baath Party’s monopoly on power, realize the slogans of freedom and dignity through peaceful democratic change, release all prisoners of conscience, dismantle the current security apparatus and replace it with another of specific legal competencies which shall act in accordance with the law.”

On March 25, 2011, simultaneously with the Friday of Pride in Daraa, a Friday of Pride also set out in Homs. A pro-regime march reached Clock Square in Homs city, starting out from Akrama, al-Zahra, and an-Nouzha neighborhoods, accompanied by reinforcements from the Political Security branch and several cars of Shabiha [thugs]<sup>1</sup> carrying sticks. As soon as the march reached the square, it was met with an opposition demonstration. The Shabiha began the attack and security forces threw tear gas canisters. The pro and opposition marches clashed, and hundreds of protesters were arrested in Alkabo prison where they were severely tortured before being released in batches on bail. The regime then set up security checkpoints around the square to prevent protesters from reaching it.<sup>2</sup>

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1 The name given to armed pro-government groups not from the official military and security services

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; Syria, The Path of Pains.



On April 1, protesters in Duma, Damascus countryside, walked out of the Great Mosque after Friday prayers to find waiting hundreds of riot police with full equipment and plainclothes men carrying Kalashnikovs, most likely security forces, according to two witnesses. One of them says: “The police and the Mukhabarat [secret police] started beating us and throwing tear gas canisters to force us to disperse.” Security forces detained several protesters as they left the mosque. Other groups of Duma demonstrators gathered in the neighboring areas and marched towards the main square. The two witnesses said that the demonstration was peaceful, and that people were chanting “peaceful [protest], peaceful [protest].” One of them said: “300 meters away from the square near the women’s prison, security forces started firing tear gas directly at us and some of their units rushed forward in an attempt to beat us with sticks. Some of us started throwing stones at the police.”<sup>1</sup>

After about an hour of clashes, some men in civilian clothes opened fire. A witness says: “Suddenly, at around 3 pm we heard live gunfire. I saw one of the demonstrators fall dead and I started to run away from the area and hid in the stairwell of a nearby building. For the next two hours I could hear bullets being fired. It sounded like a Kalashnikov. At around 5:30 pm the situation calmed down. The death toll on that day was six martyrs.”<sup>2</sup> It was the Friday of Martyrs in Duma.

On April 8, after Friday prayers, about 2,000 demonstrators set out from the main mosque in Harasta, Damascus countryside, according to witnesses, in what was named the “Friday of Steadfastness.” The demonstrators stressed that the demonstration was peaceful and provided Human Rights Watch with video clips of the protest showing a large group of men walking with olive branches in their hands.

At 2 pm, the protesters arrived at a point where there was a large crowd of security forces blocking the road. The two sides exchanged some stone-throwing, according to one protester, although two people said security forces had started throwing the stones. One of the demonstrators, who was later wounded, said that a large group of men in civilian clothes suddenly emerged from a side street and started firing shots from Kalashnikovs without warning.

Two doctors said they had each treated four people in Harasta, and that everyone was shot in various parts of their bodies and many were children. A doctor said the families of the wounded were afraid to take them to hospital after hearing that security forces were detaining the wounded in hospitals after recent protests in Duma and Daraa. One doctor said: “We were unable to send

1 Ibid.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; Bashar al-Assad: Criminal Against Humanity, Report on Human Rights Violations Committed in Syria March - July 2011, FIDH, 03-2011; Syria, The Path of Pains. Syria: Stop Shooting Protesters At Least eight Killed in Duma, Human Rights Watch, 05-04-2011.

ambulances either, for fear that security forces would open fire on them, as had happened elsewhere. I rushed to some of the houses where medics had taken the wounded. I could not take any medical supplies or important equipment; I only took some basic things. The wounded were seriously injured, and I could not help them.”

The Rifai Mosque incident in Damascus was a strong and early signal to the people of the capital. On the night of August 26-27, thousands of worshipers gathered at the Rifai Mosque to celebrate Laylat al-Qadr [holy night]. This gathering soon turned into demonstrations that attempted to set out from the mosque to Kafr Sousah roundabout in an angry reaction from the residents of Damascus towards military operations carried out by the Syrian army in Hama, Deir ez-Zur and Damascus countryside at the beginning of Ramadan. As worshipers gathered inside the mosque, security forces and Shabiha stormed it and assaulted them. When news became known of the raid and assault on the mosque imam Osama al-Rifai, many Damascus youths set out in protest in a number of neighborhoods and tried to gather in public squares, but army forces, who appeared for the first time on the streets of Damascus, obstructed their meeting and facilitated its suppression.<sup>1</sup>

Protests also began taking place in Syrian cities, not only in the countryside and suburbs, including Aleppo, Hama, and Deir ez-Zur.

True, the city of Aleppo was late to join the revolution, but this did not mean it was kept entirely out of the movement. There were sporadic protests from mosques, and students in university dorms went out in the first demonstration calling for freedom on May 4, 2011 and raised the flag of the revolution in the University Square on May 17. The people of the city then staged peaceful demonstrations and protests in several areas, culminating on June 30, 2011 in what was called the “Volcano of Aleppo.”

In a testimony by a master’s student at the University of Aleppo, he was arrested on April 31, 2011 by ten armed security members who beat him severely and took him to a headquarters where he was subjected to electric shocks and various torture methods, so he admitted to taking part in university demonstrations, but they wanted access to the names of organizers. As a result of torture and deprivation of food and drink, he gave the names of students who had been killed, then he was referred to prison. A few days later, he was put on trial on the basis of his coerced confessions, including that he belonged to a Salafist organization supported by Saudi Arabia and gained [profit] from organizing demonstrations and spreading false information abroad about what was happening in the country.<sup>2</sup>

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1 Syria, The Path of Pains, P.174, abovementioned source.

2 Bashar al-Assad: Criminal against Humanity, Report on Human Rights Violations Committed in Syria March - July 2011, FIDH, 2011-03.



Returning to Daraa, where the Friday of Steadfastness was staged on April 8, two demonstrations took place in Daraa al-Balad and Daraa al-Mahatta, two areas separated by a bridge in the city. According to a protester, people carried olive branches as a symbol of their peaceful intentions.

Security forces erected a checkpoint near the bridge to prevent demonstrators from crossing to the other side of the city. The witness said that about 50 soldiers were at the front surrounded by members of the security services, some in uniform and others in civilian clothes, in addition to snipers on the roofs of nearby houses. When demonstrators approached the bridge, the army ordered them to stop. They continued to advance however and security opened fire on them. Security forces fired directly at the crowd with Kalashnikovs and snipers opened fire at the same time. The witness said he himself saw 35 people immediately fall, either wounded or killed.

He added that security forces did not allow ambulances to approach and started firing whenever other demonstrators tried to carry the wounded away. He said he later saw the bodies of a doctor, a nurse and an ambulance driver, and eyewitnesses told him they were hit while trying to reach the injured protesters.<sup>1</sup>

In Hama, which also began to witness demonstrations, Human Rights Watch said that Syrian security forces responded to a large-scale peaceful protest on July 1, 2011 with a series of deadly raids that killed at least 16 people within 48 hours. Security forces and Shabiha raided houses and opened fire several times and set up checkpoints surrounding the city of Hama.

Security forces had been largely absent from Hama since June 3, when they opened fire on demonstrators killing at least 60 people. In the following weeks, residents took to the city streets to take part in the protests, and their movements culminated in a massive demonstration in Assi Square on July 1, in which tens of thousands of protesters (or according to some estimates, hundreds of thousands) took part. This was the largest demonstration in Syria since the uprising had begun, Human Rights Watch quoted Syrian activists as saying.

The following day, security forces began mass arrests in the city, and President Bashar al-Assad dismissed the governor of Hama who, according to residents, said he was not personally inclined to use violence to contain the protests.

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<sup>1</sup> Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; 11th Annual Report on the Situation of Human Rights in Syria 2013 (January 2011 to December 2012), Syrian Human Rights Committee, 06-2013.

## The Rebellion of Soldiers

**As violence against peaceful demonstrators intensified and with explicit military orders to shoot them indiscriminately, disobedience began to appear within the army, with some soldiers refusing to carry out their superiors' orders to kill. Although the disobedience was initially individual and unorganized, authorities were sufficiently alarmed by the possibility of serious defections within the military, to hand out punishments that were drastic rather than disciplinary.**

On April 10, 14 soldiers and one officer were executed in Homs by the Mukhabarat after they refused to shoot at demonstrators.<sup>1</sup> Similar incidents followed, with individual and collective defections involving various military ranks. On June 7, 2011, first lieutenant Abdul Razzaq Tlass defected, the first officer to do so. In his defection statement, Tlass gave testimony regarding the first and second Sanamayn massacres, and which army officers and security personnel had carried them out.

Field executions of military personnel were later repeated. On June 3 and 5, 2011 in Jisr al-Shughur, against the backdrop of a military operation, the Mukhabarat killed a large number of soldiers because they had refused to shoot at civilians.<sup>2</sup>

Subsequently, on June 9, the Free Officers Brigade was established by Lieutenant Colonel Hussein Harmoush, who had defected at Jisr al-Shughur. Then on July 29, the Free Syrian Army (FSA) was established by defecting Colonel Riad al-Asaad, and his brigades were tasked with protecting peaceful demonstrations and repelling security and military campaigns. Al-Asaad set up his command center at the Syrian/Turkish border.

A former member of the Syrian Republican Guard told Amnesty International that he and other soldiers were ordered to shoot at unarmed protesters who were demonstrating for reform in Harasta, near Damascus, in April 2011.

Walid al-Kashami said he was sentenced to death in Syria because he refused to shoot and joined protesters after he saw soldiers kill three children, a young man, and a woman. Speaking by telephone from the country where he sought asylum, the 21-year-old said he was one of 250 soldiers sent to quell a protest in Harasta on Saturday April 23. Their officers had told them they were facing a "violent gang" but what they found were around 2,000 unarmed protesters, including women and children. Many men had bared their chests to show they were not carrying weapons. And many of the demonstrators were carrying roses.

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; Bashar al-Assad: Criminal Against Humanity, Report on Human Rights Violations Committed in Syria March - July 2011, FIDH, 2011-03.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; Bashar al-Assad: Criminal Against Humanity, Report on Human Rights Violations Committed in Syria March - July 2011, FIDH, 2011-03.



“One of the children was shot in the head by the officer who was standing directly in front of me. I heard the officer say he shot the child because he was annoyed by his continuous crying.”

Al- Kashami and five soldiers refused to shoot, threw their weapons, and fled towards the demonstrators. While he was on the run, al-Kashami received phone calls from a relative, a colonel with the security forces, urging him to hand himself in. But he decided to leave Syria when his relative in the security forces told his family that the military court in Damascus had sentenced him to death in absentia.<sup>1</sup>

In a matching testimony, a Republican Guard recruit recounts how he was sent on April 18, to Harasta: “They gave each of us a Kalashnikov rifle and two ammunition stores, and there was extra ammunition in the vehicles. They also gave us electrocution devices. They told us that we were going to fight the gangs because security forces needed reinforcements.” We were stunned [when we arrived to Harasta] because we did not see any gangs in the street but merely civilians, including women and children, and Mukhabarat agents firing at them. I was in a group with five other soldiers from my unit. We received clear orders to fire at the civilians. The specific orders were: “Load and fire.” There were no conditions or exceptions. We moved closer to the protesters and when we were about five meters away, the officers shouted, “Fire!” In that moment, five of us defected and ran towards the demonstrators, throwing them our weapons as we ran. In that context, five defectors said they had received explicit orders to shoot at demonstrators in what is known as the “Clock Square sit-in” in Homs on April 18, 2011. A security personnel said Colonel Abdul Hamid Ibrahim had ordered soldiers to shoot at unarmed protesters and that soldiers had complied with the order, killing dozens.

Another dissident said: “The demonstrators sat on the ground in the square. We were told to disperse them using violence if necessary. We were there with an Air Force Intelligence, army, and Shabiha (armed supporters of the government not belonging to security forces). We received an order from Colonel Abdul Hamid Ibrahim of the Air Force Security to shoot at the demonstrators. We shot at them for more than half an hour. Dozens of people were killed and wounded. Thirty minutes later, fire engines and cranes arrived, lifting the bodies, and putting them in a truck. I do not know where they took them. The wounded ended up in the military hospital in Homs. Then the fire engines started cleaning the scene.”<sup>2</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; Syrian Soldier Ordered to Shoot at Demonstrators 9 July 2011, Damascus Center for Human Rights Studies, 09-06-2011.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; We have not seen such terror before, Syrian security forces commit crimes against humanity in Daraa, Human Rights Watch, 01-06-2011.



On July 28, the first military campaign began in the city of Deir ez-Zur to stop the protest movement, which had set out in massive demonstrations since the first month of the revolution. The security forces shelled al-Hawiqa neighborhood with tanks, and then stormed it and opened fire on residents. The shelling left at least 19 people dead and 50 wounded, prompting residents to form local committees to block roads and prevent government forces from entering them.

This campaign led to the defection of a large number of military personnel, shaping the beginning of “Free Army” battalions appearing in the city, which continued to be shelled with tanks and heavy weapons, resulting in the deaths of more than 300 people, mostly civilians, and leading people to leave to neighboring areas due to shortages in food and medical supplies. The campaign also destroyed a wide area of residential buildings, shops, and schools.<sup>1</sup>

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In details of events of April 18, 2011 in Homs: the funerals of seven demonstrators killed in the April 16 demonstration, protesting Assad’s speech to the new government, turned into a large demonstration that marched from the Grand Mosque in the city center to the public square, where mourners held funeral prayers before heading to the nearby Martyrs Cemetery.

Unlike at previous funerals, mourners did not disperse after the burial, but as a crowd began to chant “Sit-in in the Square.” The protesters did indeed return to the square while security forces were unable to shoot at them because of their large numbers. As they arrived at the square, residents of the city began to join, and the sit-in commenced before it ended tragically. Security forces tried to break up the sit-in by contacting religious leaders and leaders of the sit-in. When protesters would not respond, they threatened to break it up by force. The final warning came from a security commander who at 1:30 a.m. phoned one of Homs’ sheikhs, asking him to break up the sit-in no later than 2 a.m. otherwise security forces would intervene to break it up by force, however high the number of victims. At 1:50 am, before the specified time ran out, the shooting started, and people began to flee. It is not known how many were killed in the storming of the square, but what is confirmed is that 191 of the people who were there are missing, either dead or detained.<sup>2</sup>

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1 Story of a Place, 155-156.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; Syria, The Path of Pains, source previously mentioned.



## The War on “Armed Gangs and Infiltrators”

In the meantime, indicators began to appear of an extensive media and political campaign accusing demonstrators of belonging to “terrorist” organizations and claiming the emergence of demonstrations from mosques after Friday prayers and funerals was evidence of the “extremism” of protesters. For this purpose, Lebanese media and politicians were employed, who used accusatory rhetoric and descriptions of cross-border “infiltrators” and “saboteurs,” making it a “national duty” to storm areas where there was an uprising and take action against protectors of the revolution.

On April 14, shortly before army infantry units attacked TalKalakh, Hezbollah’s Lebanese al-Manar station quoted Syrian (official) sources as saying that a man named Nasser Marei had declared an “Islamic emirate in TalKalakh,” appointing defense and finance ministers and establishing a radio station speaking in his name. It is worth noting that Marei is a well-known surgeon in the city, he is not religious and has nothing to do with Salafists or any Islamic or non-Islamic trends. The protests had begun in TalKalakh in late March in solidarity with Daraa. At least nine men died after they were arrested during a security operation, according to witnesses who saw these men either during their arrest or in detention.

A Lebanese press source reported that 21 Syrian workers in the Lebanese town of Qabr Chamoun in Aley were heading for their city of Idlib via TalKalakh border crossing, and a few kilometers after passing through, a Syrian military unit fired at them. This was on May 7. All but one were killed, the source said. The passengers were from the villages of al-Zeyarah and Thiabiyya, administratively joined to Jisr al-Shughur.<sup>1</sup>

All the defectors interviewed over the following months reported that their superiors had told them they were fighting armed gangs driven by external parties abroad. A member of the 45th Special Forces Regiment deployed in the coastal areas of Baniyas and Marqab said: “We were told that terrorist groups were entering the country with funding from Bandar bin Sultan [a well-known Saudi prince who served until 2009 as Saudi national security chief], Saad Hariri [a former and later Lebanese prime minister] and Jeffrey Feltman [assistant secretary of state for Near Eastern affairs].” This information was frequently repeated by military commanders during daily instructions to soldiers, referred to as the “moral guidance bulletin.” A lieutenant from the 14th Division deployed in Damascus said: “Every morning we are given a guidance bulletin. They would tell us there were gangs and infiltrators. They showed us pictures of and security personnel who had been killed.”

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<sup>1</sup> 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Syria, The Path of Pains.



However, on April 22, 2011, which coincided with the Christian Good Friday, mass demonstrations were held across Syria under the name “Good Friday,” in an attempt to reach out to the minorities the regime claims to protect, and to refute accusations of terrorism and extremism. But this did not help the demonstrators; 80 were killed and others seriously injured in cities like Damascus, Homs, Daraa, Hama, Zamalka and al-Moadamyeh.<sup>1</sup>

In Damascus countryside, demonstrations from Duma, Harasta, Irbin, Zamalka, Saqba and Jobar took off towards Abbassiyyin Square for a sit-in. No sooner had they arrived in the Zaplatani area, when security forces began shooting at the demonstrators, seemingly aiming to hit as many victims as possible to prevent the crowd from continuing to Abbassiyyin Square and killing around 50, and security forces managed to disperse the protesters.<sup>2</sup> Simultaneously, a retaliatory operation was launched against Daraa and neighboring areas, the army and security forces launching an extensive military campaign against the city at approximately 4:30 am, on April 25. The troops occupied all neighborhoods, set up checkpoints, placed snipers on the roofs, imposed a blockade and prevented any movement of residents on the streets. They opened fire on anyone who tried to defy the prohibition of movement and gathering, or people who left their homes trying to find food and medicine. Some activists who documented the events in Daraa said the first nine days of the siege were the bloodiest. It is estimated that at least 200 people were killed during this period, of whom 115 have been identified. Because of the blockade, however, some bodies have not been identified.<sup>3</sup>

On April 29, 2011, demonstrations took off from neighboring villages to try to break the siege on Daraa. Thousands of people went towards the city to transport food, water, and medicine to its residents. When they arrived at the Saida residential compound, they were ambushed by security forces. More than 40 people, including women and children, were reportedly killed in the incident.<sup>4</sup>

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1 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; Syria, The Path of Pains.

3 We have never seen such terror before, Syrian security forces commit crimes against humanity in Daraa, Human Rights Watch, 06-2011; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011

4 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011



Witnesses from the towns of Tafas, Tasil, and Sahem al-Golan describing one of the attacks that day said that security forces stopped demonstrators at a checkpoint at the western entrance to the city. A witness from the town of Tasil who participated in the demonstration said: “We stopped there to wait for larger numbers to arrive. We were raising olive branches and signs that we wanted to bring food and water into Daraa. We had the food and water. Thousands of people gathered on the street ... The crowd extended for six kilometers. Then we began to approach the checkpoint. We started chanting “Peaceful [protest]” but they responded by opening fire. Nine people from Tasil were wounded and one killed.”<sup>1</sup>

On May 7, four witnesses from Tafas, 11 kilometers north of Daraa, said that security forces moved into the town in the morning with tanks and armored personnel carriers, conducted large-scale sweeps, stormed homes, and arrested people. According to witnesses, 100 people were detained in the course of the operation. Security forces targeted activists, their families, medical staff, and religious leaders, and arrested a number of people who had never participated in the protests.<sup>2</sup>

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At this point, the frequency of protests had become regular, organized on a weekly basis, especially on Fridays. They were named in various and inclusive ways to include all spectrums of Syrian society; religious, regional, ethnic, and even military. There were, for example, the “Friday of Steadfastness”, “Friday of Determination”, “Friday of Defiance”, “Good Friday”, “Friday of the Free” (thus named after several women were killed in the town of al- Marqab during a security attack on May 13), “Friday of Azadi” (meaning ‘freedom’ in Persian and Kurdish), “Friday of Protectors of the Land” (as the army is known, a positive gesture by protesters towards their country’s soldiers), “Friday of the Clans”, “Friday of Saleh al-Ali” (Alawi commander who led the Syrian revolt against the French in 1919), “Friday of the Free in the Army” (the day after 36 people, including 25 soldiers, were killed in clashes between the army and armed fighters believed to be dissidents, on October 14, 2011) ... etc.

None of these demonstrations went free of mass arrests, killings, and raids into cities and neighborhoods where there were uprisings, which will later be mentioned in context. To mention only a few such examples:

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1 Syria: Crimes Against Humanity in Daraa Killings, Torture in a Locked-Down City Under Siege, Human Rights Watch, 01-05-2011.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; we have not seen such terror before, Syrian security forces commit crimes against humanity in Daraa, Human Rights Watch, 06-2011.

- **Friday of Anger**

On April 29, 2011 in Rastan, Homs province, at least 27 protesters were killed by security forces, including a boy. In al-Sheikh Maskin town of Daraa province, gunfire occurred when civilians demonstrated to lift the siege on the city, killing at least 13 people and injuring dozens. In Latakia, 16 people were killed in a demonstration when security forces fired live ammunition at the crowds.<sup>1</sup>

- **Friday of Freedom/Azadi**

On May 20, 2011, the repression of popular demonstrations across Syria killed 76 civilians, mostly in Idlib province (30) and Homs province (20). On this day, arbitrary arrests and abuses including torture in Syrian security branches were reported.<sup>2</sup>

In Hama, although the people of the city had feared a repeat of the series of massacres of the 80s and had so far remained quiet, the Friday of Freedom/Azadi motivated them to come out in protest. But security officers arrested a protester who was among a group throwing stones at them. The officers gathered around the young man and beat him with batons, which resulted in cerebral palsy and then death. The scene was filmed and broadcast on television.<sup>3</sup>

- **Friday of the Children of Freedom**

Friday, June 3, 2011, known as “Friday of the Children of Freedom,” was the deadliest since protests began, with the deaths of 120 people in different parts of Syria. In the gunfire, 43 people were killed in Jisr al-Shughur on Friday and Saturday, and 69 in Hama on Friday. All the victims were demonstrators who had reacted angrily to the death of Hamza al-Khatib at the hands of regime forces.<sup>4</sup>

The bodies of the two children, Hamza al-Khatib, 13, and Thamer al-Sharei, 14, from the town of Saida in Daraa province, were handed over to their families on May 20, showing signs of torture. The two children had been arrested on April 29.<sup>5</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; Bashar al-Assad: Criminal Against Humanity, Report on Human Rights Violations Committed in Syria March - July 2011, FIDH, 03-2011.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; Bashar al-Assad: Criminal Against Humanity, Report on Human Rights Violations Committed in Syria March - July 2011, FIDH, 03-2011.

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; Syria, The Path of Pains, source previously mentioned.

4 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; UN urged to act following the deadly weekend in Syria' Amnesty International, 06-06-2011.

5 Ibid.



They were reportedly taken to an Air Force intelligence center in Damascus, then returned home as corpses. The autopsy report of Thamer al-Sharei's body showed that his injuries had been caused by torture. One witness, himself a victim of torture, claimed to have seen al-Sharei on May 3, stretched out and completely blue, bleeding profusely from his ears, eyes and nose, screaming for help, then he fainted after being hit with a rifle butt on his head. Khatib's body was delivered swollen and appeared to have been mutilated and he had been castrated.

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With the first months of protests progressing and authorities having failed to suppress them by various means, it became clear that the confrontation was moving towards a point of no return on both sides. The violence moved to another level; arrests became more extensive, followed by direct targeting of leading figures at the local or national level through arrest or assassination, in order to exclude them on the one hand and to influence the street on the other.

The opposition also increased its demands and started branding weekly demonstrations with names such as the "Friday of the Fall of Legitimacy" (June 24, 2011), "Friday of 'Leave'" (July 1) and "Friday of No to Dialogue" (July 8). "Friday of the First Signs of Victory" (August 19, after US President Barack Obama's first statement that Assad should step down), and the "Friday of Perseverance until the overthrow of the regime" (September 16) and others, of course.

The opposition had already gained a moral boost from a supportive international mood and a series of statements that gave very positive indications, the most prominent of which was (then) Turkish Prime Minister Recep Tayyip Erdoğan accusing the Syrian regime of committing "atrocities and acting inhumanely towards protesters," following the Jisr al-Shughur incident on June 10, insisting that "a second Hama would not be allowed." Similarly, US Ambassador Ford visited Hama on Thursday July 7, and stayed there until Friday when he, along with French Ambassador Eric Chevalier, joined the protesters in Assi Square. Then came US President Barack Obama's first public and explicit call for Assad to step down on August 18, when he said: "We have consistently said that President Assad should lead a democratic transition or step down. For the sake of the Syrian people, it is time for him to step down."

But, of course, all this was used against the demonstrators as further evidence of their "foreign loyalties" and an additional justification for mass arrests against them under the pretext of fighting saboteurs, infiltrators, and security breaches. The official news agency SANA quoted Syrian Interior Ministry as saying that "the US ambassador in Hama had met with vandals and urged them to demonstrate, instigate violence and reject dialogue." The Foreign Ministry's statement said "the presence of the US ambassador in the city of Hama without prior permission from the Foreign Ministry in accordance with repeated instructions to all embassies,

was clear evidence of US involvement in current events in Syria and its attempt to incite an escalation of the situation threatening the security and stability of Syria.”

## Arbitrary Arrests

As had been the case since late March, when arrests began in Daraa, the campaign expanded and intensified significantly after the imposition of the blockade on April 25. Witnesses from Daraa and neighboring towns described combing operations led by security forces, and arrests of activists and their family members, as well as arrests at checkpoints and street patrols. One witness said that 70 of the 370 people with him in custody were children.

Local activists said those arrested in Daraa were first held in special detention facilities, including a football stadium, customs building, two local schools, a number of large squares, and private houses occupied by security forces. Detainees who had been released confirmed this information.

The detainees were transferred to the Military Intelligence and Political Security departments or to other facilities in Daraa and many were sent to various detention centers in Damascus.<sup>1</sup>

Human Rights Watch received information from Syrian human rights organizations regarding two cases in which security forces arrested family members rather than their intended targets as a means of pressuring activists to hand themselves in.

On April 30, security forces arrested 11 women who took part in a silent, peaceful protest for women in Arnous Square near central Damascus. According to a Syrian activist, security forces beat some women in an attempt to disperse them. The female activists said the government released the women on May 2, but they remained accused.

On May 1, 2011, regime forces arrested 499 people in Daraa.<sup>2</sup> One of the widest arbitrary arrests was reported in Baniyas on May 7, 2011. According to eyewitnesses, the army invaded villages around the city using tanks and armored vehicles. Security and army forces raided houses and reportedly arrested more than 350 to 500 people, including women and children.<sup>3</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; We have not seen such terror before, Syrian security forces commit crimes against humanity in Daraa, Human Rights Watch, 06-2011.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; Syrian student tells of torture ordeal in mass stadium detention, Amnesty International, 24-05-2011

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; Syria: Torture fear for dozens arrested in Damascus suburb, Amnesty International, 18-07-2011.



Similar acts were reported in Jisr al-Shughur in the early hours of May 14: following a demonstration the previous day, security forces arrested more than 400 people during night raids.<sup>1</sup>

A sergeant from the 7th Regiment of the 88th Brigade deployed in the southern town of al-Harah, near Daraa, described an arrest campaign that followed the security forces' entry into the town on May 10: "We besieged the town for days. I saw how snipers shot anyone that went out of their house. Then we entered. The intelligence agents had lists of wanted men. They were detailed: This person had torn up a picture of the president and that person had shouted "enthusiastically" during an anti-government demonstration. I saw many detainees and some of them looked around 12 years old. Six buses came and took the detainees. Then we collected all the motorcycles in the center of the town and drove a tank over them and crushed them. We talked amongst ourselves about how some soldiers had stolen gold and money from homes. In one house, my colleagues told me they had found one million Syrian pounds [about \$20,000] and the officer had decided to confiscate the money, saying it would be used to buy weapons."

A member of the Special Task Force, an elite unit under the authority of the Ministry of Interior, described the role of his unit in the repression of university students in Aleppo, saying: "They sent us to the dormitory to arrest people with a simple order: "Go in and detain." We arrested more than 200 people in one day in late April or early May. We wanted to scare them and other students to prevent them from protesting again. Our mission was to arrest the students and transfer them to intelligence branches, mostly to the military intelligence. We beat them all the way to the bus."<sup>2</sup>

## Detaining Children

An officer who served in Duma within the 106th Republican Guard Brigade, and another who served in Talbiseh in the 134th Brigade of the 18th Division, said that they were ordered to arrest any male over the age of 14 or 15 in large-scale raids.

Some arrests took place in schools. A 17-year-old girl from Tal Kalakh said that security forces entered her school in May and arrested the boys in her class after questioning them about anti-regime slogans on the school walls.

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; Bashar al-Assad: Criminal Against Humanity, Report on Human Rights Violations Committed in Syria March - July 2011, FIDH, 03-2011.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; Syria: Defectors Describe Orders to Shoot Unarmed Protesters Shootings, Detentions, and a Disinformation Campaign, Human Rights Watch, 09-07-2011.



Children as young as 13 reported that officers kept them in solitary confinement, severely beat them, burned their bodies with cigarettes and left them in metal cuffs for hours hanging a few centimeters above the ground. Detention facilities where children reported being tortured included: Military Detention Center in Homs, Military Detention Center in Tartus, al-Balona Military Prison in Homs, Palestine Branch (235) and the Administrative Branch (291) of the Military Security in Damascus.

Human Rights Watch interviewed four children who said they were held incommunicado, sometimes without light or windows and sometimes for days. 16-year-old Ahmad, who spent 10 days in solitary confinement in a military detention center in Tartus, said: “They put me in a solitary cell about one meter by one. I was still blindfolded but there was no light ... I could not tell day from night. Every day I heard the screams of men and women being tortured. Every day new buses arrived bringing more people.” Alaa, 16 years old, said: “At Branch 291 in Damascus, they took us three floors below ground. They put me in solitary confinement where I spent three days. If I stood up my head hit the ceiling. There was no toilet, there was only a water bucket and a small lamp. It was very cold, and I slept on the floor. And because I begged them and cried, and after I told them I only had one lung and couldn’t breathe, an officer transferred me to a collective cell.”

A soldier reported that security forces also arrested children. He said: “I saw a list of wanted people. The date of birth of many of them was 1993, 1994 and 1995, merely teenagers aged 15, 16 and 17. Later we entered Baniyas and arrested men and children as well. At the end of our four days in Baniyas, I asked an officer about the number of detainees that day. He said about 2,500 in Baniyas alone, all of whom were placed in the Baniyas stadium. People were beaten on the bus on the way to the stadium and also inside the stadium.”<sup>1</sup>

## Assassination and “Qualitative” Targeting

Syrian security services targeted dozens of prominent political and human rights activists with arrests and assassinations in a number of cities that had risen, including Aleppo, although it had not yet been actively involved in demonstrations. There, the campaign targeted Dr. Jamal Tahhan, member of the Arab Writers’ Union and the Journalists’ Union, and researcher at the French Institute for the Near East, who was suffering from cancer, in addition to a number of local lawyers and activists.

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<sup>1</sup> Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; Syria: Defectors Describe Orders to Shoot Unarmed Protesters Shootings, Detentions, and a Disinformation Campaign, Human Rights Watch, 09-07-2011.



On April 27, security forces arrested Rasim al-Atassi, 66, former Head of the Arab Organization for Human Rights in Syria and member of the board of directors of the Arab Organization for Human Rights.<sup>1</sup>

On July 20, an armed group raided the house of political oppositionist George Sabra and took him to an unknown destination.

On August 22, security forces forcibly dispersed a solidarity sit-in in front of the Bar Association in Raqqah province, and arbitrarily arrested nine lawyers after they held a solidarity sit-in with Syrian cities in which they raised patriotic and democratic slogans. Among them was the well-known human rights activist Abdullah al-Khalil, member of the board of directors of the Human Rights Association in Syria.<sup>2</sup>

On August 25, Ali Farzat, the famous Syrian cartoonist, was assaulted and found soaked in his own blood on the airport road, after a group of masked men had kidnapped him from the center of the Umayyad Square in the heart of Damascus.<sup>3</sup>

On October 7, which was called “Friday of The National Council Represents Me”,<sup>4</sup> activist Mashaal Tammo had been chosen as a member, when he was assassinated in the city of Qamishli as four gunmen stormed his house and opened fire on everyone in the vicinity, killing Tammo and injuring his son and a female activist who both managed to escape. Tammo’s assassination led to mass demonstrations against the regime in the tens of thousands in Kurdish majority areas of northern Syria, especially the cities of Qamishli and Amuda. Demonstrators accused the Syrian government of killing him, while the latter blamed his assassination on “armed terrorists.”<sup>5</sup>

On September 11, it was discovered that peaceful activist Ghiath Matar from Darayya had been killed under torture, while undocumented reports and witness accounts reported he was killed intentionally in an ambush, arrested while wounded and later returned a corpse showing signs of torture or mutilation. Whatever the case, his death sparked a widespread outcry among protesters, and he was mourned in a massive demonstration attended by the ambassadors of

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1 Syria: Lift the Siege of Daraa Nationwide Campaign of Arrests Continues, Human rights Watch, 05-05-2011.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; Continued Bloodshed in Syria, Syrian Organization for Human Rights Sawasia, 14-05-2013; Joint Statement Syrian Security Forces Disperse by Force and Violence a Solidarity Vigil in front of the Bar Association in Raqqah Governorate and Arbitrary Arrest of Nine Lawyers, Damascus Center for Human Rights Studies, 22-08 -2011.

3 Statement (Martyr Victims), Syrian Organization for Human Rights Sawasia, 14-05-2013; Syrian Observatory for Human Rights.

4 The formation of the Syrian National Council was announced in Istanbul on October 2.

5 National Democratic Movement in Syria loses one of its most important national figures, Fighter and Kurdish leader and well-known writer Mashaal Tammo, after being subjected to a vicious assassination, Committees for the Defense of Democratic Freedoms and Human Rights in Syria, 07-10-2011; Syrian Observatory for Human Rights.



the United States, France, Germany, Japan, and Denmark. After their departure, regime members stormed the council and fired bullets and teargas to disperse it.<sup>1</sup>

On November 20, Farzat Yahya Jarban, a satellite TV technician and cameraman, was arrested in the town of al-Qusayr in Homs by members of the Syrian intelligence service. His body was found the next day thrown out onto a public street with his eyes gouged out and clear signs of torture on his body.<sup>2</sup>

On the same day, cameraman Hamza Khaled al-Amer was killed when he was targeted by a rocket-propelled grenade while filming the army storming his town of Shamsin in Homs.<sup>3</sup>

On November 24, the body of Muath al-Faris, administrative director of the National Hospital in Taldou, Homs province, was returned to his family after he died in detention under torture.<sup>4</sup>

## Field Executions and Mass Graves

Two witnesses separately reported to Human Rights Watch the extrajudicial executions of detainees on May 1, at the football stadium in Daraa. One witness said: "There were about 2,000 detainees. They brought me there at around 6 a.m. and a few hours later the guards went around the square and randomly selected some of the detainees. They took 26 people, all of them young men who seemed physically fit. When they were taking them, they would say: "We found weapons in your possession." They stood them in a single row facing away from us. The soldiers had Kalashnikovs. One soldier raised his hand waving a signal, I think he was an officer, but I am not sure; they fired without saying anything and the men immediately fell to the ground. Everyone was too terrified to move, let alone to say anything.

The soldiers carried the bodies and threw them into a military truck. They belong to the 132nd Military Battalion based in Daraa not far from where I live, so I had already seen them. They brought three trucks to carry all the bodies and took them away."<sup>5</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; Another bloody week in abandoned Syria, the Syrian Organization for Human Rights Sawasia, 14-05-2013.

2 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013.

3 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013.

4 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013.

5 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; We have not seen such terror before, Syrian security forces commit crimes against humanity in Daraa, Human Rights Watch, 06-2011.



## Torture and Rape... and Kidnappings

Torture became widespread in detention facilities throughout the country. Not even children were spared. This was particularly the case at the Mazzeh Airport branch near Damascus, the Air Force Intelligence centers in Bab Touma, the Mazzeh Prison of the Republican Guard, the detention facility of the Political Security Branch in Latakia, and the Military Vanguard Base, which includes the Central Command Center for Police, Army and Intelligence Operations in Idlib province. The army and security forces used various methods of torture, including sexual torture. The bodies of torture victims show scars and other visible marks. Detainees were also subjected to psychological torture, including sexual threats against them and their families, and were forced to pray to Assad instead of praying to God.<sup>1</sup>

Some of those killed, including children, were mutilated in strange ways intended to scare the families to which the bodies of the dead were returned. Many of the deaths only became known when the bodies of victims were handed over to their families by authorities, or when families were contacted and told to come and collect the bodies of their children from the morgue.<sup>2</sup>

The authorities used children as weapons to punish parents and pressure them to surrender when they went into hiding for fear of arrest. This period was characterized by unprecedented waves of arrests and prosecutions, putting thousands of people on wanted lists. Syrian authorities launched a nationwide campaign to arrest activists and demonstrators, including many women. In some cases, security forces arrested activists' family members, to pressure them to stop their activities.<sup>3</sup>

The regime also adopted a policy of abducting and raping women to punish those involved in the revolution and their families. These crimes were carried out by Shabiha groups, security forces and military forces. These crimes of abduction and rape may have involved by women who helped lure victims in return for money.

Numerous testimonies obtained by the Syrian Human Rights Committee have reported the rape of girls as young as 12.

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1 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011.

2 Deadly Detention: Deaths in detention amid popular protests in Syria, Amnesty International, 08-2011.

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; Syria: Lift the Siege of Daraa Nationwide Campaign of Arrests Continues, Human rights Watch, 05-05-2011.

In documenting cases of rape, the Syrian Commission for Human Rights relied on testimonies of the victims, as well as accounts of some Shabiha, security agents, and senior officers who defected from the Syrian regime forces or were arrested by rebels. According to these testimonies, the victims of abduction and assault are girls and women who come from opposition towns, villages, and neighborhoods. This occurs in the form of individual or collective punishment, in cities, village squares or inside homes during raids, in prison cells, detention centers or houses used specially to hold female abductees. They also included families of revolutionary activists and female activists directly involved in any related field: relief, medicine, or even participating in demonstrations, or simply expressing opinions.

Rape crimes aimed to coerce detained activist to make confessions, or to punish activists or whole areas collectively. It also aimed to force people to flee their homes and villages and seek refuge in neighboring countries, thereby vacating large geographical areas, specifically in Homs province.

In all documented cases, abductions and rape were carried out on a sectarian basis. Girls from the Sunni community were kidnapped and raped in Alawite villages or neighborhoods, or by Alawite officers and Shabiha.

One security agent admitted that the kidnappings targeted a certain type of girl who was Muslim and veiled, or those who had been proved active and supportive of the revolution. He received orders to do this from the head of his branch.

An officer who defected from regime forces said: "Everything was fair game." A dissident soldier also asserts that members of the military routinely raped women and girls. The soldier Azad says: "We had a torture room in our base," adding: "They brought women and girls into a closed room and told the soldiers to rape them." Most of the time, these women are then killed, Azad says.

On the other hand, the Commission received information that opponents of the regime were also carrying out abductions, but they were very limited; in order to free women kidnapped by the security or Shabiha, or to restrain some of the women who were aiding or carrying out kidnappings, or women known to have harmed their colleagues and caused their abduction or arrest. There were also a few cases where Alawite women in Homs were kidnapped by relatives of abductees taken by the Shabiha and security services, with the intention of swapping them.<sup>1</sup>

There were several testimonies of sexual torture of male detainees. It is common practice for men to be forced to undress and remain naked. Several former detainees reported cases of beatings in the genitals, forced oral sex, electrocution, and burning cigarettes in the anus while in detention facilities.

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1 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 22-02-2012.



Testimonies were received from several men stating that they were anally raped with batons, and that they were witnesses to raping of boys. One man stated that he witnessed a 15-year-old boy being raped in front of his father. A man said he saw three security officers raping an 11-year-old boy.<sup>1</sup>

## Torture in Health Facilities

Between April and August 2011, security officers, sometimes with the participation of medical personnel, beat patients in the emergency ward of the Tishreen Military Hospital in Damascus. Most of the victims of ill-treatment were protesters wounded by regime forces.

Aleppo Military Hospital has a detention wing supervised by the Military Security Branch. According to doctors and former medical staff who worked there, patients in this department were heavily guarded by security and were chained to their beds and blindfolded. Security personnel operated as mediators between patients and doctors and often denied them medical care as a means of torture and interrogation.

Former patients, doctors and medical staff made identical statements describing the disturbing treatment of persons at Military Hospital No. 601 in Mazzeh, Damascus. These reports also indicate that some medical professionals participated in the abuse. Since 2011, the Military Security, Air Force Intelligence, Security Administration of the 4th Division of the Army, and the Republican Guard have been transferring detainees to separate security wards in the hospital. Detainees, including children, were beaten, burned with cigarette butts, and tortured while deliberately harming the injury. Many were tortured to death.

According to identical testimonies from Abdul Qader Shaqfa military hospital in el-Waer neighborhood of Homs, security officers were torturing people transferred for medical treatment. Doctors were ordered to keep the victims alive so that they could continue to be questioned. Eyewitnesses describe how patients were blindfolded, given minimal food and water, and subjected to harsh treatment.<sup>2</sup>

The attacks also affected medical staff and ambulance workers.

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1 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011.

2 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Assault on medical care in Syria, United Nations General Assembly, 13-09-2013.

A doctor at al-Bir hospital in Homs said that in early September security forces came and arrested some of the wounded at the hospital. They had been injured in an extensive military operation initiated by security forces in Homs in the early morning hours of September 7. Activists presented a list of 23 people who they said were killed that day by security forces, while attempting to rescue the wounded and take them to hospital was a “suicide operation,” one doctor said.

Red Crescent volunteers in Homs said security forces prevented them from reaching some of the wounded.<sup>1</sup> It was recorded that on the same day, security forces and Shabiha fired at a Red Crescent medic while he was doing his job. He was seriously wounded and died on September 15, 2011.<sup>2</sup>

In a serious development of the crisis, on December 23, 2011, there were two bombings in the city of Damascus itself, which killed 44 people and wounded 166 civilians and military personnel.<sup>3</sup>

Two car bombs targeted the headquarters of the State Security Department in Kafar Sousah and the al-Muntaqa branch (branch 227) near Customs in the capital, a day after the arrival of the first Arab observers. A forged statement later emerged, stating that the Muslim Brotherhood had claimed responsibility; the Brotherhood denied it and accused the regime of fabricating the operation. In a tape issued by Jabhat al-Nusra in March 2016, it adopted the operation for the first time, and showed a recording of its perpetrators.<sup>4</sup>

On November 26, government forces shelled the city of Homs and its environs with artillery shells, tanks and mortars, destroying homes and killing and wounding scores of people, especially in the Baba Amr neighborhood where at least 19 people were killed, while the total number of victims in Homs on this bloody day exceeded seventy.<sup>5</sup>

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1 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Assault on medical care in Syria, UN General Assembly, 13-09-2013; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 23-11-2011; Syria: Security Forces Remove Wounded From Hospital Interfere in Work of Red Crescent in Homs, Human rights Watch, 08-09-2011; Health Crisis: Syrian government targets the wounded and health workers, Amnesty International, 11-2011.

2 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Assault on medical care in Syria, United Nations General Assembly, 13-09-2013.

3 For an explanation of why the report refers to “civilians” in some places and “people” in others, please see, “Note on Terminology” in the Introduction (p. 11-12).

4 Joint Statement denouncing and condemning the terrorist bombings in Damascus, Committees for the Defense of Democratic Freedoms and Human Rights in Syria, 24-12-2011; Report of the International Independent Investigation Commission on the Syrian Arab Republic, United Nations General Assembly, 22-02-2012.

5 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 22-02-2012.



It is worth noting that the regime's attacks on the besieged residential neighborhoods in Homs did not halt despite the arrival of the Arab [League] Observer Mission.<sup>1</sup> On December 26, 2011, regime forces shelled these neighborhoods, especially Baba Amr, with artillery, tanks and mortars, killing at least 19 civilians; while the total number in all the neighborhoods of Homs was at least 70 dead.<sup>2</sup>

## Violations by the “Free Army”

The year 2011 also witnessed sporadic abuses by the Free Syrian Army and individuals considered to be affiliated with the opposition, both during clashes and in retaliatory and revenge incidents.

In mid-November, members of the Free Army near Talbiseh tortured a member of the Military Intelligence during interrogation, beat him, handcuffed him, and threatened him with a knife.

In late November, a Free Army group in rural Damascus captured and tortured a member of the security forces and then killed him.<sup>3</sup>

In late December, members of the Free Syrian Army (FSA) in Baba Amr neighborhood of Homs captured two suspected Shabiha following an exchange of fire and residents beat the two men. The FSA took the two men for questioning in an undisclosed location.

There are also reports that FSA fighters in Homs were taking security agents or their family members' hostage in exchange for the release of people held by government forces.

The FSA leadership acknowledged in written letters that some of its groups had indeed abducted foreign nationals, but it described those captured as “foreign fighters.”

Credible reports indicated that FSA members in other locations carried out torture or summary executions of prisoners from the armed forces or security forces.

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1 An observer mission sent by the Arab League to monitor the humanitarian situation in Syria and it was headed by the Sudanese General Mustafa al-Dabi.

2 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 22-02-2012.

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 22-02-2012



The year 2011 drew to an end while Syria was witnessing more violence and bloodshed, and no serious initiative had yet been put forward for a political solution. Despite the visit of Arab League Secretary General Nabil Elaraby to Damascus on July 15, 2011, international, especially Western, positions remained high in diplomatic rhetoric, low in their ceiling of demands, limiting them to ending violence and accelerating the process of political reform, with no mention of overthrowing the regime. Syrian President Bashar al-Assad was not called upon to step down until the army had entered cities with heavy weaponry, and serious Arab moves to resolve the crisis only began with Elaraby's second visit to Damascus on September 10, 2011, bearing the so-called First Arab Initiative.

On October 16, the Council of Arab Foreign Ministers issued a decision to form an Arab Ministerial Committee chaired by the Qatari Foreign Minister, with the membership of the Foreign Ministers of Algeria, Sudan, Oman, Egypt, and Arab League Secretary General Nabil Elaraby.

On October 26, the Arab Ministerial Committee visited Syria and its members met with President Bashar al-Assad in Damascus in order to put the Arab initiative into actual practice.

However, with continued military operations by the Syrian army and the regime's failure to respond to the Arab League delegation, the Arab League Council decided during an extraordinary meeting of the Council of Arab Foreign Ministers on November 12, 2011 to freeze the participation of all Syrian delegations in councils and bodies of the League as of November 16, 2011. It also called on Arab states to withdraw their ambassadors from Damascus and impose political and economic sanctions on the Syrian government.

The resolution was adopted with the consent of 18 countries, while two countries objected - Lebanon and Yemen (under the presidency of Ali Abdullah Saleh) - and Iraq abstained.

The League did not close the door to a political solution and decided at the meeting of Arab Foreign Ministers in Rabat on November 16, 2011 to give the Syrian regime another opportunity to implement the Arab solution and to send an Arab observer mission to Syria to oversee its implementation.

The Observer Mission entered Syria at the beginning of January 2012 and then withdrew only two weeks after it began work, as a result of the continuing violence and the regime's non-compliance with the provisions of the Action Plan.<sup>1</sup>



## Chapter Two: 2012



**While the Arab Observer Mission was present in Syria towards the end of 2011 and early 2012, and during its visits to most cities and provinces, civilian demonstrators intensified their demonstrations and protests in various areas, believing that the presence of the observers could protect them and that regime forces would not fire at them. But in many cases, the latter continued to use live bullets to suppress demonstrators, claiming that “security in Syria can only be achieved by hitting terrorists, murderers and those carrying weapons with an iron hand,” as Syrian President Bashar al-Assad said on January 10, 2012 in a speech at Damascus University auditorium.**

The demonstrators had tried to reach the Observer Mission in the northern city of Jisr al-Shughur on the same day when the army confronted them and ordered them to disperse. But they refused and continued attempting to reach the city's Baath Party Square where the mission was, and the army fired at them, wounding at least nine demonstrators. Human Rights Watch called on the Arab League to condemn Syrian security forces for firing at peaceful protesters.<sup>1</sup>

Assad's speech was the declaration and affirmation of an approach from which there would be no backing down, i.e. what was happening was a “foreign conspiracy” and must be addressed by various means. In his speech, Assad said: “The foreign conspiracy is no longer a secret to anyone (...) what has been planned in dark rooms is unfolding clearly before the people,” adding: “If we really had revolutionaries, you and I and all the people would now walk with them.”<sup>2</sup>

The Arab mission had come to Syria on the basis of a protocol signed between the General Secretariat of the League of Arab States and the Syrian Government in Cairo on January 19, 2011. Algeria, Morocco, Tunisia, Mauritania, Saudi Arabia, Egypt, Sudan, Iraq, Oman, and Jordan participated in the meeting chaired by Sudanese General Mohammed Ahmed Mustafa al-Dabi, who had previously been charged for his role in Darfur. When al-Dabi submitted his first report to the Arab League, covering up to January 18, 2012, Saudi Arabia announced through its Foreign Minister Saud al-Faisal that it would withdraw its observers from the mission, saying it could not be a “false witness” to what was happening. The GCC followed suit. As events in the field rapidly evolved, al-Dabi decided to temporarily freeze the work of the Mission, despite a decision to extend it on January 22, 2012; with a later decision on the final withdrawal of observers and the resignation of al-Dabi.<sup>3</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 22-02-2012; Syria: Army Shoots Protesters Attempting to Reach Observers, Euro-Med Rights, 12-01-2012; Syria:

Syria: Army Shoots Protesters Attempting to Reach Observers Arab League Should Protect Civilians Or Reconsider Its Mission, Human Rights Watch, 11-01-2012.

2 From Assad's speech on January 10, 2012 at Damascus University.

3 Revolution of a Nation, Anwar Malik, in different places.



Thus, neither peaceful demonstrations nor live fire by regime forces were interrupted, and the regime continued to use tanks and artillery to bomb neighborhoods where FSA elements were holed up, often killing civilians as well.

For example, on Friday, January 27, 2012, government forces opened fire on demonstrators in the al-Marjeh neighborhood of Aleppo, killing nine civilians.<sup>1</sup> While collective punishment was applied in cities and towns that rose up, by imposing sieges and then storming them militarily. The dichotomy of siege and invasion became more systematic and frequent.

Bakeries became the first target during this stage as their destruction resulted in the largest number of victims gathered in the vicinity, and in order to pressure and starve civilians by rendering bakeries useless. Such was the case in the neighborhoods of Homs, where the regime targeted a bakery in the besieged Karam el-Zeitoun neighborhood on January 16, 2012.<sup>2</sup>

On January 24, 2012, the regime used tanks, artillery, and snipers in the siege of the Bab Qibli neighborhood in Hama, where a Free Army group was stationed. Regime forces, backed by Shabiha, stormed the neighborhood, arrested numerous people, and looted many houses while the FSA withdrew from the neighborhood.

On January 26 and 27, 2012, government forces stormed the Hamidiyah neighborhood of Hama. Later, bodies were found bound and executed.<sup>3</sup>

Then on January 30, 2012: Government forces shelled the as-Sifsafteh neighborhood of Homs without warning and targeted several houses in the neighborhood, resulting in the death of four people and injury of 20 others. Many of the wounded lost their limbs and others suffered severe injuries that caused permanent disabilities, in addition to the destruction of many houses and shops.<sup>4</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 22-02-2012; Collecting four years of the most prominent human rights violations in Syria, Syrian Network for Human Rights, 03-12-2015.

2 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 22-02-2012.

3 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 22-02-2012.

4 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 22-02-2012; Targeting as-Sifsafteh neighborhood in Homs, Syrian Network for Human Rights, 30-01-2012.

Violations by FSA members were also recorded. In late January 2012, members of the Free Army and others in Karam el-Zeitoun in Homs executed a man without trial, on suspicion of working with the State Security forces, and his body was paraded round the streets in a small truck.<sup>1</sup>

## Establishment of Jabhat al-Nusra

On January 24, 2012, Abu Mohammad al-Julani (nom de guerre) announced the establishment of Jabhat al-Nusra in an audio recording, while the founding statement was not published until May 2012.

The group had been active unannounced for a while but attributed to it were a number of concentrated attacks against Syrian regime targets, via statements broadcast on the internet since late 2011.

According to Al-Jazeera, which interviewed him exclusively, Julani was a former fighter in Iraq within al-Qaeda ranks, close to Abu Musab al-Zarqawi, and had declared his affiliation to Osama bin Laden. After Zarqawi's assassination in a US raid in 2006, he moved between Lebanon and Iraq, and was arrested and placed in Bucca prison to be released in 2008 to resume his activities with what was called the "Islamic State in Iraq," and became head of operations in Mosul. According to Al Jazeera, Julani was dispatched to Syria with the start of the protests to establish a branch of the al-Qaeda organization and begin armed fighting.

In another version of the story, Julani was arrested in Syria shortly after 2009 during a trip between Iraq, Lebanon, and Syria, to be released suddenly on the anniversary of the start of the revolution. This coincided with the release of a number of jihadi detainees generally affiliated with the Islamist inclinations who were in Sednayah prison.<sup>2</sup> They would later become leaders and fighters of the major militant factions and formations, most notably Zahran Alloush (commander of Jaysh al-Islam), and Hassan Aboud, nicknamed "Abu Abdullah al-Hamawi" (leader of the Ahrar al-Sham movement).

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1 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 22-02-2012.

2 During this time, Sednayah prison became known as the "Jihad Academy" because of the notorious prison's role in graduating groups of Islamist fighters and recruiting large numbers of jihadists within its walls, who diverted the revolution from its initial course. Incarcerated in this prison were hundreds of returnees from the Iraq war, who at the time had crossed the border through semi-official recruiting networks, facilitated by the Syrian regime, like the network of Mahmoud Gul Agassi (Abu al-Qaqaa) who was active in Aleppo, although the majority of them had not embraced Salafi-jihadist thought upon leaving.



On January 6, 2012, Jabhat al-Nusra launched its public operations by detonating a car bomb in the Midan neighborhood of Damascus that killed 25 people and wounded 60, the majority of whom were civilians, according to government sources. The group's statement said the attack had targeted "Shabiha buses." A funeral was held for 11 policemen later that same day, suggesting they had been killed in the bombing. A sequence of bombings then ensued, either adopted by "Jabhat al-Nusra" or attributed to it because of the "suicide" character, amid suspicions that government security services were involved in some of them.

**But Sednayah, about 40 kilometers from the capital Damascus, is a name that has been engraved in the collective memory of Syrians since the rule of former President Hafez al-Assad; not because it is a tourist attraction as is common, but because it is home to one of the worst Syrian prisons of all, along with Palmyra. In addition to a bloody insurrection in Sednayah prison in 2008 that ended with a prescribed massacre of inmates, the Syrian government has for decades been practicing there; torture and enforced disappearance as a means of suppressing Islamist and non-Islamist opposition.**

In a report released in February 2017, Amnesty International described Sednayah military prison as a "human slaughterhouse," a place "where the Syrian state quietly slaughters its people." An estimated five to 13,000 extrajudicial executions took place between December 2011 and December 2015. According to the organization, the Assad (senior) government is responsible for some 17,000 enforced disappearances of Syrian citizens between 1980 and 2000, besides hundreds of Lebanese and Palestinians, some of whom remain unaccounted for. The organization also cites in its report an earlier one it issued in 1987, which documented the Syrian authorities' adoption and systematic use of 35 specific methods of torture, and since 2011 prisons have seen a marked increase in the use of these same methods and in the cruelty of the abuse. In Syria, the majority of victims at risk of torture and death are in one way or another opposed to the government, and they represent all segments of Syrian society and include many demonstrators, veteran political opponents, human rights defenders, journalists, doctors, aid workers and students.

At its inception, Jabhat al-Nusra was not very popular among revolutionary supporters due to the course of violence it had adopted and for suspicions that it was the "creation of the Intelligence." Later, in the second half of 2013, after the peaceful popular movement lost a huge number of its activists through arrest, murder or banishment, and with the increased flow of money and weapons, the movement would grow stronger and penetrate the rural social fabric in particular, which was exhausted by the regime's oppression and seeking an opportunity for revenge.

However, at this stage, early 2012, the extent of the matter was still weekly peaceful demonstrations and limited weapons to protect the protesters. Crowds began to recall painful national moments and appeal to the international community in protests they named, for example, “Hama, forgive us” on February 3, to commemorate the famous massacre of the 1980s, and “Russia is killing our children” on February 10.

On February 4, Russia and China vetoed a UN Security resolution, prepared by the Arab League and demanding Syrian authorities and government end all forms of violence and protect citizens, on the grounds that the resolution was biased and violated Syrian national sovereignty.

Provisions of the Arab Plan of Action provided for dialogue with the President of the Republic and required he practically lead himself the reform process stipulated in the initiative; however, the situation changed in the second (Arab) initiative which added a clause for Assad to delegate his powers to his deputy, and to take it to the Security Council to make it mandatory.

The resolution strongly condemned the continuing widespread and systematic violations of human rights and fundamental freedoms by the Syrian authorities, such as the use of force against civilians, arbitrary detention, persecution, killings of protesters, human rights defenders and journalists, enforced disappearances, torture and sexual violence, including with children; an estimated 5,400 people had been killed by security forces since the uprising had begun in March 2011.

Before voting on the resolution began at the UN, Syrian Ambassador to the UN Bashar Jaafari spoke of a number of developments that “meet popular demands, including a referendum on a new constitution and entering into national dialogue,” saying that “no country in the world allows terrorist groups to exist on its territory.”

The veto sparked public discontent at the local and international levels and signaled a further escalation of the crisis. British Foreign Secretary William Hague said: “More than 2,000 people have died since Russia and China vetoed the last draft resolution. How many more need to die before Russia and China allow the UN Security Council to act?” He added that this would “only encourage President Assad’s brutal regime to increase the killing, as it has done in Homs over the past 24 hours.”

In fact, Homs was under a fierce and unprecedented attack. On the same day of February 4, the Khaldeeye neighborhood was bombarded with hundreds of mortar shells, accompanied by a Shabiha attack. The number of victims was about 200 dead and 500 injured, in addition to the destruction of many houses in the neighborhood and many victims caught under the rubble.<sup>1</sup>

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1 11<sup>th</sup> Annual Report on the State of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012.



The military campaign against Homs began on February 1, when regime and security forces tightened the siege on opposition-held neighborhoods in the city, shelling residential buildings, killing 29 children and injuring hundreds of civilians.

Between February 3 and 8, 2012, army and security forces heavily shelled besieged neighborhoods, killing 288 civilians. This was accompanied by cutting off electricity and all support lines, while security forces opened fire on the university dormitories, and then stormed it and turned it into a base for shelling operations.<sup>1</sup>

On February 5, 2012, in a retaliatory operation, the FSA carried out field executions of nine members of the Shiite Hilal family in Ghantu near Homs, the only Shiite family in the area. After this incident, 130 members of the Hilal family left their village.<sup>2</sup>

Following the Russian/Chinese veto on February 4, the position of regional states hardened, and Saudi Arabia, Turkey and Qatar argued that changing the equation on the ground required arming the Syrian opposition rather than relying on political initiatives or diplomatic action. The Saudi delegation thus withdrew from the first “Friends of Syria” conference held in Tunisia on February 24. Saudi Foreign Minister Saud al-Faisal justified his withdrawal saying the conference could not emerge with practical measures and described the regime in Syria as “an occupation force.” Al-Faisal held the view that the only way to resolve the crisis was to “transfer power voluntarily or forcibly,” and that the Friends of Syria conference needed to come up with mechanisms that would contribute to “protecting the Syrian people promptly and effectively.” Work on this would actually begin in March.

On February 18, the Damascene neighborhood of Mezze was mourning three people who had been killed in the previous day’s demonstrations. More than 10,000 people took part in the funeral procession, with significant female presence and residents going out onto balconies to salute the “martyrs and demonstrators.” This took the regime by surprise, as it had felt reassured by limited participation in the capital. The procession was confronted by security services and Shabiha from the adjacent Mezze 86 neighborhood, who fired bullets and tear gas canisters and dispersed the demonstrators.

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Syria: Stop Shelling of Residential Areas Hundreds Killed, Wounded in Homs, Denied Medical Care, Human rights Watch, 09-02-2012.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Amnesty International report; Syria: Summary killings and other abuses by armed opposition groups, 14-03-2013.



On February 22, 2012, American journalist Marie Colvin and French photographer Remi Ochlik were in a building which rebels had turned into a makeshift media center in the Baba Amr neighborhood of Homs. The building was shelled - deliberately, it is alleged - by the Syrian army, killing them both.<sup>1</sup>

On the night of February 26, during the exodus of Baba Amr residents, they arrived at a security checkpoint where they were stopped and loaded into four buses, under the pretext of taking them to safe areas. After the buses had gone some way, the elderly were taken off onto the roadside, and all 64 young men were slaughtered and women abducted and taken to an unknown destination.<sup>2</sup>

During this period, the Syrian Journalist Association was established on February 20, and Kofi Annan was appointed Special Envoy for Syria on February 23. Annan held an ambitious plan, inter alia, to “develop internal political solutions, cessation of armed violence by all parties to the conflict, to ensure provision of humanitarian assistance to all affected areas, to comply with a daily two-hour humanitarian pause, the immediate release by Syrian authorities of all detainees who had taken part in the protests, to ensure freedom of movement throughout the country for journalists, and to respect freedom of association and the right to demonstrate peacefully.”

Formally, the Annan plan was unanimously backed by Western countries, Russia, China, and even Turkey, Iran, and the Arab states, as well as by the parties to the conflict in Syria. However, none of its provisions found its way to actual implementation.

In the meantime, demonstrations continued regularly, drawing their titles from local field or international political events, such as the “Friday of Popular Resistance” and “We rise for Baba Amr” on February 17 and 24, and “Arm the FSA” on March 3.

On March 2, the Syrian army stormed Baba Amr after it had besieged and shelled it for close to a month, while the FSA withdrew to neighboring areas. Witnesses described field executions of civilians, sometimes slaughtered with knives, in addition to looting homes and abducting civilians.<sup>3</sup>

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1 ANNUAL REPORT: SYRIA 2013, Amnesty International. The book “A Room Overlooking the War” by French journalist Edith Bouvier.

2 11<sup>th</sup> Annual Report on the State of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012.

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, UN General Assembly, 16-08-2012; In Cold Blood: Summary Executions by Syrian Security Forces and Pro-Government Militias, Human Rights Watch, 04-2012.



Regime forces carried out mass executions of the neighborhood's residents who fled to neighboring Sultanieh, as well as of the residents of Sultanieh itself. On March 3, 2012, during a campaign of raids and arrests in the neighborhood, Syrian forces executed between 25 and 60 civilians in the neighborhood, according to some witnesses.

On March 9, the usual Friday demonstrations took place, under the title "Loyalty to the Kurdish Uprising." This time, the title was not chosen through the voting mechanism followed on the "Syrian Revolution against Bashar al-Assad" Facebook page. Rather, it was the result of a recommendation by the Syrian Revolution General Commission. The name coincided with the anniversary of the Kurdish uprising on March 12, 2004, aimed at motivating Kurds, who make up about 10 percent of the population, to join the ongoing protests. Successive Syrian governments had discriminated against the Kurds, depriving many of them of Syrian citizenship in accordance with a law passed in the early 1960s, and prohibiting them from using their traditional language, cultural songs, and traditional names.

The 2004 protests were the result of a football match held in the city of Qamishli on March 12, that year, in which the Fatwa team, the majority of whose fans are Arabs, met with the Jihad team, the majority of whose fans are Kurds. Shortly after the match began, security forces stormed the stadium and the exchange of jeers by fans turned into riots that resulted in the deaths of six people, while three more were killed in the stampede that followed when crowds tried to escape.

The Kurds' anger erupted the next day when security forces fired at funeral processions for those killed in the stadium events and protests spread to several villages around Qamishli.

The Kurds demonstrated in the streets of Qamishli, chanting slogans condemning the Syrian government, and smashed a statue of former Syrian President Hafez al-Assad. Security forces intervened to disperse protestors by force, and many Kurds fled to the neighboring Kurdistan region of Iraq.

According to a Human Rights Watch report, more than 36 people, most of them Kurds, were killed as a result of the incident, more than 160 were injured and more than 2,000 Kurds were arrested and abused or tortured.<sup>1</sup>

On the other hand, Sheikh Adnan al-Aroor called for naming demonstrations on that Friday "The Million of the Free Army," and that name was in turn adopted in a number of areas. Aroor clarified his attitude towards the first name in a manner that underestimated the importance of the Kurdish uprising, considering it merely a quarrel that broke out because of a football match between two Arab and Kurdish teams.<sup>2</sup>

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1 Group Denial: Repression of Kurdish Political and Cultural Rights in Syria, Human Rights Watch, 11-2009.

2 The Question of Syrian Kurds p. 115.



On the same morning of March 9, regime forces continuously shelled the Ashira neighborhood in the city of Homs for about 18 hours without interruption, preparing to storm it, which resulted in an unknown number of dead and wounded. Civilians who attempted to flee the neighborhood also lost at least 22 women and 13 children as they tried to escape.

Two days later, on March 11, Shabiha and army forces stormed the neighborhood, carried out field executions, slaughtered dozens of residents with knives, raped girls from the neighborhood and arrested dozens indiscriminately.<sup>1</sup>

224 civilian deaths, including 44 children and 48 women, were documented in these neighborhoods alone, not counting the victims of Ashira neighborhood. A number of bodies have not been identified, they were so badly charred.<sup>2</sup>

On March 11, Saudi Arabia made the first public call to arm the Syrian opposition during a meeting between Saud al-Faisal and his German counterpart, Guido Westerwelle, out of the “need to allow the Syrian people to arm themselves to protect themselves from the regime’s actions and practices.” Since then, Saudi Arabia has become one of the few countries to fund the supply of weapons to Syrian rebels.<sup>3</sup>

On March 10, 2012, in parallel with the extended military operation in Homs, regime forces launched a military campaign against Idlib city and the Governorate of Idlib in northern Syria. The army used artillery, tanks, and machine-guns to storm the city, burning some houses and looting others. In total, 114 civilians were killed as a result of this operation.<sup>4</sup>

The following day, regime forces carried out field executions of 13 to 15 civilians in Bilal Mosque in Idlib at close range.<sup>5</sup>

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1 Documentation of the massacre of al-Rifai and Karam el-Zeitoun neighborhoods in Homs city (one of the most horrible massacres in human history), Syrian Network for Human Rights, 09-03-2012; Report of the International Independent Investigation Commission on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Four-year summary of the most prominent massacres in Syria, Syrian Network for Human Rights, 2015; Massacres of ethnic cleansing, Syrian Network for Human Rights, 14-07-2013; Cold-blooded extrajudicial executions by Syrian security forces and pro-government militias, Human Rights Watch, 04-2012; Eleventh Annual Report on the State of Human Rights in Syria 2013 (January 2011 to December 2012), Syrian Human Rights Committee, 06-2013.

3 The Path of Pains pp.542-545.

4 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Syria: Stop Shelling of Residential Areas Hundreds Killed, wounded in Homs, Denied Medical Care, Human rights Watch, 09-02-2012.

5 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, UN General Assembly, 16-08-2012; In Cold Blood: Summary Executions by Syrian Security Forces and Pro-Government Militias, Human Rights Watch, 04-2012.



On March 22-23, the town of Sarmin, west of Idlib, was raided and 16 people were killed extra-judicially, including five opposition fighters who were captured and then killed. Some testimonies indicate that members of the Syrian Army's 4th Division arbitrarily arrested civilians in their homes and killed them immediately in the street.<sup>1</sup>

This pattern of field execution was repeated on April 3, when the army stormed the town of Taftanaz in Idlib countryside. After Syrian forces in civilian clothes stormed a building, they separated the men from the women in the basement under the pretext of questioning them. Later, one witness said that 16 bodies were found executed on the spot, two of whom were under 18 years old.<sup>2</sup>

Between April 2 and 9, 2012, government forces, Shabiha, and Shiite militias<sup>3</sup> stormed the Deir Baalbah neighborhood in Homs and committed horrific massacres, including field executions and rape of women. This was accompanied by corpses being abused, burned, or buried in mass shallow graves. 199 deaths were documented, including 21 children and 20 women.<sup>4</sup>

On April 9, in the Tall Rifat town of Aleppo countryside, nine men and a child were shot dead in their homes as the Syrian army stormed the city.<sup>5</sup>

Between April 5 and 9, the Syrian army launched a crackdown on Anadan in Aleppo countryside, and its members burned a medical facility and looted seven pharmacies.<sup>6</sup>

On April 13, 2012, Syrian security forces opened fire on demonstrators in the Mashhad neighborhood of Aleppo, killing one civilian. The next day, four others were killed during his funeral.<sup>7</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Deadly Reprisals Deliberate killings and other abuses by Syrian armed forces, Amnesty International, 2012.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Deadly Reprisals Deliberate killings and other abuses by Syrian armed forces, Amnesty International, 2012; They Burned my Heart: War crimes in northern Idlib during peace plan negotiations, Human Rights Watch, 05-2012.

3 Shiite groups fighting alongside Syrian government forces. The number of members ranges between 800 and 2,000 fighters distributed in organized military formations such as the Lebanese "Hezbollah" or the "Abu al-Fadhal al-Abbas" Brigades, or the Iraqi "Harakat Hezbollah al-Nujaba," and others.

4 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Collecting four years of the most prominent human rights violations in Syria, Syrian Network for Human Rights, 12-03-2015.

5 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Deadly Reprisals Deliberate killings and other abuses by Syrian armed forces, Amnesty International, 2012.

6 Deadly Reprisals Deliberate killings and other abuses by Syrian armed forces, Amnesty International, 2012.

7 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Comprehensive repression: Clearing Aleppo of dissidents, Amnesty International, 2012

On April 16, 2012, witnesses reported field executions in the city of Idlib; state security forces during their crackdown on the city killed eight people, standing them in front of a wall and then shooting them one by one.<sup>1</sup> Syrian forces launched similar attacks in several areas of Aleppo and its countryside.

In the meantime, the International Observer Mission arrived in Syria on April 15, 2012 to monitor the ceasefire in implementation of Security Council resolution 2042 related to the plan of UN envoy Kofi Annan.

At a joint press conference held on April 10, 2012 by Syrian Foreign Minister Walid Muallem and Russian Foreign Minister Sergey Lavrov, Muallem confirmed that the Syrian government had withdrawn some army units from some provinces in implementation of the third item of the Annan plan and allowed more than 28 media stations to enter Syria. Muallem said: “We received the President of the International Committee of the Red Cross and reached an understanding on receiving and delivering aid to the needy in cooperation with the Syrian Red Crescent, and a number of detainees were released. In spite of all these positive steps, we observed daily an escalation of operations by armed terrorist groups, and a spread into other provinces.”

For his part, Lavrov said: “We want to focus on a political solution and shift the situation from a military to a political track” (...). Commenting on the US position that Syria was not fulfilling its obligations to withdraw troops from cities, Lavrov said: “The UN Security Council did not ask but called on all parties to cease fire. (...) It is essential that armed groups of the opposition do their part and, first and foremost, ensure a stable ceasefire within 48 hours.”

While the arrival of the Mission in mid-April reduced the violence for a while, it soon intensified again, and it became clear that the ceasefire was failing. In fact, two months later, the Mission was forced to halt its activities on June 15, due to the escalation of violence.

According to the third report of the Independent International Commission of Inquiry on Syria, the conflict was considered a non-international armed conflict since February 2012.<sup>2</sup> Human Rights Watch also said the conflict has been armed and non-international since May 2012.<sup>3</sup> While in an International Red Cross report: “The ICRC concludes that there is a non-international armed conflict in Syria” on July 17, 2012.

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Inside Syria's crackdown: 'I found my boys burning in the street, Amnesty International, 04-05-2012.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012.

3 They Burned my Heart: War crimes in northern Idlib during the peace plan negotiations, Human Rights Watch, 05-2012.



On April 23, 50 civilians were killed in the city of Hama and 13 in its town of Jarjanaz, as a result of attacks and tank shelling by regime forces inside civilian neighborhoods, especially al-Arbreen neighborhood. Homs was not spared either. The following day, April 24, 16 civilians were killed in the al-Kussur neighborhood.<sup>1</sup>

On May 13, 2012, after employees of the fertilizer plant in Qattinah village in Homs countryside left work on Thursday afternoon and boarded a bus to their village in eastern Buwaydah of Homs countryside, the bus was stopped at a government checkpoint, a well-known checkpoint located at the entrance of Qattinah village. They were all abducted and taken to a nearby farm where the kidnappers tortured them in a brutal and cruel manner. After they were tortured, they were shot dead and then their bodies were abused. Twelve civilians were killed in this operation.<sup>2</sup>

On May 22, an opposition armed group kidnapped and took hostage 11 Shiite Lebanese who were on a religious journey from Iraq through Aleppo.<sup>3</sup>

According to intersecting sources, the kidnappers were the “Northern Storm Brigade” from the town of Azaz, close to the Turkish border in the far northern countryside, and the abductees, who said they were pilgrims returning from Iraq, may have been Hezbollah fighters. They were released about a year later, when the Islamic State (Daesh) invaded northern Syria, with Turkish-Qatari mediation.

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## The Houla massacre

On May 25, on the Friday of “Damascus, our day is near,” and at the same time the International Observer Mission was present, the first clearly sectarian massacre took place in the countryside of Homs, known as the “Houla massacre.” The Houla plain contains a group of Sunni villages surrounded by a chain of plateaus with Alawite villages, on which the regime established military blocks under the pretext of protecting towns supporting it from possible attacks. A siege was imposed on the villages of the plain in July 2011, preventing the entry of food and fuel, and cutting off electricity and communications. But the residents of Houla continued to stage demonstrations calling for the overthrow of the regime, and on September 27, 2011, its sons established the first Free Army brigade in Houla.

1 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 22-02-2012.

2 Report of the International Independent Investigation Commission on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Documentation of the fertilizer plant massacre in al- Buwaydah area, Homs, Government forces commit a sectarian massacre, Syrian Network for Human Rights, 31-05-2012.

3 Syria: Strong Coalition Message Against Targeting Civilians Additional Action Needed on Kidnapping, Attacks on Civilians, Human rights Watch, 21-12-2012.

On that fateful day, regime forces, including security, Shabiha, Shiite militias and an army, stormed the Sunni villages under a barrage of bombardment that did not stop for 14 hours. They handcuffed civilians they found in the villages and slaughtered them with knives or shot them at close range.

The village of Taldou witnessed the largest share of violence. Security forces massacred civilians with bayonets and knives. The Syrian Network for Human Rights documented the killing of 107 civilians, including 49 children and 32 women with their full names and pictures.<sup>1</sup>

The following day, on May 26, a team of United Nations observers arrived in the Houla plain, where the massacre had been committed a few hours before their arrival; despite that, the head of the delegation did not directly accuse the regime of carrying it out, saying only that tanks had been used in the raid.

The Houla massacre triggered angry international reactions, calling for an emergency meeting of the Security Council and most Western countries severed diplomatic relations with the Syrian government.

On May 28, Damascus merchants declared a day of general trade strike in solidarity with Houla, while the Friday demonstrations following the massacre, on June 1, were called the “Friday of the children of Houla, torches of victory.”

Meanwhile, the regime tightened its siege on the villages of the Houla plain, a siege that would continue until 2014 and 2015.

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In Aleppo, shooting at peaceful demonstrators continued. On May 25, alone, at least 10 youths and children were killed and dozens injured, while in the last week of the month, the Amnesty International delegate in Aleppo saw security forces in uniform and militia members in civilian clothes repeatedly shoot Kalashnikovs as well as rifles firing metal balls at crowds of protesters. People went out in funeral processions, mostly young men but also women and children, clapping with their hands raised to show they were unarmed, shouting “Peaceful - Peaceful [protests]”; crying tributes to those who had fallen a few hours earlier and calling on President Bashar al-Assad to step down. Security forces in police uniforms and plainclothes militiamen appeared about 20 minutes later with Kalashnikovs and surrounded the protesters. It did not take long until the shooting began, and the mourners fled. Some were killed or injured. Later that evening, more people were killed and injured in the same area as they demonstrated.<sup>2</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; The Houla plains drowning in blood, Syrian Network for Human Rights, 25-05-2012; Swift UN action needed on Syria after Houla assault, Amnesty International, 28-05-2012.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Comprehensive repression: Clearing the Syrian city of Aleppo of dissidents, Amnesty International, 2012



On June 3, regime forces killed peaceful demonstrators in the eastern Syrian city of Deir ez-Zur. The death toll was 31 after the army shelled houses and targeted a demonstration.<sup>1</sup>

On the same day, President Bashar al-Assad addressed the People's Assembly. In his speech, he said, **"The political track does not resolve the current crisis nor mitigate terrorism," adding "After 14 months, the perception of the vast majority of [our] citizens have been proven. That the problem is we have people who, and they are fortunately few, only learn against a background of blood and carnage."**

On June 6, a group of six individuals in civilian clothes armed with Kalashnikov assault rifles attacked a Syrian army checkpoint near the village of al-Qubeir in Hama governorate with the aim of freeing one of those arrested earlier that day. During the clash, Syrian army reinforcements arrived with three tanks and a number of military armored vehicles, surrounded the attackers and killed them all. The three tanks then headed to the village of al-Qubeir accompanied by ZIL trucks and buses of Shabiha groups carrying military weapons, sticks and knives. They raided the village after shelling it with tanks and machine-gun fire for two hours, killing 50 civilians, including 10 children and nine women.<sup>2</sup>

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## First Campaign on Damascus Countryside

In mid-June 2012, regime forces began an intensive military campaign on the countryside of Damascus.

On June 14, members of the Syrian army, security forces, local militias, and Shiite militias loyal to [the regime], invaded Hamoryah tvillage, east of the capital Damascus, in the Eastern Ghouta region. They entered a number of houses, executed citizens and killed them inside their homes in the same methodical manner followed in Homs. Some victims were slaughtered with knives. Nine civilians were killed in this attack.<sup>3</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Report on the most prominent massacres in 2012, Syrian Network for Human Rights, 01-01-2013.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Report on the al-Qubeir massacre, Hama province, Syrian Network for Human Rights, 06-06-2012.

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Massacres are still spreading against the defenseless people, Report on the Hamoryah massacre in Damascus countryside, Syrian Network for Human Rights, -09-06-2012.



On June 16, government warplanes launched a fierce and concentrated attack on the city of Duma, east of Damascus in conjunction with mortar shelling, killing eight civilians including three women.<sup>1</sup>

On the same day, the army, security forces, Shabiha and Shiite militias stormed the city of Saqba in the countryside east of Damascus from all directions, arresting dozens and looting houses and shops. Nineteen civilians, including a woman and her child, were killed.<sup>2</sup>

On June 30, security forces stormed the city of Zamalka in Damascus countryside, east of the capital, the Eastern Ghouta region, killing one civilian. As the families came out in the funeral procession, a car bomb exploded, killing at least 72 people, and injuring 400 in one blow. Security forces prevented the rescue of the wounded and killed a doctor with a sniper shot while he was carrying out first aid. When a number of wounded were evacuated to the nearby town of Kafr Batna, specifically to Fateh Hospital, security forces followed them. The hospital was completely cordoned off, and doctors and the wounded were assaulted.<sup>3</sup>

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Meanwhile, sectarian killings came back to the forefront in Homs. On June 26, an entire Sunni family of 14 was killed in the Karam el-Zeitoun neighborhood by regime forces.<sup>4</sup>

On June 28, three days after the regime's assault on Kalaat el-Hosn (Krak des Chevaliers) in the western countryside of Homs which left 72 dead, regime forces slaughtered all six members of the family of a university professor, and intercepted a bus carrying civilians fleeing the fighting, killing everyone on it including women and children.<sup>5</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; The Syrian government's siege of neighborhoods in Damascus city, Syrian Network for Human Rights, 2013.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Comprehensive report on the Syrian regime's use of toxic gases once in five Syrian governorates 28,, Syrian Network for Human Rights, 05-08-2013.

3 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Human rights documentation of the Zamalka massacre, United Nations General Assembly, 30-06-2013.

4 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Slaughter and execution of families of Karam el-Zeitoun within a context of massacres of sectarian cleansing, Syrian Network for Human Rights, 26-01-2012.

5 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; The slaughter of all the members of a family including women and children (massacre in Kalaat el-Hosn area), Syrian Network for Human Rights, 28-06-2012.



Similarly, Idlib areas were not spared from military attacks. On June 28, regime helicopters bombed the town of al-Habit with “massive weight bombs,” possibly a first indication of the use of barrel [bombs] killing 13 civilians, including 10 children, and wounding 35 more.<sup>1</sup>

The regime continued its previous pattern of trifling modifications, while the core of its structure remained unchanged. As the shelling and killing spread to large areas of the country, President Assad announced the formation of a new government on June 23, 2012, headed by Riyad Hijab. In his speech before the new government on June 26, Assad repeated and confirmed his “constants,” saying: “As I said in my address to the People’s Assembly, we are living in a state of real war, in all its aspects and in every sense of the word. And when we are at war, all our policies, all our intentions and all sectors are directed towards winning this war and its battles.”

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## Start of negotiations: “Geneva 1”

In light of this violence, on June 30, 2012 the Geneva 1 Conference was held for the international Working Group on Syria. It included permanent members of the Security Council, Turkey as Chair of the Organization of Islamic Cooperation, Qatar as Chair of the Arab Ministerial Council, Kuwait chairing the Council of Arab Foreign Ministers, Iraq chairing the 2012 Arab Summit, the European Commission and the United Nations.

Geneva 1 provided for the establishment of a transitional governing council that would provide a neutral climate that would allow for political transformation in the country and would have full executive powers, and could include members of the current government, the opposition and other groups based on mutual agreement. The problem was, however, in clauses whose interpretation had not been agreed upon from the outset, such as the phrase “a transitional governing body with full executive powers.” The Geneva 1 document remains the agreed theoretical basis for resolving the Syrian crisis, and it was subsequently referred to and adopted in several UN Security Council resolutions despite the ongoing disagreement over that very phrase and the inability of Geneva 1 to influence a reduction in violence.

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<sup>1</sup> Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Policy of bombing markets with the aim of killing, example Tell Abiad Street Market in Raqqah Governorate, 22-12-2013.



On the ground, after a two-month siege, army vehicles stormed Sheikh Maskin city in Daraa province, southern Syria, on July 7, 2012. An estimated 80 armored vehicles were involved, aside from cars and buses carrying Shabiha groups. They shelled the city with mortars and BMP vehicles, looted homes, and shops, and attacked a field hospital set up in a primary school. In total, 22 civilians were found killed during the following days.<sup>1</sup>

## **The massacre of al- Tremseh and its repercussions**

On July 12, 2012, regime forces from the army, security, and Shabiha in civilian clothes surrounded the village of al-Tremseh in Hama province and bombarded it with tanks and heavy machine guns, in addition to three helicopters. They deliberately bombarded schools and mosques where people had sought refuge.

After about four hours of shelling, tanks and infantry stormed the village, clashing with a few soldiers defected from the regime army and some people armed with light weapons. According to surviving eyewitnesses, the regime forces used some civilians as human shields, forcing them to walk in front of the invading forces. The raid continued until the evening, when attacking forces withdrew and residents discovered dozens of bodies of civilians killed, including women and children, some of whom had been burned. Residents buried 120 bodies, including 40 charred bodies who were not identified. The Syrian Network for Human Rights documented the names of 67 civilians who were killed; however, they were not able to document them all as communications were cut off in the village, and because many bodies had been burnt.<sup>2</sup>

In the aftermath of the horrific massacre, protests took place in several areas, the largest of which was a demonstration in the tens of thousands in the Yarmouk Palestinian refugee camp near the capital Damascus.

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; 11th Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Dozens of forgotten massacres on Syrian soil that have not been documented or accessed by anyone, Syrian Network for Human Rights, 07-07-2012.

2 Ibid.



## 1- The Yarmouk camp events and start of the siege

The demonstration headed towards the neighboring Tadamon neighborhood, besieged by the regime. Live bullets were fired at people, killing dozens and wounding others. The next day, the funeral turned into the largest demonstration witnessed in the capital Damascus, where more than 50,000 demonstrators came out and chanted “Syria ... Palestine is with you to the death.” The regime besieged the camp with tanks and one of [the regime’s] spokesmen appeared saying that “Palestinians must respect the etiquette of hospitality.” The camp had witnessed sporadic demonstrations in 2011 and an attack on the headquarters of the Popular Front - General Command (supporters of the Syrian government), upon which guards had opened fire and the first four of the camp’s inhabitants were killed.

Residents responded by storming and burning the premises, and Syrian security forces quickly intervened and deployed inside the camp, setting up roadblocks and checkpoints at the camp’s entrances, later imposing collective punishment with a suffocating siege on the population that began on December 26, 2012, after the so-called “MiG strike” in which at least 16 civilians were killed. The strike immediately displaced more than half a million residents from the camp, after news was received that regime forces intended to storm it.

Under the siege, regime forces initially limited the amount of bread allowed into the camp to one packet only carried by a woman or an elderly person. However, from February 2013, even these people were prevented from taking in any items at all, including bread.<sup>1</sup>

The situation had changed drastically with the Free Army launching its so-called “Volcano of Damascus” or “Great Battle of Damascus,” storming the entire southern area of Damascus and entering the Yarmouk camp from the south, reaching the Yarmouk police station in its north, and burning it to the ground. The Free Army stayed in the camp for three days before withdrawing. Regime forces had then stormed the areas surrounding the camp, such as al-Hajar al-Aswad, Tadamon and al-Qadam. As a result, the majority of residents in those areas were displaced and moved to the [Yarmouk] camp, making it the largest concentration of displaced people in Damascus at that time. All UNRWA schools, government schools, mosques and sports clubs were filled with people from neighboring areas. The regime then began shelling Yarmouk almost daily with mortars, targeting hospitals and IDP gathering places, and resulting in high casualty rates. During Ramadan in August 2, one mortar shell struck 10 minutes before Iftar, killing more than 20 people.<sup>2</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; Special report on the siege of Yarmouk camp in Damascus and the city of Moadamyeh in Damascus countryside, forgotten under siege, Center for Documentation of Violations, September 2013.

2 Editor’s intro to the following paragraph.

But it was the bloody day of December 16 that proved a turning point in the camp's history. MiG (government) warplanes bombed a mosque and an UNRWA school crowded with displaced people, resulting in more than 200 casualties. The FSA entered the camp and declared it a "liberated area."

The residents then formed military battalions to join the FSA; and the camp was subjected to heavy artillery shelling and air strikes that targeted residential buildings, schools, and hospitals, causing extensive damage. The campaign also destroyed infrastructure and disrupted public services and facilities, leading to a wave of massive displacement which left behind no more than 20 percent of the population, upon whom was then imposed a total siege in July 2013.<sup>1</sup>

## 2- The "Volcano of Damascus" Battle

The al-Tremseh massacre was not passed over militarily: the FSA was quick to announce its launch of the "Volcano of Damascus" battle on July 16, for which preparations were under way, and they had arrived in the neighborhood of Midan in the center of the capital and taken full control. The regime laid siege on the neighborhood and bombed it until the FSA withdrew from it after violent clashes.

Regime forces launched a military campaign in the Qaboun neighborhood of Damascus from July 16, to August 1, 2012 with tanks and warplanes, in which 69 civilians were killed, including two children and two women, and 140 civilians forcibly disappeared.<sup>2</sup>

On July 16, 2012, regime forces shelled al-Hamidiyah neighborhood in Hama indiscriminately and then stormed it amid clashes with members of the FSA. They arbitrarily arrested 60 civilians and killed 34 others. They also looted some houses and burned another, killing a mother and four children inside.<sup>3</sup>

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1 The Story of a Place (See Chapter 2013, The Long Siege, p. 258-259).

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Massacres and destruction of neighborhoods harboring rebels, methodology of the Syrian government, the massacre and destruction of al-Qaboun neighborhood is one of the most prominent examples of this.

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; The massacre of Hama city 2012, 49 citizens in one day in a few hours.



On July 18, 2012, in an unforeseen incident outside the context of these events, a massive bombing took place in the Syrian National Security building where the Crisis Cell was holding its meetings. The explosion killed the head of the crisis cell, General Hasan Turkmani, the Minister of Defense, General Dawoud Rajiha, his deputy, General Assef Shawkat, and the head of the National Security Bureau, Major General Hisham Bakhtiar. While several parties on the opposition side claimed responsibility for the bombing, suggestions have also been made as to the possibility of the regime's involvement in disposing of some of its men whose loyalty was in doubt, and who appeared to oppose direct Iranian intervention in Syria. It was noticeable how in response to the bombing, residents of the Set Zaynab area of Damascus countryside went out onto the streets expressing delight and cheering at military barracks. Army and security forces, local militias and foreign Shiite militias responded by firing directly, injuring dozens, and killing one young man. This was accompanied by the heavy presence of warplanes and helicopters, and the commencement of shelling towards the area and its surrounding orchards. Approximately 3,500 residents in the neighborhood participated in the young man's funeral procession, at which time a warplane fired a missile at the mourners and then bombarded the same location with two successive rockets, killing 170 civilians and wounding 400 others.<sup>1</sup>

On July 19, Nusra Front (Jabhat al-Nusra) kidnapped television presenter Mohammed al-Said from his home in Damascus, then tortured and killed him. The Front issued a statement on its website that it would kill more journalists who were charged with working for the regime.<sup>2</sup>

On the same day, Russia and China once again vetoed a UN Security Council resolution that would have brought Kofi Annan's six-point plan under Chapter VII. And on July 20, the mandate of the international observer mission was extended for a final additional period of 30 days. The extension was conditional on the cessation of the use of heavy weapons and the reduction of violence on all sides.

In what was apparently a veiled threat in the form of assurances, the Syrian government acknowledged through its Foreign Ministry that it possessed a chemical weapon, which would only be resorted to in the event of an "external attack," without a clear definition of what the features of this attack were. On July 23, the Syrian Foreign Ministry said in a statement read by its spokesman Jihad Makdissi that "no chemical or biological weapons will ever be used during the crisis in Syria, whatever the internal developments. These weapons will only be used if Syria is subjected to external aggression." "These weapons in their various kinds are stored and secured by the Syrian armed forces and under their direct supervision," Makdissi said in his famous speech.

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; When 3,500 people were bombed by MiG warplanes, Syrian Network for Human Rights, 18-07-2012.

2 Killings the Messenger, Journalists Targeted by all Parties in Syria, Amnesty International, 2013.

However, the Foreign Ministry soon distributed a new statement to the media in which modifications were made to the previous statement. This one stated that “No chemical or biological weapon has ever or will ever be used during the crisis in Syria, whatever the developments inside Syria. These weapons in all their kinds, if any, would naturally be stored and secured by the Syrian armed forces.”

US response was swift when President Barack Obama said: “Given the (Syrian) regime’s chemical weapons stockpile, we seek to make it clear to Assad and his circles that the world is watching them and that they must be held accountable before the international community and the United States if they make the tragic mistake of using them.” Pentagon spokesman George Little said the Syrians “should not think even for a second of using chemical weapons,” describing the possibility as “unacceptable.” In the same vein, British Foreign Secretary William Hague said the Syrian threat was “unacceptable.” His German counterpart, Guido Westerwelle, also stressed that “the threat of chemical weapons is brutal,” pointing out that this shows the “inhumane” attitude of the Syrian regime. The European Union issued a statement expressing its “grave concern at the possible resort” to these weapons.<sup>1</sup>

On July 31, opposition forces in Aleppo carried out summary executions, of which Human Rights Watch documented 12; FSA forces executed members of the Berri family for attacks by members of the Berri family on the FSA in which they killed 15 [fighters].<sup>2</sup>

Meanwhile, PYD forces seized control of Kurdish-majority areas following the withdrawal of regime forces from northern Syria. Early indications began to show of sharing the spheres of influence, and this would later take shape more sharply and clearly.

On August 2, Kofi Annan resigned from his post and Lakhdar Brahimi assumed the mission of the Joint Special Envoy of the UN and the League of Arab States. The latter then resigned in May 2014, noting that the demonstrations on July 13, were named “Down with Annan, servant of Assad and Iran.”

On August 5, large numbers of government forces surrounded the town of Yalda in Damascus countryside, backed by tanks and armored vehicles, and began shelling the town indiscriminately for seven consecutive days, then stormed it in a three-day military operation, killing 67 civilians.<sup>3</sup>

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1 FSA strengthens its positions in Aleppo... Regime army continues its violence, al-Riyadh newspaper, and 24-07-2012.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Syria: End Opposition Use of Torture, Executions Abuses Show Need for Accountability, Human Rights Watch, 17-09-2012.

3 Report of the International Independent Investigation Commission on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; No one is safe from the death toll of mortar shells.



On August 10, four people working for the Syrian government news channel al-Ikhbariyah disappeared, and were known to be abducted by armed opposition groups of the Free Syrian Army. They were tortured in the place where they were kidnapped and hidden there, before being released six days later.<sup>1</sup>

On August 11, Syrian army and Shabiha forces stormed al-Shammas neighborhood, south of Homs, where most of the families were who had been displaced from neighborhoods that were besieged and raided. The attacking forces gathered young men in a mosque and beat them with electric wires and iron rods, then executed them in the field. The number of victims reached 22, including seven children and three women; some were killed by snipers spread around the neighborhood.<sup>2</sup>

In the same month of 2012, the FSA was able to take control of the Bustan al-Qasr neighborhood in Aleppo, and placed two public transport buses, one on top of the other, [blocking the road and] keeping only a narrow passage for pedestrians, thereby dividing the city into two sections; east under its control and west under government control. Consequently, the regime intensified its shelling of the neighborhood, using all types of heavy weapons and warplanes, and sparing neither residential neighborhoods nor schools and markets, resulting in significant destruction.

On August 12, regime warplanes bombed Dar al-Shifa Hospital in Aleppo, targeting the ambulance department, killing four civilians and wounding three others. And on August 14, Warplanes again targeted the hospital, injuring two and causing extensive damage to the hospital.<sup>3</sup>

On August 15, a warplane dropped two bombs on a residential area in Azaz, killing 40 people and wounding at least 100 people with various injuries. Houses were flattened to the ground over a large area. The target may have been the FSA headquarters near the targeted residential area.<sup>4</sup>

On August 16, the UN Security Council decided to end the work of the UN Observer Mission but agreed to keep a political office in Damascus.

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1 Syria: Field killings and other abuses by armed opposition groups, Amnesty International briefing, 14-03-2013.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; Report on the massacre in al-Shammas neighborhood of Homs city, Syrian Network for Human Rights, 11-08-2012.

3 Human rights cases requiring Council attention: Attack on health care in Syria, United Nations General Assembly, 13-09-2013; Syria: Fighter Planes Strike Aleppo Hospital Government Rocket Attacks Over Two Days Kill Four Civilians, Wound Five, Human rights Watch, 15-08-2012.

4 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; Syria: Fighter Jet Bombing Kills Over 40 Civilians More than 100 Wounded in Attack on Azaz, Near Turkish Border, Human Rights Watch, 16-08-2012.



On August 21, regime forces bombed the Aqyoul neighborhood of Aleppo, controlled by the FSA; the regime began using bombs or barrel-bombs in neighborhoods outside its control. This killed 23 civilians and injured 30 others, as the two bombs landed near a bakery.<sup>1</sup>

“On August 26, 15 civilians were killed in Maaret Hurmah, Idlib, in two airstrikes on the village which was under the control of the Free Syrian Army.”<sup>2</sup>

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## Fortification of the capital: Second Campaign on Damascus Countryside

In the last 10 days of August 2012, the regime actively sought to fortify vital areas in the capital Damascus and separate it from adjacent hotbeds of the revolt, by cutting off and isolating cities and towns of the rebellious Damascus countryside, attempting this time to impose complete control. Darayya and Moadamyeh in the western countryside are a strategic point, being geographically and socially the closest to the capital.

Regime forces carried out raids that killed hundreds of civilians and attacked the towns of Kafr Batna in Eastern Ghouta, Deir al-Asafir and az-Zyabeyeh.

### 1- Darayya

On August 20, there were indications of a siege being laid to Darayya in preparation for storming it, as had happened in previous cases. Regime forces cut off electricity and all forms of communication, closed all entrances and began to shell the western neighborhood heavily with mortars. On August 22, tank shells and rockets loaded on helicopters were used in the bombardment, killing dozens of civilians and causing extensive destruction to buildings.<sup>3</sup>

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1 Death from the Skies: Deliberate and Indiscriminate Airstrikes on Civilians, Human Rights Watch, 2012; 11th Annual Report on the Situation of Human Rights in Syria 2013 (January 2011 to December 2012), Syrian Human Rights Committee.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; indiscriminate attacks kill, terrorize and displace civilians, Amnesty International Media Briefing, 19-09-2012.

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; 11th Annual Report on the Situation of Human Rights in Syria 2013 (January 2011 to December 2012), Syrian Human Rights Committee; The most heinous massacres of the modern era: over 500 civilians killed in one city before the whole world (Darayya massacre in Damascus countryside), Syrian Network for Human Rights, 20/27-08-2012; Syrian Organization for Human Rights Condemns Massacre of Darayya, Syrian Organization for Human Rights Sawasia, 15-05-2013.



Darayya had a previous history of civil and community activism for which it paid the price early on, explaining to some extent the cruelty with which the demonstrations were met from the outset; the city was subjected to a prolonged siege and the forced displacement of its people, and was left completely devoid of civilians until the date of writing.

The largest city in Western Ghouta, bordering Damascus and well-known for its vineyards and a cohesive social fabric closer to the middle class, had seen since 2003 a civil movement refusing the invasion of Iraq and gradually evolving into a local movement against corruption and bribery. The movement brought to the city the arrest of 24 young men and 15 girls who were referred to the security branches; 11 of them were tried in secret field courts and received prison sentences ranging from three to four years. These are the solid core of what would later become known as the “Darayya Peaceful Group.”<sup>1</sup>

At the time, there had been signs of economic liberalization based on promoting a modern image of the regime of young President Bashar Al Assad and his wife, and a class of new businessmen close to the regime and the family, most prominently the President’s cousin, Rami Makhlouf. Unlike the time of Assad’s father, when austerity had been a feature of governance in general, the general mood shifted to flaunting rapidly-gained wealth, institutionalizing and normalizing public corruption while deepening the economic gap and widening the margins of poverty, both in the neglected countryside and in the city suburbs. Therefore, any civil initiative to resist and oppose this pattern, even if it did not take the form of political organization, became a real threat to the interests of a group of new wealthy individuals at the core of power.<sup>2</sup>

However, the citizens of Darayya, who had early on formed a nucleus of social opposition work, quickly joined the ranks of the revolution and whole families, of men and women, organized weekly demonstrations and evening rallies, despite the violence with which they were confronted from the beginning.

On August 26, 2012, the Air Force Intelligence backed by regime forces led a raid against the city and carried out large-scale indiscriminate arrests and field killings, including the execution of entire families and abuse of their bodies, with the largest mass killing taking place at Abu Suleiman al-Darani Mosque where families were seeking refuge. In total, the Syrian Network for Human Rights documented 524 civilians killed and 1,160 others wounded, including women and children.<sup>3</sup>

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1 Based on interviews conducted in Darayya by the TDA research team

2 Based on interviews conducted in Darayya by the TDA research team

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; 11th Annual Report on the Situation of Human Rights in Syria 2013 (January 2011 to December 2012), Syrian Human Rights Committee; The most heinous massacres of the modern era: over 500 civilians killed in one city before the whole world (Darayya massacre in Damascus countryside), Syrian Network for Human Rights, 20/27-08-2012; Syrian Organization for Human Rights Condemns Massacre of Darayya, Syrian Organization for Human Rights Sawasia, 15-05-2013.



In September began the first major wave of displacement from Darayya under the pressure of the siege which was beginning to weigh heavily. And in November, the siege tightened its grip around the city holding 250,000 people in addition to FSA fighters, who were entirely of its resident population. Darayya came under indiscriminate shelling in which cluster munitions were used.<sup>1</sup>

Then on November 16, incendiary bombs were used for the first time, then used again in Darayya over residential areas on December 2, 2012.<sup>2</sup>

## 2- Moadamyeh

In parallel with the battle and siege of Darayya, a siege in the adjacent city of Moadamyeh was intensified on August 21, following a partial blockade imposed since April that had banned goods but allowed people to exit and enter somewhat. The city was then heavily bombed, after which forces from the 4th Division and security forces and Shabiha stormed the city, looting many houses and carrying out field executions of dozens of civilians; 86 civilians were reportedly killed in this raid.<sup>3</sup>

From November 25, regime forces severely tightened the siege on Moadamyeh, completely preventing food and life-saving items from entering, so that an estimated 5,000 families were forced to eat leaves, residents of an area famous for its fertile plains and cultivation, most notably olives.<sup>4</sup>

## 3- Kafr Batna and the Eastern Countryside

On August 31, regime forces made up of army, security and Shabiha, backed by tanks, stormed the town of Kafr Batna in the Eastern Ghouta of Damascus, after shelling it with tanks and mortars for a whole week. The regime forces deliberately destroyed and burned Fateh Hospital, operating as a field hospital, with everyone inside it, and carried out field executions of the medical staff working in the hospital. 36 civilians were killed and 240 wounded.<sup>5</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; General Statement: Brief report on besieged areas in Syria, Amnesty International, 16-04-2014.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; 11th Annual Report on the Situation of Human Rights in Syria 2013 (January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Syria: Incendiary Weapons Used in Populated Areas Evidence Military Used Bombs That Cause Horrendous Burns, Human Rights Watch, 12-12-2012.

3 Report of the International Independent Investigation Commission on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; full legal documentation of the massacre of Muadamiyat al-Sham, 12-08-2012.

4 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; Special report on the siege of Yarmouk camp in Damascus and the city of Moadamyeh in Damascus countryside, forgotten under siege, Center for the Documentation of Violations, 09-2013.

5 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; Legal documentation of the massacre of Kafr Batna in Damascus countryside, Syrian Network for Human Rights, 01-11-2012.



On September 2, regime forces surrounded the town of Deir al-Asafir in the eastern countryside of Damascus, cutting off electricity, water and communications, and shelled it with artillery, mortars and rockets, using helicopters to bomb it with barrel-bombs. Two days later, the Shabiha with army and security forces stormed the town, carried out field executions and burned down many houses and orchards.<sup>1</sup>

On September 22, regime forces, Shabiha, and security forces surrounded the town of az-Zyabeyeh in Damascus countryside and shelled it with tanks and heavy machine guns, to storm it on 26 September, killing at least 70 civilians, mostly elderly people who were unable to escape.<sup>2</sup>

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During the fighting in Damascus countryside, incursions and confrontations continued in other areas. Then after a long period of declared sectarian threats, on September 2, tanks, infantry soldiers, security forces and Shabiha surrounded the village of Fan Shamaly (a Sunni village in Hama countryside surrounded by Alawite villages) and cut off electricity and communications; the village was then heavily shelled with tanks and stormed on September 3. Shops were looted, homes burned, and civilians and livestock killed. According to one witness, regime forces gathered young men in the village square and shot them. 35 civilians are believed to have been killed.<sup>3</sup>

On September 3, regime helicopters dropped four barrel-bombs on al-Bab, north of Aleppo, killing 44 civilians.<sup>4</sup>

On September 8, a warplane dropped barrel-bombs on the opposition-controlled Tariq al-Bab neighborhood of eastern Aleppo, killing 30 civilians after three floors of a building collapsed. A warplane then fired a missile at al-Shaar neighborhood in eastern Aleppo, killing 13 civilians.<sup>5</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; Legal documentation of the massacre of Deir al-Asafir, Syrian Network for Human Rights, 07-11-2012.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; Full legal documentation of the massacre of Zyabeyeh in Damascus countryside, Syrian Network for Human Rights, 26-11-2012.

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; 11th Annual Report on the Situation of Human Rights in Syria 2013, (January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Massacres of a sectarian nature will affect transitional justice and coexistence: Complete documentation of the massacre of Fan Shamaly in Hama countryside as a sample, Syrian Network for Human Rights, 02-09-2012.

4 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; 11th Annual Report on the Situation of Human Rights in Syria 2013 (January 2011 to December 2012), Syrian Human Rights Committee, 06-2013.

5 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; Documenting the massacre in al-Bab neighborhood in Aleppo city, MiG-23 planes bomb and kill 43 civilians, Syrian Network for Human Rights, 08-09-2012.

On September 11, regime warplanes dropped 12 explosive barrels on the town of Kafr Zita in Hama countryside, killing 12 civilians, including two women and an infant.<sup>1</sup>

On September 19, regime forces cut off communications in the Arbaceen neighborhood of Hama, surrounded it with tanks and shelled it, then stormed it, and carried out field executions of 26 civilians.<sup>2</sup>

On September 26, 15 people were killed in warplane bombardment of Deir ez-Zur.<sup>3</sup>

On September 28, regime forces surrounded al-Kussur neighborhood in Deir ez-Zur and then stormed it, killing at least 19 civilians in various ways, such as stabbing with knives and shooting at close range.<sup>4</sup>

On October 1, Syrian Foreign Minister Walid Muallem addressed the UN General Assembly in its 67th session,<sup>5</sup> in which he considered that “the invitations addressed to the President of the Syrian Arab Republic to step down (are) a blatant interference in the internal affairs of Syria and the unity of its people and the sovereignty of its decisions.” He stressed that “under the pretext of humanitarian intervention, there is interference in the internal affairs of States and an imposition of unilateral economic sanctions lacking moral and legal basis,” pointing out that “the worst is seeing permanent members of the Security Council who have waged wars under the pretext of fighting terrorism, supporting terrorism in Syria without regard to UN resolutions.” Muallem accused “countries inside and outside the region [of] encouraging extremists to go to the Syrian borders and into [the country] to carry out terrorist acts in the name of jihad, in cooperation with domestic terrorists.” He pointed out that “this fact was confirmed by reports from UN observers, and Arab observers before them,” stressing that what Syria is witnessing is “organized terrorism,” citing the example of a bombing in Damascus a week before his speech, on 26 September, for which Jabhat al-Nusra claimed responsibility.

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; Documenting the massacre in Kafr Zita of Hama countryside, Syrian Network for Human Rights, 11-09-2012.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; 11th Annual Report on the Situation of Human Rights in Syria 2013 (January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; The most heinous massacres of the modern era: over 500 civilians killed in one city before the whole world (Darayya massacre in Damascus countryside), Syrian Network for Human Rights, 27-08-2012.

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; Report on the most prominent massacres in 2012, Syrian Network for Human Rights, 01-01-2013.

4 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; 11th Annual Report on the Situation of Human Rights in Syria 2013 (January 2011 to December 2012), Syrian Human Rights Committee, 06-2013.

5 Syrian Arab Republic General Debate, 67th Session United Nations 2012, <https://bit.ly/3s7kvg4>



Muallem said that the Syrian state “has taken serious and important reform steps culminating in a new constitution that endorsed political pluralism, adopted by a popular referendum on the basis of which elections were held, in which multiple political parties participated.”<sup>1</sup>

However, Muallem did not mention in his speech that the results of the referendum on which the new constitution was adopted, pursuant to the recommendations of the Special Committee, came out the next day with an approval of 89.4%, which raises many doubts about it. Likewise, al-Muallem did not mention that while he was giving his speech on October 1, regime helicopters were bombing the town of Salqin in Idlib countryside with barrel-bombs, killing 20 civilians.<sup>2</sup>

Between October 9 and 12, activists sent videos to Human Rights Watch showing cluster munitions used by Syrian aircraft near the towns of al-Tamanah, Taftanaz, and Maarat al-Numan in Idlib, as well as in Eastern Buwaydah and Saloumia in Homs and Tall Rifat in Aleppo, and in the countryside of Latakia and Eastern Ghouta. This came within a context of massive confrontations between regime forces and the opposition in these areas.<sup>3</sup>

Between October 14 and 23, 10 cluster munition attacks were documented in Salqin and Kafar Takharim, north of Idlib, in Eastern Buwaydah, Talbiseh, Rastan and Qusayr in Homs governorate. The same occurred in al-Bab neighborhood of Aleppo, in Deir ez-Zur and Eastern Ghouta.<sup>4</sup>

On October 26, the Eid al-Adha truce was declared after the Security Council voted unanimously for a ceasefire and the Syrian government and FSA factions agreed, but the truce did not last.

On November 6, armed opposition groups claimed responsibility for an attempt to bomb the presidential palace, missing the target and hitting the neighborhood of Mazzeh 86 in Damascus, a predominantly Alawite area, killing three civilians.<sup>5</sup>

On November 9, regime warplanes bombed a market in the town of al-Quriyah in Deir ez-Zur, killing 18 civilians, including 12 women and three children.<sup>6</sup>

1 Syrian Arab Republic General Debate, 67th Session United Nations 2012, <https://bit.ly/3s7kvg4>

2 Summary report by Amnesty International, Syria: Regime bombs raining on civilians without discrimination, Amnesty International, 14-04-2013; Report on the most prominent massacres in 2012, Syrian Network for Human Rights, 01-01-2013.

3 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Syria: New Evidence Military Dropped Cluster Bombs Halt All Use of Internationally Banned Weapon, Human Rights Watch, 14-10-2012.

4 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Syria: Despite Denials, More Cluster Bomb Attacks Compelling New Evidence of Use, Human rights Watch, 23-10-2012.

5 Amnesty International summary briefing, Syria: Field killings and other abuses by armed opposition groups, Amnesty International, 14-04-2013.

6 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013 (January 2011 to December 2012), Syrian Human Rights Committee, 06-2013.

On November 11, the Syrian opposition announced from the Qatari capital Doha the formation of the “National Coalition of Revolutionary and Opposition Forces” and elected Moaz al-Khatib, a cleric and engineer from Damascus, as its president. Demonstrations went out on November 16 with the slogan “Friday of support for the National Coalition.”

But on that same day, November 16, the first incendiary bombs were used in Darayya and then used again in Darayya on residential areas on December 2.<sup>1</sup>

On November 21, a warplane dropped a bomb that destroyed much of al-Shifa Hospital in eastern Aleppo and killed at least 20 civilians. The hospital had been shelled 12 times since August.<sup>2</sup>

On November 20, 21 and 28, regime warplanes dropped incendiary bombs on residential areas in Maarat al-Numan in Idlib province and wounded two civilians and two FSA soldiers who were in the street.<sup>3</sup>

On November 25, 11 children were killed and many wounded in Deir al-Asafir, near Damascus, after regime warplanes dropped a cluster bomb over an area where children used to play.<sup>4</sup>

On November 28, two bombings took place, within about half an hour of each other, at the roundabout of President Square in Damascus, where traffic was dense, resulting in the deaths of at least 66 civilians with numerous others wounded. It was believed that Jabhat al-Nusra was behind it.<sup>5</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; 11th Annual Report on the Situation of Human Rights in Syria 2013 (January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Syria: Incendiary Weapons Used in Populated Areas Evidence Military Used Bombs That Cause Horrendous Burns, Human Rights Watch, 12-12-2012.

2 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Human rights situations that require the Council's attention: Assault on medical care in Syria, UN General Assembly, 13-09-2013; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; Death from the Sky: Intentional and Indiscriminate Air Strikes on Civilians, Human Rights Watch, 2012.

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; 11th Annual Report on the Situation of Human Rights in Syria 2013 (January 2011 to December 2012), Syrian Human Rights Committee, 06-2013; Syria: Incendiary Weapons Used in Populated Areas Evidence Military Used Bombs That Cause Horrendous Burns, Human Rights Watch, 12-12-2012.

4 Syria: Evidence Shows Cluster Bombs Killed Children All Governments Should Press Damascus to Stop Using Cluster Munitions, Human Rights Watch, 27-11-2012.

5 He didn't have to die: Indiscriminate Attacks by Opposition Groups in Syria, Human Rights Watch, 2015.



On November 29, Human Rights Watch investigated the recruitment of 14-year-olds who had served in at least three FSA factions, with tasks ranging from arms transfers to support and surveillance, while 16-year-olds had served as combatants. Human Rights Watch interviewed five child soldiers between the ages of 14 and 16 who told the organization they had served in FSA factions in Daraa, Homs, and Kherbet Eljoz.<sup>1</sup>

On December 3, regime warplanes dropped incendiary bombs on al-Qusayr in Homs governorate, burning nine houses and a school and injuring 19 people, including children and women.<sup>2</sup>

On December 9, government forces targeted a popular market in the town of Quriyah in Deir ez-Zur with artillery shells, killing 27 people, including six children and 17 women.<sup>3</sup>

The following day, December 10, an armed group attacked the Saida residences in Daraa, which had become increasingly militarized during the armed conflict, after having been limited to accommodations for officers and their families. When the armed opposition took control of it, it killed those who resisted and the rest were taken captive, including five women; consequently, the government issued an order at all checkpoints to arrest any girl until their number reached 100 by the evening, the majority of them students, putting pressure on the commander of the attacking forces Lieutenant Colonel Yasser al-Abboud who was holding the captives from [Saida] residences, and he yielded and released them.<sup>4</sup>

On December 11, 2012, the US State Department declared Jabhat al-Nusra a “foreign terrorist organization” affiliated with al-Qaeda in Iraq.

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; Syria: Opposition Using Children in Conflict Boys Report Serving as Fighters, Guards, and Lookouts, Human rights Watch, 29-11-2012.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; Syria: Incendiary Weapons Used in Populated Areas Evidence Military Used Bombs That Cause Horrendous Burns, Human Rights Watch, 12-12-2012.

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; Collecting four years of the most prominent human rights violations in Syria, Syrian Network for Human Rights, 12-03-2015.

4 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; Abuses against Syrian women during the Syrian Revolution, Syrian Network for Human Rights, 21-08-2013.



## Aqrab Massacre

On December 11, a massacre took place in the town of Aqrab in Homs countryside near Houla. The village is home to 12,000 people, a third of them Alawites, and their numbers receding with the presence of the FSA who started bombing the village, causing many of its Sunni population to abandon it. A number of regime supporters had gathered in one house (Ismail Jbeili, Mohamad Jbeily, Farzat Ammar and Melhem Suleiman Melhem); eventually, their number reached 400 people and they were trapped [there] for 10 days. The Sunnis then sent seven of their elders (Sheikh Saeed Hammash, Sheikh Saado, Sheikh Ali, and two retired officers) on December 10 to allow for women and children to leave (and possibly surrender), and around 125 people were let go to the nearby town of at-Taunah (1 kilometer). The elders slept inside the besieged [building] until the next day. At approximately 5 pm, the Shabiha took the Samson Option. They killed the elders then started killing [their fellow hostages] so they would not fall into the hands of the FSA who had besieged them; they killed [remaining] girls, and their families, blew up bombs and gas canisters at themselves and everyone with them, and prevented anyone from going out. However, some survivors escaped and were given first aid treatment by the FSA, who were assuring them they would be taken to safety in Houla.<sup>1</sup>

On December 23, the Syrian Army bombarded the neighborhoods of al-Bayada (old city), Deir Baalbah and al-Sitteen Street in Homs. The shelling lasted for hours, followed by an explosion that left behind a cloud of white smoke indicated there to be toxic gases. 50 people were injured. According to one of the doctors in the field hospital, the explosion caused cases of delirium, neurological convulsions, and loss of consciousness, stupefaction, and general numbness. The attack killed seven residents of the area and injured 60, including four cases of paralysis and three cases of blindness.<sup>2</sup>

On December 23, a ton of flour was provided by a relief organization to operate an automated bakery in the town of Halfaya in Hama countryside. Because bread had been completely unavailable for a long time, many people crowded in front of the bakery, and a regime warplane dropped eight bombs on the bakery, killing 93 civilians; possibly cluster bombs were used in the attack.<sup>3</sup>

On December 28, demonstrations went out under the name “Friday of Bread and Blood” protesting the targeting of bakeries.

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1 Personal observation by a member of TDA's research team.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; Update - The number of poison gas attacks increased to 25 in five governorates 7/7/2013, Syrian Network for Human Rights, 07-07-2013.

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013; Eastern Aleppo neighborhoods under siege and bombardment of at least 300,000 people trapped in the city, Syrian Network for Human Rights, 24-07-2016; 11th Annual Report on the Situation of Human Rights in Syria 2013, (from January 2011 to December 2012), Syrian Human Rights Committee, 06-2013.





On December 25, regime planes bombed the village of al-Busayrah in Deir ez-Zur, which was under the control of the FSA, killing at least 17 civilians.<sup>1</sup>

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## Arrest and torture in prisons

On December 21, four young women who became known as the “Freedom Brides” were arrested during a protest in a market in Damascus. The protesters were demanding peace and the cessation of hostilities. Their relatives have no information about them.<sup>2</sup>

On June 24, on the outskirts of Aleppo were found the charred bodies of three medical personnel arrested by the Air Force Intelligence a week before for secretly providing medical services to those wounded in shelling and demonstrations.<sup>3</sup>

On March 1, 36-year-old Mazen Bseis al-Hamada from Muhasan in Deir ez-Zur was led away by Air Force Intelligence from Saroujah cafe in central Damascus. He had been arrested twice before. The young man and his two brothers were taken to Mazzeh Airport to the so-called Research Building. Upon his release, he gave one of the most painful and detailed testimonies, not only about security detention centers, but also, and more disturbingly, about the transformation of health centers, in particular Military Hospital 601, into first-rate torture camps where the executioners are doctors and nurses.

After being subjected to all kinds of torture in the prison; hanging by the wrists, suspension by the genitals and threats of impalement, Hamada was transferred in early 2013 to the new building with 50 other detainees. He says in his testimony: “I was suffering from pain in my side and I started urinating blood, I told the prison director and I was transferred to Mazzeh hospital. They blindfolded me and told me to climb onto a bed, then pushed me so violently I hit the floor of the ambulance. While I was being taken to hospital, the security officers beat me with the butts of their guns, and one of them said: “Maybe we can get him to die before he reaches the hospital.” Upon my arrival, I was shocked by three [female] nurses and four [male] nurses hitting me with their shoes and insulting me, saying, “He is one of the terrorists who killed our people.” Then a doctor came and said, “Forget your name, you are now number 1858.” I was handcuffed with four other detainees.

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-02-2013; Report on the most prominent massacres in 2012, Syrian Network for Human Rights, 01-01-2013.

2 Urgent Action Syrian ‘Peace Brides’ Forcibly Disappeared, Amnesty International, 07-12-2012.

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012; Comprehensive repression: Clearing the Syrian city of Aleppo of dissidents, Amnesty International, 2012

From under the cloth they had covered my eyes with, I could see one of the detainees suffering a skull incision and his brain was showing, after being severely beaten. His feet were swollen like elephant feet and he could have weighed no more than 40 kg. At midnight, I called out a guard to take me to the toilet and when I opened the toilet door, I was shocked. I saw three blue corpses in underwear only, with long beards and long hair - they seemed to have spent a long time in detention - their eyes had been gouged and they had been placed one on top of the other.

I closed the door immediately to open the door to the bathroom, and found two bodies fully clothed, with beards and long hair and signs of recent death. I headed towards the small room with the sink, and I saw the body of a young man about 17 years old, white skin, blond hair, wearing only underwear, showing the effects of torture on his skinny body, and signs of burning with boiling water or burning oil or some other substance.

I went back so the jailer, who calls himself Azrael, asked: "What's wrong with you?" I told him I had seen corpses, but he paid no notice to my words. Azrael was a jailer from Tartus, tasked with killing those on the verge of death. He carried an iron rod and came at the end of the night when he was heavily drunk and addressed the detainee: "The divine court has sentenced you to salvation." Then he would beat him on the head until he died. This was told by a forced laborer from Darayya who added that every week there are between 15-20 bodies taken to an unknown place in a large refrigerator.

Two days later they brought another detainee suffering from inflammation and leprosy and scabies, who I had met earlier at Mazzeh airport. He was from Shebaa. He had lost his mind. The guards put him on the same bed. As the forced laborer told it, Azrael came at the end of the night reeking of alcohol, and began to severely beat the head of the detainee until he completely lost consciousness and his blood was everywhere, and hours later he died and they took his body to the bathrooms.

On the fourth day of my stay at Hospital 601, the doctor came and I begged him to let me return to the Air Force Intelligence branch, and he told me: "You haven't improved," so I replied that I was improving and the state of my health was excellent. On the fifth day they sent me back, and when I arrived an agent received me saying: "This dog hasn't died yet." He ordered them to beat me with sticks and shoes for about half an hour and then transferred me to the military police and then to Adra Central Prison, where I stayed for about two months. After that, I was transferred to the Terrorism Court and the judge ordered my release."<sup>1</sup>

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1 Detainee's Testimony: Mazen Bseis Hamada, Air Force Intelligence Branch, Mazzeh Military Airport and 601 Military Hospital, Damascus Mazzeh, Violations Documentation Center, September 2013.



A former detainee told Amnesty International: “I was detained from March 26, to May 14, 2012. First, they took me to the military security branch. My hands were tied behind my back and my eyes were blindfolded and I was beaten with a metal cable and a plastic hose. One day later they said they were transferring me to Military Security in Idlib, but they took me first to the Military Police [in Aleppo] and kept me there for 17 days. I was tortured there by lifting my legs and beating me on the soles of the feet and legs. While I was there, a man died as a result of torture. There was also a 71-year-old man from Maarat al-Numan who had been a teacher in Saudi Arabia; he was tortured as well, and he wasn’t given any medicine for his diabetes and he was in very bad condition. I was then transferred to Military Security in Idlib for about four weeks. Conditions were extremely bad. We were about 170 people in a room of about 7 by 5 meters. It was dirty and full of insects and there was no space to lie down; I didn’t sleep at all, in all the time I spent there. I almost went mad. I was regularly flogged with cables on my legs, and I was hit on my head a lot.”

A young man arrested on April 14, 2012 in Aleppo told Amnesty International the following: “I was arrested at a demonstration after Abdul Wahid al-Hindawi was killed in the Izraa area. They caught us and beat us with their rifle butts. We were arrested by the law enforcement forces [riot police] and other security forces. They took us first to the Criminal Security Center in the Ansari neighborhood for a few hours, and then to the Criminal Security Center in Ashrafiyah. There were around 150 of us. They took us in groups to the five-member committee (a committee of five security agencies) on the upper floor. I was blindfolded and my hands were cuffed behind my back and I was forced to kneel on the floor and beaten for a long time on my back, legs, and soles of my feet. The others were being beaten, too; I could not see, but I could hear the beatings and screams coming from by my side. They asked us how many soldiers we killed, how many tanks we burned and what weapons we had. I think those who asked us these questions were not really serious and knew we had nothing to do with such things that were happening outside the city in Aleppo countryside. After a few hours of beatings, they took us to the cells. We were placed in a very small cell with no air and hardly any light. I spent six days standing or crawling, but it was not at all possible to ever lie down. Every evening we were taken to the corridor, electrocuted, and beaten, but not questioned. As for the electric shocks, about 10 of us were tied together side by side with a metal chain through which an electric current flowed. When some of us lost consciousness, which happened often, they poured water over us and then electrocuted us again, which was worse when we were wet. It was very painful.”<sup>1</sup>

Although most of those arrested and tortured were adults, the children were not spared. A 15-year-old boy arrested on February 29, 2012 told Amnesty International the following: “I was taking part in a demonstration in the New Aleppo neighborhood when a man in plain clothes grabbed me, put a gun to my head and walked me to a nearby car and pushed me inside. There were three of them in the car, and me and three other protesters; they were older than me, maybe 20 or even 25 years old; I didn’t know them. One of them was carrying the revolution flag. The security men started insulting and hitting us when the car drove off. The protestor holding the flag was beaten more. They blindfolded us and took us to the Military Intelligence headquarters in New Aleppo. I stayed there for two days and I was beaten many times. The boy who was carrying the flag was beaten very severely. I denied participating in the demonstration and said I was only passing through when I was caught.”<sup>1</sup>

## Sexual violence

Interviews conducted by the International Commission of Inquiry indicated that rape and other forms of sexual violence were committed in two cases: The first is rape committed by members of government forces and the Shabiha during house searches and at checkpoints, and the second is rape in detention. In addition, several reports stated women were being abducted and raped in Homs between late February and April. There are accounts of women being forced to walk naked on the streets of Karam el-Zeitoun in February. Fifteen interviews described incidents of sexual violence committed during house searches conducted under military operations in Homs between February and May, and in al-Haffah in June. Five interviewees provided detailed information on incidents of sexual violence that occurred in Zabadani in late February and at several locations in Homs governorate in April, said to have been committed by soldiers and Shabiha members.<sup>2</sup>

The year 2012 ended with some progress for opposition forces.

On the ground, the FSA announced its control of the Infantry School in Aleppo, followed by the Faculty of Administrative Affairs and a number of other military installations, seizing huge quantities of weapons and ammunition.

The FSA also announced the start of its takeover of Hama city, and it indeed took control of some of its rural areas, most notably the town of Halfaya.

Politically, the 4th Conference of Friends of the Syrian People was held in Marrakesh, Morocco, on December 12, 2012 with the participation of more than 120 States and international organizations. A total of 114 countries, including the

1 Out of sight, out of mind: Deaths in custody in the Syrian Arab Republic, United Nations, 27-01-2016

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2012



United States, recognized the National Coalition as the legitimate representative of the Syrian people. A fund for relief for the Syrian people was established and an international conference of donor countries was convened to develop programs and plans for the reconstruction of the country.

In the meantime, the refugee influx, which had been flowing since 2011, steadily increased beyond the borders, particularly towards immediate neighbors Jordan, Lebanon, and Turkey.

## **Chapter Three: 2013**



**At the beginning of this chapter, it must be acknowledged that it is difficult for the author to choose a general title that summarizes the spirit of 2013 and its enormous events, and just as difficult to adhere as strictly to the clear timeline in the previous two chapters. The year/chapter 2011 was marked by the spark of the revolution and peaceful demonstrations; the year/chapter 2012 was marked by “militarization” and the “liberation” of areas rising up against the control of the central government, especially in the north of the country; however, 2013 carries more than one political and military juncture and an unprecedented chain of grave violations that would characterize subsequent years, documented in the report until the date of writing.**

The year 2013 closed one phase and opened another, as events took a path of declared and inevitable armed conflict, with all its implications of regional and international alliances and loyalties, translated onto the battlefield and reflecting on the lives of civilians. For example, 2012 was marked by direct targeting of bakeries, not only to destroy the bakeries themselves but also because they were gathering points for civilians; while 2013 was marked by the targeting of schools with everyone inside them, under the pretext they were used by armed opposition as headquarters or weapons stores, and consequently, most schools were left partially or totally destroyed.

The narrative section of this report will use the term “armed conflict” rather than “civil war”, as large segments of Syrian society object to the latter, particularly to refer to the conflict’s early stages covered by this chapter. In practice, however, this does not negate the existence of features and elements of a civil war at a later stage, as this report documents in the following chapters.

The year 2013 marked the geographic expansion and concurrence of battles, but also the emergence of the Islamic State (Daesh) and a justification of the conflict as a war on terror; in addition to drawing the lines of a clearly sectarian conflict based mainly on foreign fighters who came to Syria to fight either with the opposition (Sunnis) or with the regime (Shiites). While one opposition faction spawned another, resulting in groups that were independent in their decision-making, performance and geographical locations across the “liberated areas”,<sup>1</sup> “Shiite militias”, on the other hand, mainly from Lebanon and Iraq, came together in one trench and under a unified and largely coherent military command, forming a decisive factor in the course of events and not just a military support force.

In 2013, there was an excessive and disproportionate use of military force, from ballistic missiles and locally developed weapons such as “barrel-bombs” to internationally banned weapons such as chemical weapons, as well as indisputable incidents of massacres, such as the Queiq River massacre. During this year, neither arbitrary arrests nor field executions declined, nor were abuses

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<sup>1</sup> Local term used to name areas that went out of regime’s control in Damascus and became under the control of the Free Syrian Army (FSA)



in prisons and raids eased, nor did the sieges of cities and towns diminish. On the contrary, a harsher and crueler stage of imposing sieges began, as collective punishment and not just as a tactic of war (some of them still continue to date); and kidnappings of a very symbolic nature illustrate what events have come to, like the abduction of Father Paolo and the four Duma activists.

Thus, this sharp turn in events also necessitated a sharp turn in writing, and this chapter relies mainly on the axes of the conflict, spread geographically over the country, and on the tools and forms of violations, while retaining their implicit chronology; rather than merely narrating events within a general time-frame, which threatens to obliterate their broader contexts and slot them as isolated incidents into a calendar for 2013.

## The Conflict in Damascus and its Countryside

“The smell of death was stronger than the smell of smoke, and most of those who were found had been transformed into skeletons of coal in minutes.” One witness describes what happened on January 2, 2013, at a petrol station north of Mleha town in Damascus countryside. MiG warplanes carried out a strike on the station. Immediately following, government forces fired two mortar shells at the area, killing between 74 and 80 civilians and causing hundreds of cases of burns as well as massive destruction; huge fires broke out, and cars and motorcycles caught fire together with their passengers.<sup>1</sup>

In what Washington called a “new attempt to hold on to power without providing anything for a political transition,” Syrian President Bashar al-Assad delivered a speech on January 6 at the Opera House in Damascus, in which he said there was no room for negotiations with “terrorists” and that a peaceful settlement could only be achieved with a national opposition that does not seek to “divide Syria.” He proposed a new political process based first on the commitment of countries concerned to stop funding and arming the opposition, then the army halting military operations while retaining the right to retaliate, and finding a mechanism to ensure that the border can be controlled. In a second stage, a conference is called to reach a national charter that commits to the sovereignty and territorial integrity of Syria and charts its constitutional future, and then the charter is presented for popular referendum; and an extended national government is formed that will draft a new constitution to be put to referendum, and then elections will be held. In the third and final stage, a new government is formed in accordance with the constitution, national reconciliation begins, and a general amnesty is announced to begin work on reconstruction.

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<sup>1</sup> 190 people killed in Syria during regime shelling of a petrol station and two bakeries, Syrian Human Rights Committee, 02-01-2013: Documentation of the massacre of Mleha town in Damascus countryside, Syrian Network for Human Rights, 02-01-2013.



The opposition rejected Assad's initiative and considered it aimed to block attempts at a political solution. International reactions were also condemning. British Foreign Secretary William Hague described Assad's speech as "promises of reform void of content," while France saw the proposal as a "denial of reality," calling on Assad to step down.

In the meantime, at the request of Iran and with Qatari-Turkish efforts, an agreement was reached on January 10, with the Baraa Brigade, who were holding 48 Iranians captive, to release them in exchange for the release of 2,130 detainees in the security branches, including 76 women and four holders of Turkish citizenship and a large sum of money.

On the ground, clashes continued on more than one front, particularly in northern Syria, where huge areas began to fall out of government control. But the unprecedented and most important escalation was the threat of moving the battle into Damascus itself. Districts in the center of the capital were within reach of the rockets fired by opposition factions, who had taken control of most of its towns and surrounding areas and approached the city walls. Opposition fighters seized the Harmala checkpoint in Jobar, posing a direct threat to government forces in the capital and forcing them to declare a so-called "secure cordon around Damascus." The opposition began to advance in the areas around Damascus International Airport and announced days later that they had taken control of the al-Musiqa barracks in Jobar and that the "liberation" of the entire neighborhood was complete.

Government forces responded in two main ways: On the one hand, uprising areas were cut off and isolated, flattened with rockets and the population terrorized with field executions. On the other hand, fronts less important than the capital were temporarily slowed, such as Qalamun which was left to local armed factions, the front not re-opened until after the battle of Qusayr when the Damascus-Homs road was secured, and some fronts in Aleppo countryside (for example, the Infantry School); in order to concentrate on fortifying the capital, and return to these later.

Simultaneously, the regime announced the establishment of the "National Defense Army"<sup>1</sup> as supportive forces to protect neighborhoods from opposition militants, launched from neighborhoods of Damascus and then expanded to some Christian villages in Hama countryside and some neighborhoods of the city of Aleppo.

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<sup>1</sup> The National Defense Army (NDF), when founded, consisted of about 10,000 young men, and formed a stand-in for the regular armed forces devoted to combat missions. It was composed of civilian agents who had performed military service and worked alongside members of the less organized and less structured "Popular Committees". The NDF's missions were limited to protecting neighborhoods, and its members received monthly salaries and uniforms, unlike Popular Committee members and Shabiha.

On January 18, an army checkpoint on the road between Maydaa and Adra in Damascus countryside, also known as the Chemistry Battalion checkpoint, carried out field executions, killing between eight and 13 people.<sup>1</sup>

On January 20, government fighter jets bombed Harran al-Awamid east of Damascus, killing 11 civilians, including women and children, some of whose bodies were shredded to pieces.<sup>2</sup>

Regime forces then announced their intention to storm the strategic town near Damascus International Airport and displace its inhabitants, which actually happened after it was declared under control.

Politically, Qatar handed over the Syrian Embassy in Doha to the National Coalition.

Meanwhile, its president, Ahmad Moaz al-Khatib, announced from Munich, where the 49th International Security Conference was being held, he was prepared to sit at the negotiating table with “representatives of the Syrian regime who do not have blood on their hands.” The call was not welcomed and Khatib was widely criticized from within the opposition itself, while the situation on the battlefield was becoming even bloodier.

Khatib announced on March 24, his resignation from the post in protest at what he called “international silence over events in Syria,” but the Coalition refused to resign, demanding that he remain in office until the General Assembly meeting. On April 22, George Sabra was elected interim president to succeed Khatib.

In connection with fortifying the perimeter of the capital, on February 2, warplanes bombed the town of Shebaa in Damascus countryside, killing nine people, including six children and a woman.<sup>3</sup>

On February 20, Sukhoi warplanes flew over the city of Hamoryah in rural Damascus, dropping bombs attached to parachutes, which caused massive destruction and huge fires in a large residential area and killing 52 civilians, including children and women.<sup>4</sup>

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1 12<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013 from January 2013 to December 2013, Syrian Human Rights Committee, 2013; Victims of Bombings, Violations Documentation Center in Syria, April 2013.

2 Cluster bombs: Systematic and Continued War Crime with Prohibited Weapons, Syrian Human Rights Committee, 30-04-2014; Documentation of Harran al-Awamid massacre in Damascus countryside, Syrian Network for Human Rights, 02-01-2013.

3 Documentation of the massacre of Shebaa town in Damascus countryside, Syrian Network for Human Rights, 03-02-2013; Massacre in Shebaa, Damascus Countryside, Initial death toll 9, Syrian Network for Human Rights, 02-02-2013.

4 165 Dead and a massacre in Hamoryah, Damascus Countryside, Syrian Committee for Human Rights, 23-02-2013, Documentation of Hamoryah Massacre in Damascus Countryside, Syrian Network for Human Rights, 20-02-2013.



On March 21, pro-government Sheikh Muhammad Said Ramadan al-Bouti was assassinated at Mosque of Iman in the Mazraa area of Damascus in an incident that caused much commotion. The government accused opposition factions of the incident, while Jabhat al-Nusra, usually the one to carry out such operations, refused to claim responsibility for this one. Opposition media blamed the regime, considering they gained from rallying public opinion (specifically in Damascus) against the “terrorists,” especially as the capital had been the scene of a series of bombings that left more than 60 dead and dozens wounded in one month.

On March 15, at least 13 people from Muadamiyat al-Sham were killed in artillery shelling by government forces as worshippers were going to the mosque, in addition to dozens wounded.<sup>1</sup>

During this period, Syrian authorities deliberately demolished thousands of residential buildings and entire neighborhoods in some cases, with explosives and bulldozers, under the pretext that they were randomly [illegally] constructed neighborhoods. This is a tactic it began implementing in mid-2012, especially in the cities of Hama (Wadi al-Jouz in particular) and Damascus, against neighborhoods that were the scene of battles between government forces and opposition factions.

In Damascus, the authorities demolished residential buildings in the areas of Tadamon and Qaboun immediately after its forces resisted a military attack from the opposition. Demolitions also took place within the range of government, military or strategic targets that had been attacked by opposition forces, such as Mazzeah Military Airport, Damascus International Airport and Tishreen Military Hospital in Barzeh neighborhood.

And in a remarkable and dangerous development, on April 9, Abu Bakr al-Baghdadi announced, via audio recording, the establishment of the Islamic State of Iraq and the Levant [Daesh] (ISIL) and annexed it to Jabhat al-Nusra. Within one day of the announcement, the Emir of al-Nusra, Abu Mohammad al-Julani, delivered a speech in which he denied knowledge of Baghdadi’s decision, in what seemed to be repudiation of the new entity. Not denying his previous accession to Daesh in Iraq and al-Baghdadi’s mandate to him to fight in Syria, al-Julani pledged allegiance to al-Qaeda leader Ayman al-Zawahiri, refusing to work under al-Baghdadi’s umbrella organization. There was a period of announced truce between the two organizations, during which Baghdadi refused to grant Jabhat al-Nusra independence, buying time to strengthen his stronghold in eastern Syria, then beginning a gradual expansion to the west.

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<sup>1</sup> Documentation of Muadamiyat al-Sham massacre in Damascus countryside, Syrian Network for Human Rights, 15-03-2013; Daily field report on violations taking place on Syrian territory on March 15, 2013, Syrian Committee for Human Rights, 17-03-2013.

On April 14, a populated area of Duma in Damascus countryside was shelled with a number of rockets from an unknown source, killing at least nine people, including children and a woman, injuring dozens and destroying houses.<sup>1</sup>

Between April 16 and 23, government forces and Shabiha committed a massacre in Jdaidet al-Fadl in rural Damascus, killing 17 opposition members and 174 civilians including nine children and eight women, with dozens missing and more than 120 detained, according to the Syrian Network for Human Rights. The Syrian Human Rights Committee reported that 566 people were killed, mostly women and children, most of them in field and close-range executions or with “white arms.”<sup>2</sup>

Similarly, confrontations intensified in the towns of Damascus countryside, particularly in Otaybah and al-Abbadah, in an attempt by the regime to besiege Eastern Ghouta which had fallen completely out of its control, and which it regained control over between the end of April and early May. Regime forces also regained control of the towns of al-Jarba and al-Bahariyah in Damascus countryside, in addition to the towns of al-Abbadah and al-Ghoraife and began imposing a siege on Eastern Ghouta.

On May 17, government forces bombed several neighborhoods in Yabrud, striking a children’s park and killing at least 14 people, including children and women, and damaging buildings.<sup>3</sup>

On June 25, government forces fired rockets at the town of Irbin in Damascus countryside, killing several civilians and causing injuries.<sup>4</sup>

The regime began to extend its policy of besieging cities of Damascus countryside and neighborhoods of Homs after taking control of access points the rebels were using to bring in aid and food items; therewith, a new phase began in the conflict, characterized by shelling and tightening the noose around popular support areas through a policy of “starvation or surrender.” Meanwhile, it also declared its control of both sides of Damascus-Homs road in the Harasta area.

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1 Field report on violations taking place on Syrian territory on April 14, 2013, Syrian Human Rights Committee, 15-04-2013; Documentation of the massacre of al-Nashabiyah village-Duma in Damascus countryside, Syrian Network for Human Rights, 14-04-2013.

2 “White arms” refers to bladed weapons such as knives. 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2013 to December 2013), Syrian Human Rights Committee, 2013; Massacre of Jdaidet al-Fadl, one the most horrible massacres of modern times, Syrian Network for Human Rights, 24-03-2013.

3 Documentation of Yabrud massacre in Damascus countryside, Syrian Network for Human Rights, 17-04-2013; 129 killed and one massacre in Damascus countryside, a second in Idlib, a third in Hama and a fourth in Homs, Syrian Committee for Human Rights, 19-04-2013.

4 Daily Report of Human Rights Violations on 25/6/2013, 101 dead and regime forces execute eight people in Homs Countryside, Syrian Human Rights Committee, 25-06-2013; Report of the Sino Massacre (Irbin City - Damascus Countryside) Violations Documentation Center in Syria June 2013, Violations Documentation Center, 06-2013.



On July 2, government forces targeted Kafr Batna in Damascus countryside on a wide scale with rockets, particularly the town market, killing 15 people, including children and women, and causing dozens of injuries.<sup>1</sup>

On July 29, then at midnight of the 30th and morning of the 31st, the area of al-Matahen in Damascus countryside was targeted with highly destructive surface-to-surface missiles. Consequently, the FSA withdrew and fortified their positions in surrounding areas as fighting continued, causing the death of four to 28 civilians, some bodies charred, and many civilian cars burnt.<sup>2</sup>

On October 10, two shells struck a market in Jaramana, killing between 15 and 24 people, among whom were Iraqi nationals. They were most likely fired from the opposition-held town of Mleha.<sup>3</sup>

On December 15, warplanes targeted the city of ad-Dumayr with missiles, resulting in significant destruction and killing between eight and 26 people, including women and children, and wounding large numbers.<sup>4</sup>

## • Explosions and Booby Traps

During the year 2013, the capital Damascus witnessed a series of bombings targeting mainly government buildings or official facilities, but also residential neighborhoods of a particular sectarian feature. Jabhat al-Nusra claimed the majority of these operations amid differing accusations regarding others, particularly those targeting Damascus University, for example, and some Sunni mosques. This came in the wake of fierce clashes between opposition gunmen and government forces on the outskirts of Damascus, especially in Qaboun and Jobar and in the vicinity of the Abbassiyyin Square east of the capital.

On February 21, a car bomb was detonated at al-Hayat Bridge near Baath Party headquarters in the Mazraa neighborhood of Damascus, killing some 47

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1 Daily report on human rights violations 2/7/2013, 86 killed, including seven by sniper bullets and a horrific massacre in Kafr Batna, Damascus countryside, Syrian Commission for Human Rights, 02-07-2013; Documentation of the massacre of Kafr Batna in Damascus countryside, Syrian Network for Human Rights, 02-07-2013.

2 Daily Report on Human Rights Violations in Syria on 19-12-2013, Syrian Committee for Human Rights, 19-12-2013; Report on Massacre of the Battle of Matahen, Baking with Blood: Dozens of Civilian and Rebel Martyred for a loaf of bread, Rural Damascus, Eastern Ghouta, Violations Documentation Center, 01-08-2013

3 Daily report on human rights violations in Syria on 10-10-2013, Syrian Human Rights Committee, 10-10-2013; Syria: Rebels' Car Bombs, Rockets Kill Civilians Indiscriminate Attacks Strike Government-Held Areas, Human rights Watch, 22-03-2015.

4 Daily Report on Human Rights Violations in Syria for 15-12-2013, Syrian Human Rights Committee, 15-12-2013; Airstrikes Source of Major Killings: Documenting Syrian Government Forces Bombardment of ad-Dumayr City in Rural Damascus, Syrian Human Rights Committee, 12-12 -2013.



citizens.<sup>1</sup>

On March 16, a car bomb exploded in Huseineah camp in Damascus countryside, killing a number of citizens and wounding others.<sup>2</sup>

On June 27, a bomb exploded in the Bab Sharqi neighborhood of Damascus, a Christian neighborhood, killing four people.<sup>3</sup>

On July 25, Daesh detonated two car bombs in el-Seyouf Square in Jaramana, Damascus countryside; documented were four to 17 civilian deaths, including some Christians, and dozens injured.<sup>4</sup>

On October 25, as worshipers left after Friday prayers, a car bomb exploded in front of the entrance to Osama bin Zaid mosque in Wadi Barada, an area outside the government's control, followed by another explosion which set on fire and burned around 40 civilian vehicles in the mosque courtyard. The toll of the explosions was between 210 and 225 civilians, some of whom were recognized, and the rest were body parts or charred by the intensity of the fire. Republican Guard snipers and anti-aircraft targeted ambulances transporting casualties to nearby hospitals, with scarce medical supplies and few doctors.<sup>5</sup>

On November 26, armed opposition groups detonated a bomb at al-Sumaria bus station in Damascus, killing dozens of civilians.<sup>6</sup>

## The Conflict in the North: Aleppo and Idlib

In early 2013, the armed opposition factions experienced a revival in the areas of northern Syria, all of which were declared "liberated," from the outskirts of Hama countryside to Raqqah in the east, around the capital Damascus and its countryside, and in the central region (especially Homs) and the south towards Daraa and the Golan.

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1 Daily Field Report on Violations in Syria on February 21, 2013, Syrian Human Rights Committee, 24-02-2015; Victims of explosions, Violations Documentation Center in Syria, April 2013.

2 153 dead and two massacres in Raqqah, Syrian Human Rights Committee, 17-03-2013; Victims of explosions, Violations Documentation Center in Syria, April 2013.

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2013; Daily Report of Human Rights Violations 30/6/2013 - 86 killed, including six by sniper fire and four by field execution and Christians, Syrian Human Rights Committee, 30-06-2013.

4 Daily Report of Human Rights Violations 26/07/2013, Syrian Human Rights Committee, 20-07-2013; "He should not have been killed" Indiscriminate Attacks by Syrian Opposition Groups, Human Rights Watch, 2015.

5 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2013 to December 2013), Syrian Human Rights Committee, 2013; Documentation of an explosion in Souk Wadi Barada village in Damascus countryside, Syrian Network for Human Rights, 25-12-2013.

6 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 12-02-2014





The battles of the north were distinguished mainly by the so-called “war of the airports,” as FSA factions sought to reduce the regime’s air capacity by partially or wholly rendering a number of military airports inoperable.

On January 11, rebels announced they had taken over Taftanaz military airport in Idlib, the largest military airport in the north, in addition to storming parts of Kuweires Airbase, while others such as Abu adh-Dhuhur and al-Tabqah airports were besieged and under constant attack and retreat.

Opposition factions took control of key points, such as the checkpoints west of Ariha city on the international road between Idlib and Latakia, and the road between Idlib and Aleppo. The regime quickly turned its attention to the Khanaser road to supply its forces inside Aleppo city, and news began to spread of it committing massacres, killing children, women and civilians in the town of Khanaser, which would be the focus of fierce battles between the opposition and government forces in the near future.

The military advances of opposition factions were accompanied by strong international positions; in March, the Arab League took a decision allowing states “who wish so” to arm the FSA, who announced the formation of a 1st air division; at the same time that the United Syrian Islamic Front was formed, comprising 11 military factions.

The Group of Friends of the Syrian People worked to increase the capacity of the armed fighters with training, funds, and equipment. Politically, a transitional government was formed, headed by Ghassan Hitto, and an open discussion began on the “post-Assad” stage, in which Syrian Alawite figures also participated.

During this phase, the Syrian government managed its military battles in the north by linking the bombing of residential neighborhoods to the raging airport war, primarily to distract, but also to punish popular support quickly and successfully for the fighters. If, for example, opposition fighters stormed part of the Menagh Military Airport, the neighboring town of Tall Rifat was bombarded, and following a maneuver around Nayrab military airport (east) Aleppo neighborhoods were bombarded, and so on, until the populated areas were exhausted and services declined significantly while militants were busy fighting. Mass refugee movements gradually began to intensify towards Turkey and Lebanon, especially after the battles of Aleppo and Qusayr, until the United Nations announced in June that 200,000 people were fleeing monthly from Syria.

Furthermore, government forces benefited greatly from foreign support, and the regime pushed its military might to its maximum strength to the point of using chemical weapons, setting an appalling historical precedent.

On January 7, government forces stormed the town of al-Mastumah in Idlib countryside after three days of battles with the FSA, and began a campaign of raids and arrests, and executed 17 civilians including women, children, and

elderly.<sup>1</sup>

On January 13, Sukhoi aircrafts raided the town of Azaz in Aleppo countryside and bombed the central market, killing more than sixteen people, including a family of five, and wounding many others, as well as destroying a number of commercial stores.<sup>2</sup>

There were two incidents unrelated to the ongoing battles; on January 15, Aleppo University was bombed, the second most important university in the country and one that had witnessed the strongest and most significant [protest] movement of all the Syrian universities. The Faculty of Architecture was bombed by what is believed to be [a] Syrian warplane on the first day of exams, killing at least 38 to 78 people and wounding others in massive numbers. Government media claimed that the faculty [building], which is located in areas controlled by government forces, was shelled by the opposition.<sup>3</sup>

Then, on January 18, the regime-controlled Aleppo neighborhood of al-Mohafaza was bombarded by unidentified warplanes although no armed or anti-government presence had been observed. Still, warplanes struck it with two missiles that killed 10 to 22 people, and many charred bodies were found. Heavy security deployment was observed around al-Razi Hospital, where the wounded were taken.<sup>4</sup>

On the same day, 13 to 17 civilians were killed when warplanes dropped cluster bombs in a crowded location in Salqin town of Idlib after Friday prayers.<sup>5</sup>

On January 23, the commercial market in Dayr Hafir of Aleppo countryside was bombed by an unknown party. The death toll was 9-10 civilians, including women.<sup>6</sup>

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1 Syrian regime forces storm al-Mastumah village in Idlib and executes 17 civilians, Syrian Commission for Human Rights, 08-01-2013; Report of the International Independent Investigation Commission on the Syrian Arab Republic, United Nations General Assembly, 05-02-2013.

2 Two massacres in Damascus and a third in Aleppo, Syrian Committee for Human Rights, 13-01-2013; Documentation of the massacre in Azaz city in Aleppo countryside, Syrian Network for Human Rights, 13-01-2013.

3 12<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, from January 2013 to December 2013, Syrian Human Rights Committee, 2013; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 04-06-2013; Warplanes bomb Aleppo University, Syrian Human Rights Committee, 15-01-2013; Documentation of Aleppo University Massacre, Syrian Network for Human Rights, 15-01-2013.

4 Documentation of the al-Mohafaza neighborhood massacre in Aleppo city, Syrian Network for Human Rights, 18-01-2013; Daily field report of violations on Syrian territory on January 18, 2013, Syrian Committee for Human Rights, 19-01-2013; Daily report on human rights violations in Syria for 5-9-2013, Syrian Human Rights Committee, 05-09-2013.

5 99 dead in Syria and a car bomb explosion in Damascus, Syrian Human Rights Committee, 10-01-2013; Syria: Regime bombs raining on civilians indiscriminately, Amnesty International Report, 14-03-2013

6 The Syrian regime commits a massacre in Deir Hafer in Aleppo countryside, Syrian Committee for Human Rights, 23-01-2013; 151 dead and four massacres in Syria, Syrian Committee for Human Rights, 24-01-2013.



## • The Queiq River Massacre

On January 29, 2013, a number of bodies were found thrown into the Queiq River in Aleppo. They had been thrown at the Sindyana Bridge in Bustan al-Qasr neighborhood, handcuffed and shot in the head - often in the eye - at close range, with nylon bags over their heads. Almost all of them had their hands tied behind the backs with wire or tape or had markings on the bound wrist. In some cases, the victim's feet were tied together. Most of the victims had their mouths sealed with adhesive tape. Some of the bodies bore signs of small burns that can result from electric shocks or cigarettes. In some cases, they were stabbed with knives, and some victims had body parts cut off. Many of them had gone missing in government-controlled areas and others had been detained either by the air force or military intelligence. Family members discovered this either by paying bribes to intelligence agents for unofficial information or through detainees released from these facilities who confirmed the presence of their relatives there.<sup>1</sup>

The massacre was repeated on March 11, of the same year, when bodies were recovered from the river, some of them mutilated with signs of torture, and some had been executed in the head and had adhesive tape over their mouths. More than 200 bodies were recovered from the river in batches.<sup>2</sup>

On February 21, government forces shelled the Karm Homed neighborhood of Aleppo. The number of victims was between seven and 12, including women and children. A number of houses were demolished.<sup>3</sup>

On February 27, government forces backed by members of foreign and local Shiite militias stormed the village of al-Malikiyah in Aleppo through a dirt road linking the village to the Defense Factories. Immediately upon storming it, killings and slaughters began. A large number of people were shot dead in addition to physical torture and burning of houses, killing 69 people, including women and

1 Syria: Regime bombs raining indiscriminately onto civilians, Amnesty International Report, 14-03-2013; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, UN General Assembly, 04-06-2013; Documentation of three massacres in Bustan al-Qasr neighborhood: Execution of detainees and throwing their bodies in the Queiq River), Syrian Network for Human Rights, 19-01-2013; Death toll of the Queiq River massacre rises to more than 100, Syrian Human Rights Committee, 29-01-2013; Syria: A Stream of Bodies in Aleppo's River, Human Rights Watch, 04-06-2013  
Syria's River of Death Hundreds of dead, some as young as 11, have washed up in Aleppo, victims of a seemingly unending civil war, Human Rights Watch, 30-04-2013

2 Documentation of three massacres in Bustan al-Qasr neighborhood (Execution of detainees and throwing their bodies in the Queiq River), Syrian Network for Human Rights, 19-01-2013; 129 killed, 23 found in the river, 14 slaughtered with knives, six by sniper fire, five soldiers and four under torture, Syrian Committee For Human Rights, 11-03-2013.

3 Documentation of Karm Homed massacre in Aleppo city, Syrian Network for Human Rights, 21-03-2013; Daily field report on violations taking place on Syrian territory on March 15, 2013, Syrian Committee for Human Rights, 24-02-2013.

entire families. There were also accounts of rape, according to residents.<sup>1</sup>

On February 28, unidentified warplanes bombed the town of Dayr Jamal in eastern Aleppo countryside, killing eight people including a mother and her five children.<sup>2</sup>

On March 1, warplanes dropped cluster bombs on the Masakin Hanano neighborhood of Aleppo, killing between 15 and 19 people and injuring many civilians. Children were among the dead and wounded. And on 18 June, the Karm Homed area of Aleppo was shelled by government forces, killing between 23 and 42 civilians, including children and women.<sup>3</sup>

On March 24, warplanes raided Akhtarin in Aleppo countryside, killing 10 civilians including children.<sup>4</sup>

On April 13, warplanes dropped two [toxic] gas bombs on the predominantly Kurdish neighborhood of Sheikh Maqsoud in Aleppo, killing a number of people including two children and a woman, and causing cases of suffocation and severe hallucinations.<sup>5</sup>

On the same day, warplanes bombarded the city of Saraqib in Idlib countryside, killing between 18 and 24 people in the Industrial City, an area crowded with civilians.<sup>6</sup>

In the same month, government forces shelled a school in al-Maghara in Jisr al-Shughur, killing six people, including children, and wounding others.<sup>7</sup>

Between May and June, fighting intensified in the vicinity of Aleppo Central Prison. There were reports of the regime using prisoners as human shields and news that more than 100 prisoners had died as a result of executions, clashes

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1 Collecting four years of the most prominent human rights violations in Syria, Syrian Network for Human Rights, 12-03-2015; November 2013: A Black Month for Media Freedoms in Syria, Syrian Human Rights Committee, 24-02-2013.

2 Documentation of the massacre of Deir Jmeil in the northern countryside of Aleppo, Syrian Network for Human Rights, 28-02-2013; Syria: Mounting Casualties from Cluster Munitions More Than 150 Documented Attacks in six Months, Human Rights Watch, 16-03-2013.

3 Daily Field Report on Violations in Syria on 18 -03-2013, Syrian Human Rights Committee, 22-03-2013; Syria: New Air, Missile Strikes Kill Civilians At Least 84 Dead in Unlawful Aleppo Attacks-26-04-2013.

4 Daily Field Report on Violations in Syria on 24-03-2013, Syrian Human Rights Committee, 25-03-2013; Syria: New Air, Missile Strikes Kill Civilians At Least 84 Dead in Unlawful Aleppo Attacks-26-04-2013.

5 12<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013 from January 2013 to December 2013, Syrian Committee for Human Rights, 2013; Syrian Network for Human Rights Statement on the Death Toll for February 2013, Syrian Network for Human Rights, 2013; Update - Toxic gas attacks rise to 25 times in five governorates, Syrian Network for Human Rights, 07-07-2013.

6 Syrian airstrikes with gas and «cluster» bombs, Syrian Network for Human Rights, 14-04-2013; Daily field report on violations taking place on Syrian territory on March 15, 2013, Syrian Committee for Human Rights, 15-04-2013.

7 12<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013 from January 2013 to December 2013, Syrian Human Rights Committee, 2013; Report on Tal Maghara massacre, Violations Documentation Center in Syria, 4 June 2013.



and lack of medicine and food.<sup>1</sup>

On June 21, government forces stormed the village of Mazraa in the southern countryside of Aleppo. Government forces entered, reinforced by Shabiha, popular committees and members of the Iraqi and Lebanese Hezbollah. al-Qusayr had virtually fallen by the latter's decisive intervention.<sup>2</sup> Some residents tried to escape in their cars but were targeted by militias and dozens of people were killed, including women and children. Some of the bodies were thrown into the village well and the rest were burned in the houses. One testimony says: "The officer in charge of the campaign ordered all the villagers to be gathered in the large square. When the people had gathered, the officer called out: "Bring me the youngest child among you." He was only three days old. He slaughtered him with a knife in front of the people's eyes, including his mother, father, and younger brothers. He then blindfolded everyone with black masks and took away 45 people in a big vehicle and drove them to a well and said: "Get out, we have arrived." The blindfolded ones fell one after another into the deep well. None of them survived except one man who was one of the last tossed into the well. The number of deaths was between 55 and 70, including women and children."<sup>3</sup>

On June 22, with the intervention of the Lebanese militia Hezbollah as well as government forces and Iraqi militias, the village of Rasm al-Nafl was raided in the southern countryside of Aleppo, to which some of al-Mazraa villagers had previously fled. The attackers gathered more than 50 people in one of the houses and exploded it. According to testimonies by survivors, bodies were thrown into wells, and three mass graves were found. The killings were carried out by slaughter with knives or by shooting at close range, and the bodies were burned and thrown into wells.

The total number of victims was between 191 and 194 civilians, including at least 30 women and 10 children. Additionally, houses, cars and agricultural machinery were looted, and livestock stolen.<sup>4</sup>

On July 21, just before Iftar time in Ramadan, government forces shelled a crowded market in Ariha in Idlib Countryside with mortars and artillery, killing 24

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1 Additional and updated report on besieged areas across Syria, Amnesty International, 06-2011.

2 See Battle of Qusair, Conflict in the Central and Coastal Regions, p.

3 Shelling, storming, massacre, Systematic policy by the Syrian government: massacre in Yalda in Damascus countryside, The Syrian Human Rights Organization, 13-08-2013; The Syrian Human Rights Organization calls on the United Nations High Commissioner for Human Rights to expand the mission of the Commission of Inquiry to include crimes committed by regime forces before withdrawing from Aleppo countryside. Syrian Organization for Human Rights, 05-08-2013.

4 Syrian Organization for Human Rights calls on the United Nations High Commissioner for Human Rights to expand the mission of the commission of inquiry to include crimes committed by regime forces before withdrawing from the Aleppo countryside, Syrian Organization for Human Rights Sawasia, 05-08-2013; Massacre of the wells in Rasm al-Nafl, western Aleppo Countryside, Syrian Network for Human Rights, 30-06-2013.

civilians including children and women.<sup>1</sup>

In the meantime, Aleppo was suffering from a severe food crisis, shortages in medicine and basic items, and news began to come from Homs of the death of wounded people due to the lack of medicine. People took refuge in mosques and schools, especially children and women, but this did not protect them from bombardment. Dozens of children were killed in the bombardment of Anadan town mosque, and tens of other mosques, as were women in the bombardment of a school in Dayr Hafir in Aleppo countryside by unidentified actors on August 12.<sup>2</sup>

On September 11, the field hospital in al-Bab in rural Aleppo was bombed by an unidentified warplane, killing 11 to 15 people, mostly doctors and paramedics, and wounding many others. The hospital's location had been changed three times due to repeated bombardment.<sup>3</sup>

On October 10, government forces hit al-Safirah in Aleppo countryside with rockets, killing 17 people including children and women, and scores of injuries were documented.<sup>4</sup>

## • Barrels as Weapons

The use of barrel-bombs began in the second half of 2012 on a limited scope in Idlib governorate. By the beginning of September 2012, however, it had expanded significantly in Aleppo and Idlib to become one of the most prominent weapons used by Syrian authorities in 2013 to inflict the widest possible harm. As its multiple names of “barrel-bombs,” “explosive barrels” or just “barrels” suggest, this primitive and previously unused weapon is a purely domestic innovation, low-cost and devastatingly destructive. It is made with a metal container, varying in size, tightly packed with metal scraps, industrial hardware, and explosive materials, onto which a number of detonators are fixed. It is then thrown from an aircraft and explodes upon impact with the ground, causing additional damage as it splits, and its contents are scattered by the pressure.

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1 Documentation of the Ariha Massacre in Idlib Governorate, Syrian Network for Human Rights, 21-07-2013; Daily Report of Human Rights Violations 21/7/2013, Syrian Human Rights Committee, 21-07-2013.

2 Daily Report on Human Rights Violations in Syria on 12-8-2013, Syrian Human Rights Committee, 12-08-2013; Documentation of the massacre of Ain al-Jamajmeh in Deir Hafer, Aleppo Governorate, Syrian Network for Human Rights, 09-08-2013.

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 12-02-2014; 12th Annual Report on the Situation of Human Rights in Syria 2013 (January 2013 to December 2013), Syrian Human Rights Committee, 2013.

4 Daily Report on Human Rights Violations in Syria on 10-10-2013, Syrian Human Rights Committee, 10-10-2013; Report on the indiscriminate military attack and massacres committed in the Sfireh area, Syrian Network for Human Rights, 07-10-2013.





Numerous violations were documented relating to the use of barrel-bombs, including but not limited to:

On October 22, 2013, government forces shelled al-Fustuk camp, an IDP camp north of Safirah in Aleppo countryside, with barrel-bombs, killing between nine and 15 people and leaving a number of bodies charred and dozens of people with injuries and burns.<sup>1</sup>

On October 23, government forces struck al-Jabbul village with barrel-bombs, killing 10 civilians including two women and six children, and wounding dozens.<sup>2</sup>

On November 21, government aircraft dropped barrel-bombs on Sawran in Aleppo countryside, killing 6-7 people.<sup>3</sup>

On November 23, an unidentified aircraft targeted the town of Tadif in Aleppo countryside with barrel-bombs, killing between eight and 19 civilians and destroying residential buildings.<sup>4</sup>

Also, on the same day, it targeted the Halawaniyeh roundabout in Tariq al-Bab neighborhood of Aleppo with an explosive barrel that killed between 19 and 25 people and left some of the bodies mutilated. The target was an area crowded with civilians and vegetable vendors, and a pick-up point for minibuses. Minutes later, the plane dropped a second barrel [double tap], killing even more people.<sup>5</sup>

On November 28, government forces shelled the Qadi Askar neighborhood in Aleppo with explosive barrels, killing 12-17 people, destroying cars, and

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1 Daily Report on Human Rights Violations in Syria on 22-10-2013, Syrian Human Rights Committee, 22-10-2013; Report on the indiscriminate military attack and massacres committed in the Sfireh area, Syrian Network for Human Rights, 07-10-2013.

2 Report on the indiscriminate military attack and massacres committed in the Sfireh area, Syrian Network for Human Rights, 07-10-2013; Daily report on human rights violations in Syria for 23-10-2013, Syrian Commission for Human Rights, 23-10-2013.

3 Daily Report on Human Rights Violations in Syria for 21-11-2013, 21-10-2013, Syrian Network for Human Rights; Monthly Report on the Martyrs of the Revolution for Dignity, Violations Documentation Center in Syria, 04-2013.

4 Daily Report on Human Rights Violations in Syria for 23-11-2013, Syrian Network for Human Rights, 23-10-2013; Monthly Report on the Martyrs of the Revolution for Dignity, Violations Documentation Center in Syria, 04-2013.

Special report on recent air attacks on Aleppo, Violations Documentation Center, 03-2014.

5 Daily Report on Human Rights Violations in Syria for 23-11-2013, Syrian Network for Human Rights, 23-10-2013; Monthly Report on the Martyrs of the Revolution for Dignity, Violations Documentation Center in Syria, 04-2013. Syria: Dozens of Government Attacks in Aleppo Hundreds of Civilians Killed, 21-12-2013, Human Rights Watch.



demolishing a number of residential buildings.<sup>1</sup>

On November 30, warplanes dropped explosive barrels on a crowded market in the city of al-Bab in Aleppo, killing 10 civilians and wounding others.<sup>2</sup>

On December 6, Bzaa in Aleppo countryside was bombarded with explosive barrels at the time of Friday prayers, killing 21 people, injuring dozens, and destroying houses.<sup>3</sup>

On December 7, five or six civilians, including children and one woman, died as a result of barrel bombardment of al-Wadihi village in Aleppo.<sup>4</sup>

On December 14, airplanes dropped a number of barrels on several neighborhoods in Aleppo, including al-Jazmati, Myassar, and Haydariya, hitting a medium-sized truck, killing at least 15 people and injuring several others.<sup>5</sup>

On December 15, helicopters dropped between 13- and 15 barrel-bombs on different neighborhoods in Aleppo, including the Ard al-Hamra, al-Saliheen, al-Marja, Ansari, Sakhour and al-Haydariya. In the latter, a bus station was targeted where vehicles gathered to transport people from Aleppo to the countryside, causing the destruction of seven minibuses and dozens of houses and causing the death of approximately 32 people in al-Haidariya alone, bringing the death toll of this attack to over 100 dead, including a large number of women and children.<sup>6</sup>

Between December 15 and 24, the city of Aleppo was heavily bombarded by warplanes which used a number of barrel-bombs in Sakhour, Katerji and Hay al-Shaar, targeting the main market in the area as well as the Cultural Center in Hanano and another in al-Myassar and al-Inzarat.

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1 Daily Report on Human Rights Violations in Syria for 23-11-2013, Syrian Network for Human Rights, 23-10-2013; Monthly Report on the Martyrs of the Revolution for Dignity, Violations Documentation Center in Syria, 04-2013. Syria: Dozens of Government Attacks in Aleppo Hundreds of Civilians Killed, 21-12-2013, Human Rights Watch.

2 Barrels in Syria... Blind Bombs, Syrian Network for Human Rights, 03/01/2014; explosive barrels in Syria... Blind Bombs for Killing and Destruction, Syrian Network for Human Rights.

3 Daily Report on Human Rights Violations in Syria for 6-12-2013, Syrian Network for Human Rights, 06-12-2013; Monthly Report on the Martyrs of the Revolution for Dignity, Violations Documentation Center in Syria, 04-2013.

4 Daily Report on Human Rights Violations in Syria for 07-12-2013, Syrian Network for Human Rights, 07-12-2013; Monthly Report on the Martyrs of the Revolution for Dignity, Violations Documentation Center in Syria, 04-2013.

5 Monthly Report on the Martyrs of the Revolution for Dignity, Violations Documentation Center, 04-2013; Aleppo Governorate on the way to Destruction; Barrels of Death: An ongoing war crime in Aleppo, Syrian Human Rights Committee, 23-12-2013

6 Monthly Report on the Martyrs of the Revolution for Dignity, Violations Documentation Center, 04-2013; Twelfth Annual Report on the Situation of Human Rights in Syria 2013, January 2013 to December 2013, Syrian Human Rights Committee, 2013; Explosive Barrels in Syria. Blind Bombs, Syrian Network for Human Rights, 03/01/2014.



On December 16, a barrel was dropped on Taiba School, killing 10-12 civilians, mostly students and teachers, and injuring dozens, and many houses were damaged.<sup>1</sup>

The bombing was seen as a prelude to a subsequent campaign that would systematically target schools and would characterize a long period in the conflict. As a result, a large number of schools were permanently inoperable, and parents were reluctant to send their children to school for fear of being targeted; the regime justified its actions by [claiming] opposition factions were using warehouses in schools that were still operating to store weapons. Before the end of 2013, UNHCR and UNICEF issued a report entitled “Decline in Education,” which noted that “the deterioration in the level of education among Syrian children is the worst and fastest in the region’s history.” The report drew attention to the fact that “Nearly three million Syrian children were forced to drop out of school because of the fighting that destroyed their classrooms and left them in a state of terror, and many of their families were forced to flee the country.”

On December 17, planes targeted a residential compound in the Shaar neighborhood with barrels and flattened it to the ground, killing 15 to 27 civilians and causing dozens of injuries. The scene was repeated in Halawaniyeh, al-Zibdiya, Tariq al-Bab, Dahret Awad, Maadi, al-Qatirji and Ansari.<sup>2</sup>

On December 22, schools were targeted in the town of Marea in rural Aleppo, including elementary schools. Most of the injuries were children, as the barrel was dropped during official school hours. As a result, the Free Aleppo Provincial Council issued a decision to suspend official school hours for a week due to the large number of them being systematically bombed by government forces.<sup>3</sup>

The shelling in Aleppo stopped for a number of days as a result of weather conditions, then on December 28, a helicopter gunship again targeted the vegetable market in Tariq al-Bab neighborhood, killing between 10 and 23 people, mostly women and children, and causing so much damage in the market that body parts were mixed with the remains of vegetables. The shelling also targeted the Karm al-Myassar neighborhood, killing between five and 15 people, including an entire family, and destroying residential buildings.<sup>4</sup>

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1 Monthly Report on the Martyrs of the Revolution for Dignity, Violations Documentation Center, 04-2013; Aleppo Governorate on the way to Destruction, Syrian Network for Human Rights, 21-12-2013; Barrels of Death: An ongoing war crime in Aleppo, Syrian Human Rights Committee, 23-12-2013

2 Barrels of Death: An ongoing war crime in Aleppo, Syrian Human Rights Committee, 23-12-2013; Explosive barrels in Syria. Blind Bombs, Syrian Network for Human Rights, 03/01/2014; Monthly report on the martyrs of the revolution for dignity, Violations Documentation Center, 04-2013.

3 Explosive Barrels in Syria... Blind Bombs, Syrian Network for Human Rights, 03/01/2014; Monthly report on the martyrs of the revolution for dignity, Violations Documentation Center, 04-2013.

4 Daily report on human rights violations in Syria on 28-12-2013, Syrian Human Rights Committee, 28-12-2013; Explosive Barrels in Syria. Blind Bombs, Syrian Network for Human Rights, 03/01/2014.

## • Ballistic Missiles

In February 2013, ballistic missiles joined the front line and a series of ballistic missile attacks on Aleppo killed some 141 civilians, including a large number of children, and caused extensive destruction to residential areas. “Suddenly the earth disappeared from under my feet. My children, my husband, my mother, my sister, and my other sister’s children have been killed. What is left for me in this life?” Sabah tells Amnesty International what happened in Jabal Badro where she encountered this type of missile. On February 18, this neighborhood of eastern Aleppo, crowded with civilians and displaced persons, was targeted with heavy ballistic missile fire, killing between 37 and 47 civilians, including at least 23 children, and destroying entire buildings.<sup>1</sup>

On February 22, government forces fired more than one Scud missile at Tariq al-Bab and Ard al-Hamra in Aleppo. The death toll was approximately 78, including children and women.<sup>2</sup>

On March 29, warplanes dropped cluster bombs followed by a ballistic missile on Hraytan in Aleppo countryside, killing 20 civilians, causing numerous injuries, and destroying residential buildings.<sup>3</sup>

On June 2, Kafr Hamrah in Aleppo countryside was hit by a Scud missile that led to widespread destruction of residential buildings and killing between 29 and 64

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1 Documenting the Jabal Badro massacre in Aleppo, Syrian Network for Human Rights, 18-02-2013; Collecting four years of the most prominent human rights violations in Syria, Syrian Network for Human Rights, 12-03-2015; Syria: Regime bombs raining on civilians indiscriminately, Amnesty International, 14-03-2014, Syria: Ballistic Missiles Killing Civilians, Many Children End Indiscriminate Attacks on Populated Areas, 04-08-2013.

2 Syrian government forces shell Tariq al-Bab in Aleppo with a Scud missile 22/2/2013, Syrian Commission for Human Rights, 25-02-2013, Research on Syrian government’s use of more than 131 long-range surface-to-surface missiles in shelling Syrian governorates, Syrian Network for Human Rights 06-09-2013, Collecting four years of the most prominent massacres in Syria, Syrian Network for Human Rights, 2015; Shelling by government military forces of Tariq al-Bab in Aleppo with a Scud missile 22/2/2013, Syrian Human Rights Committee, 25-02-2013; Syria: Ballistic Missiles Killing Civilians, Many Children End Indiscriminate Attacks on Populated Areas, Human Rights Watch, 04-08-2013, Syria: Unlawful Missile Attacks Kill More Than 140 Recent Escalation of Tactic Threatens Civilians, 26-02-2013

3 164 Dead, including 20 under torture, and a Scud missile kills 20 civilians in Aleppo countryside, Syrian Human Rights Committee, 30-03-2013 Syria: New Air, Missile Strikes Kill Civilians At Least 84 Dead in Unlawful Aleppo Attacks, 26-04-2013.



civilians, including children.<sup>1</sup>

On June 26, government forces fired a ground-to-ground missile in Bab an-Nayrab neighborhood of Aleppo, killing between 33 and 35 civilians, including several children, and injuring dozens.<sup>2</sup>

### • Violations by Opposition Factions

Armed opposition factions besieged Shiite towns and villages in areas within predominantly Sunni areas, particularly Nubl and Zahraa in the northern Aleppo countryside. The anti-government armed groups cordoned off the towns of Nubl and Zahraa and prevented the supply of food, medicine and fuel from reaching the 45,000 and 70,000 residents of the two towns, cutting off power lines and water supplies, forcing residents to dig water wells. Helicopters carrying humanitarian aid to both towns were also targeted. As the blockade intensified, the population, especially women and children, began to suffer from malnutrition. The wounded and sick could not be treated. Anyone who attempted to leave was kidnapped for ransom or killed. This was known as the “Siege of Nubl and Zahraa,” and it ended in February.<sup>3</sup>

The towns of Nubl and Zahraa remained indirectly connected to the nearby city of Afrin through agricultural bypass roads and small villages, which in turn were frequently monitored and threatened by opposition factions. The latter exerted pressure on the Democratic Union Party, who had control of Afrin, to stop supporting Nubl and Zahraa with supplies, food and medicines that it sent sporadically and in limited quantities, which at times exposed Afrin itself to a siege. This assistance, although scant, together with occasional supplies dropped by government helicopters, made it possible to treat the wounded and

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1 Daily Report on Human Rights Violations in Syria on 7-12-2013, Syrian Human Rights Committee, 07-12-2013, Documentation of the massacre of Kafr Hamrah town in Aleppo countryside, Syrian Network for Human Rights, 02-06-2013, Statement by Sawasia “Female prisoners of conscience in Syrian regime prisons announce an open hunger strike,” Syrian Organization for Human Rights (Sawasia), 04-07-2013, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2013; Syria: Ballistic Missiles Killing Civilians, Many Children End Indiscriminate Attacks on Populated Areas, Human Rights Watch, 04-08-2013

2 12<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2013 to December 2013), Syrian Human Rights Committee, 2013; Syria: Ballistic Missiles Killing Civilians, Many Children End Indiscriminate Attacks on Populated Areas, Human Rights Watch, 04-08-2013.

3 Report of the International Independent Investigation Commission on the Syrian Arab Republic, United Nations General Assembly, 04-05-2013; Report of the International Independent Investigation Commission on the Syrian Arab Republic, United Nations General Assembly, 12-02-2014; General statement of summary report on besieged areas in Syria, Amnesty International, 16-04-2014.

the sick, and to ease the severity of the siege and prevent casualties from a lack of food or medicine, as happened in Ghouta or other areas.

In January 2013, child soldiers were documented fighting for the Islamist Ahrar al-Sham movement. Minors were also fighting with the YPG. Jabhat al-Nusra trained children to use weapons in the Tall Rifat in Aleppo. Children aged between 12 and 14 were also recruited at ISIS checkpoints.<sup>1</sup>

On December 4, rockets were fired from opposition-controlled neighborhoods into al-Furqan, a government-controlled neighborhood of Aleppo, killing 19 people.<sup>2</sup>

## The Conflict in the Central and Coastal Regions

The conflict in the central and coastal regions can be summed up in one landmark battle: the Battle of Qusayr, characterized by “sectarian cleansing” which in 2013 began to take shape as a systematic and increasing trend. When government forces were assured of their control over Damascus, having pushed back opposition fighters from its outskirts, and after they had encircled and launched an incursion into Eastern Ghouta, they turned to the central and coastal areas, advancing in Homs and surrounding Qusayr, one of the largest opposition strongholds in the central region. Opposition factions were trying to open up a road linking the city with the Lebanese Aakkar region, an area surrounded by vast agricultural lands extending to Lebanon (Aakkar in the north, Hermel and Aarsal in the east) and to the outskirts of Homs. Its southern countryside is an extension of the northern and western parts of Damascus, making it the “core” of the central region. Without control over it, government forces could not resolve the battle in Homs or secure the rural area between Damascus and Homs. Therefore, the importance of Qusayr is not only to fortify the entire central region by cutting off main supply routes to militants from Lebanon; but also to transfer large numbers of its forces to other locations no less important than Homs and its southern countryside, such as its northern countryside (Rastan and Talbiseh), the city of Aleppo and part of its countryside, or some towns of Idlib countryside, especially those on the road leading to Aleppo. To achieve this, excessive military force was used, and more than 2,500 civilians were besieged in Homs, and the wounded began to die from lack of medical care and shortages in medicine. In a bombardment that also held symbolic significance, the tomb

1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 12-02-2014; Syria: ISIS Holds 130 Kurdish Children Kept Hostage for One Month, Human Rights Watch, 30-06-2014.

2 Daily report on human rights violations in Syria on 4-12-2013, Syrian Human Rights Committee, 04-12-2013; Syria:

Syria: Dozens of Government Attacks in Aleppo Hundreds of Civilians Killed, 21-12-2013, Human Rights Watch.



of Khalid ibn al-Walid was targeted and destroyed, and the city's Khalidiya neighborhood came under [regime] control.

On January 11, regime forces burned more than 100 houses in the Deir Baalbah neighborhood of Homs and arrested more than 500 civilians, including women and children. These arrests were carried out during raids or at roadblocks set up by security forces on the highway and inside the neighborhood, which was already suffering from severe shortages of all basic necessities including water, food, clothing, electricity and water.<sup>1</sup>

Meanwhile, the siege of the 14 neighborhoods in Homs continued, with only 10,000 people remaining in neighborhoods where at least 400,000 people had lived before.

Unlike other areas, the areas of this siege lack agricultural land that can supply some types of vegetables and fruits. Here, the besieged population could only eat rice, bulgur, sugar, wheat, lentils, and a few other dry items. There were no hospitals left standing with their equipment, so hospitals were replaced with a few first aid rooms and an operating room. There were dozens of cases of complete paralysis, partial paralysis, amputation of upper and lower limbs, and others waiting for treatment. There was no school, university or educational institute of any kind. No electricity, water or communications services were available; those trapped were relying on alternatives such as well water and generator electricity. Insects and rodents spread because of the accumulation of garbage for over a year and a half, partially disposed of by incineration. All mosques and churches were bombed so that Friday prayers or Mass were only held in one mosque with no call to prayer, and one church survived.

Daily bombardment continued with mortar shells, rocket launchers, long-range missiles, tanks, warplanes, barrel-bombs, T.N.T cylinders, white phosphorus shells and napalm. The death toll was around 35 a day as a result of the bombardment and attempted raids.<sup>2</sup>

On November 18, government forces struck al-Walid hospital in al-Waer neighborhood in Homs with a surface-to-surface missile, the only hospital operating in the besieged neighborhood with poor capabilities, destroying large parts of it, especially the ambulance department. Not only did government forces bomb the hospital, but snipers opened heavy fire, preventing citizens from rescuing the wounded, despite the fact that the hospital administration had banned any armed presence [in the hospital] to protect it from combat operations, not even wounded FSA [members] were given access but were treated in field hospitals and other medical points. The bombardment killed between eight and

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1 Raids and burning houses in Deir Baalbah, Homs, Syrian Human Rights Committee 11-12-2013, .

2 Report on the bloody events of Homs last week, Syrian Organization for Human Rights (Sawasia), 23-05-2013.



12 people, including children and nurses.<sup>1</sup>

### • Massacres for Demographic Change

“Shabiha”<sup>2</sup> supported, facilitated, and sometimes participated with security forces and the army in massacres of [ethnic] cleansing against populations of neighboring areas to their own, by slaughter and burning based on their sectarian or ethnic identity. On January 5, Shabiha stormed the town of Tasnin, in the city of Rastan in Homs northern countryside; half its population is Sunni Turkmen and the other half are from the Alawite sect. The raid was supported by regime tanks that started shelling the village, and residents reported that the dead, all Sunni Turkmen, were all field executed in their homes and their bodies burned. Their number exceeded 100, including children and women, and many of their bodies were thrown into the Orontes River. The village is located south of the village of Kfarnan and Jabbourine, which is predominantly Alawite and is known for its sons joining local militias fighting with government forces.<sup>3</sup>

On January 6, four cars driven by civilians left the town of al-Mushrefa in Homs; shortly after, all contact with them was lost and it was later discovered they were kidnapped by gunmen from pro-government villages. Their relatives were called from the military hospital to come and receive their bodies, and they were found to have been slaughtered with knives and their bodies then mutilated. There were around 12 of them, including at least two members of the Christian community.<sup>4</sup>

On January 15, unidentified armed men stormed the village of al-Hasweya near Homs, housing large numbers of IDPs, especially from Deir Baalbah. Entire families were slaughtered, bodies and houses burned, and a large number of the

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1 12<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013 from January 2013 to December 2013, Syrian Committee for Human Rights, 2013; Shelling of al-Walid Hospital in al-Waer neighborhood of Homs Governorate, Syrian Network for Human Rights, 18-11-2013; Special report on the massacre of Khalid ibn al-Walid Hospital for Obstetrics and Pediatrics, al-Waer neighborhood, Homs, November 18, 2013, Violations Documentation Center, 18-10-2013.

2 Local term used for pro-regime paramilitary fighters, some undercover agents and sometimes even armed civilians, or even villagers

3 Massacre in Tasnin, Homs Countryside, Syrian Commission for Human Rights, 07-01-2013; New massacre characterized by ethnic cleansing in northern Homs countryside, no one left in the village, Syrian Network for Human Rights, 14-02-2013.

4 Massacre of travelers by ID by villages loyal to the Syrian regime, Syrian Network for Human Rights, 01-01-2013; massacre of 12 civilians on their way to Lebanon, Syrian Commission for Human Rights 11-01-2013,.





village's youth and men were arrested, the death toll exceeding 100.<sup>1</sup>

On March 1, government militias in the Alawite-dominated Masyaf stopped a car carrying five young men returning from Lebanon to Hama and slaughtered them.<sup>2</sup>

May 2 witnessed one of the most monstrous massacres of 2013, known as the "al-Bayda Massacre." At dawn on Thursday, a clash broke out at a military checkpoint near the town of al-Bayda in Baniyas, a Sunni town surrounded by predominantly Alawite and Christian villages. The town was besieged and bombed, and communications and electricity were cut off. The army stormed it together with security forces and Shabiha from neighboring villages of the Alawite sect and some members of the Lebanese Hezbollah, who were distinguished by their accents. The raid continued for several days with renewed artillery shelling, and then began killing, execution and slaughtering with white arms of knives and machetes, beating people's heads to death with rocks, and field executions at close range. The bodies were then burned. In addition, dozens went missing and unaccounted for. In that period and in more than one [geographical] area, a method of primitive and brutal killing began to be reported: beating the head to death with a rock.

There are numbers that were not killed but taken to the village of Zoba inhabited by the Alawite sect. All survivors who fled to nearby hills during the raids gave consistent accounts of what they saw when they returned to the village after sunset; they found unarmed men, women and children who had died inside their homes or beside walls in the streets. The operation killed 164 to 264 people, including 36 to 92 children and 48 to 71 women.<sup>3</sup>

On May 18, the town of Qusayr in Homs came under the heaviest military attack by government forces backed by Lebanese Hezbollah militia. Government forces bombed the city with warplanes and Hezbollah from the Hermel border with surface-to-surface missiles. The battle of Qusayr was considered a battle for

1 The most prominent massacres committed in Homs during the revolution, the Syrian Network for Human Rights, 2013; Burning whole families after they were slaughtered with knives in al-Hasweya, Homs countryside, Syrian Committee for Human Rights, 16-01-2013.

2 Massacres of ethnic cleansing, Syrian Network for Human Rights, 14-07-2013; five citizens slaughtered as they pass through villages loyal to the Syrian regime, Syrian Network for Human Rights, 01-03-2013.

3 One of the most heinous crimes of modern times... Baniyas Massacre: Blatant Ethnic Cleansing in Syria, Syrian Network for Human Rights, 10-05-2013; Four Years Harvest: the Highlights of the Massacres in Syria, Syrian Network for Human Rights, 2015; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, UN General Assembly, 05-02-2013; Syria: Stop Shooting Protesters At Least eight Killed in Duma, Human Rights Watch, 05-05-2011 Investigation urged into Syrian mass grave reports, Amnesty International, 17-04-2011

existence for Hezbollah specifically because of the town's strategic importance. Firstly, because it is adjacent to the Lebanese border and secondly, because it was a major supply route between the coast and Damascus while the battles for Damascus countryside were raging to break an encirclement of the capital. In Qusayr, Hezbollah initiated a methodology that it later followed again in other border towns and villages, such as Zabadani, Yabrud, Madaya, and Wadi Barada; namely, ground incursions covered by intensive aerial bombardment, which allowed it to establish a border strip extending from northern Lebanon to Beqaa, ending any armed opposition presence west of Homs. The area was also bombarded with artillery stationed near the Water Refinery, occupied by Hezbollah who cut off the water supply to the city and tightened the siege around it, amid the complete absence of medical equipment as the government was preventing aid from entering the area. Government forces bombed the field hospital and destroyed it completely. Food supplies began to run out as flour was prevented from being brought in, and people were unable to flee because the entire city was encircled, and Hezbollah snipers deployed. Many civilians were killed as a result of indiscriminate shelling, and field executions took place, killing at least 67 civilians including children and women.<sup>1</sup> The deliberate killing of 100 people during their escape from Qusayr was also documented.

In February, 12 Hezbollah operatives were killed in an ambush in Qusayr. Consequently, clashes erupted on the Syrian/Lebanese border. Hezbollah Secretary General Hassan Nasrallah denied his party's participation [in the clashes].

In April, Hezbollah sent 700 fighters to Qusayr, allowing regime forces to take control of a number of towns in the Qusayr countryside amid warnings of a humanitarian catastrophe if the area fell. The army had tightened control around it in June after heavy shelling and operations on the ground with direct support from Hezbollah fighters. While Nasrallah played down the size of his party's involvement in Syria as limited to "a small group" of fighters, Syrian President Bashar al-Assad had previously appeared on TV channel al-Manar describing the party's participation alongside the regime, and specifically in Qusayr, as a "response to the Israeli enemy and its proxies in Syria and Lebanon," rejecting during the same interview any agreement reached at the Geneva II Conference unless it was put to popular referendum.

In the meantime, Moscow blocked a draft UN Security Council statement on Qusayr and called for "intensive diplomacy."

On May 22, government militias from the village of al- Sabburah in Hama countryside carried out field executions in the village of Jeb Khsara, killing 13 to

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<sup>1</sup> 273 citizens of Qusayr killed and more than 2400 wounded since the beginning of the military campaign against Qusayr until the date before its invasion 04-June-2013, Report on the bloody events in Homs last week, Syrian Organization for Human Rights (Sawasia), 23-04-2013.



16 people including women.<sup>1</sup>

On June 20, near Masyaf, a government militia stopped a car carrying six civilians and executed them on the spot, including a woman, and their bodies were abused.<sup>2</sup>

### • **Violations by the Opposition in the Central and Coastal Regions**

On January 21, a car bomb exploded in a carpet factory in Salamiyah town of Hama countryside, whose population is of the Ismaili sect. The factory was a headquarters of the Popular Committees loyal to government forces. As a result, 14 civilians were killed including women and children, and a large number were wounded. Jabhat al-Nusra claimed responsibility for the operation.<sup>3</sup>

On March 25, after the wife and children of an opposition fighter were arrested by pro-government forces, a group of fighters abducted three women from as-Suqaylabiyah in Hama governorate. The abductors contacted a religious leader and informed him of the abduction and the conditions for the release of the abductees. The abductees on both sides were allowed to make phone calls to their families, their exchange was negotiated, and all women were released unharmed.<sup>4</sup>

On July 8, two car bombs exploded in Hadara Street of Ekrama neighborhood, a popular commercial street in Homs, killing at least six civilians and wounding 40. Jabhat al-Nusra acknowledged responsibility for the operation.<sup>5</sup>

In August 2013, the armed opposition opened a coastal front and within days took control of villages in Latakia countryside as well as targeting other areas. The groups that carried out these operations are believed to be: Ahrar al-Sham, ISIS, Jabhat al-Nusra, Liwa al-Muhajireen wal-Ansar, Suqour al-Ezz, Ahrar al-Sahel, Farouq Brigades, Free Syrian Army, Hassan al-Azhari Battalion, Khirbet

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1 Four Years Harvest: Most Notable Human Rights Violations in Syria, Syrian Network for Human Rights, 12-03-2015; 130 Dead, including four under torture and three by a sniper, a media activist, an engineer, and two massacres in Hama, Syrian Human Rights Committee, 24-05-2013.

2 Massacres of ethnic cleansing, Syrian Network for Human Rights, 14-07-2013; Citizens slaughtered as they pass through villages sectarianly loyal to the Syrian regime, Syrian Network for Human Rights, 19-06-2013.

3 Four Years Harvest: Most Notable Human Rights Violations in Syria, Syrian Network for Human Rights, 12-03-2015; Victims of the April bombings, Violations Documentation Center, 04-2013.

4 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2013

5 Syria: Rebels' Car Bombs, Rockets Kill Civilians Indiscriminate Attacks Strike Government-Held Areas, Human rights Watch, 22-03-2015.

al-Jawz Heroes Battalion, Osama bin Zaid battalion, Saifullah al-Maslul Battalion, Harakat Sham al-Islam, Ansar al-Sham, Sons of Qadisiya and Suqour al-Sham Brigades. A number of violations by the armed opposition were recorded in this operation, including field executions of many civilians during the raid.

Opposition forces took between 105 and 200 civilians' hostage, including 41 to 57 women and between 18 and 56 children, mostly Alawites. The abductees were divided into three groups and each was given to a different faction, apparently to exchange them for fighters held by the government.<sup>1</sup>

Armed opposition forces, believed to be from Jabhat al-Nusra and Suqour al-Ezz, damaged or destroyed some Alawite and Christian religious sites. A number of violations were documented, including the execution of an Alawi imam, Sheikh Badr Ghazal, and the destruction of a religious shrine named "Sheikh Nabhan" in the village of Barouda.<sup>2</sup>

Between October 21 and 28, fighters from Jabhat al-Nusra, ISIS, Shield of Islam and others, entered the predominantly Christian town of Sadad in Homs countryside, located in the midst of opposition villages and next to a number of weapons depots. Jabhat al-Nusra bombarded the area, using residents as human shields, stealing personal documents, vandalizing, and robbing civilian property. The offensive lasted for nearly a week, during which three police officers and one reserve soldier were executed, although all were unarmed. The attack caused the deaths of dozens of civilians, including women and children.<sup>3</sup>

## The Conflict in the South

On February 21, government forces shelled a gathering of civilians in Jasim city of Daraa countryside with sudden and indiscriminate rocket and artillery fire, killing between 14 and 15 people including children, and wounding several

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1 Urgent action: Taking women and children hostage in Syria, Amnesty International, 25-10-2013; Syria: Executions, Hostage Taking by Rebels Planned Attacks on Civilians Constitute Crimes Against Humanity, Human rights Watch, 10-10-2013

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, UN General Assembly, 12-02-2014; "Their Blood Is Still Here": Executions, indiscriminate shootings and hostage-taking by opposition forces in Latakia countryside, Human Rights Watch; 10-2013, Syria: Executions, Hostage Taking by Rebels Planned Attacks on Civilians Constitute Crimes Against Humanity, Human rights Watch, 10-10-2013

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 12-02-2014; Syria: Opposition Abuses During Ground Offensive Rebels Endanger, Kill Civilians; Damage Churches, Human rights Watch, 19-11-2013



others.<sup>1</sup>

On the same day, government fighter jets carried out indiscriminate raids and targeted civilian neighborhoods and a field hospital between al-Sadd Road and the IDP camp in Daraa, killing between 13 and 18 people and injuring several others.<sup>2</sup>

In March 2013, the deadliest since the start of the revolution in 2011 with 6,000 deaths including 300 children, the FSA managed to isolate Daraa from Damascus. From there, it would fight a battle towards the capital, after also taking control of Battalion 49 in Daraa countryside and al-Rubai checkpoint.

On April 10, government forces stormed the town of Sanamayn in Daraa, backed by Shabiha, security forces, and members of the Lebanese Hezbollah. Preparations began to enter, with artillery shelling and fires, and a 12-hour suffocating siege, as well as targeting fleeing civilians, followed by a ground assault reinforced by heavy machinery. Civilians were used as human shields, causing the deaths of between 48 and 114 civilians, including at least eight women and five to eight children. Houses were burnt and dozens of shops were looted. Many wounded fell, and there was a shortage in medical staff and emergency aid was impossible.<sup>3</sup>

On June 27, government warplanes bombed al-Karak al-Sharqi in Daraa, targeting a residential building where IDPs were housed and killing between eight and 13 people, including women and children, and causing scores of injuries.<sup>4</sup>

On July 22, government forces backed by Shabiha stormed the town of Jbailiya in Daraa countryside. The raid was accompanied by shelling, theft, kidnappings, arrests, and field executions of 11 people, including three women.<sup>5</sup>

On July 23, government forces shelled residential buildings in al-Hara in Daraa,

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1 Documentation of Jasim city massacre in Daraa governorate, Syrian Network for Human Rights, 21-03-2013; Daily field report on violations taking place on Syrian territory on 15 March 2013, Syrian Committee for Human Rights, 24-02-2013.

2 11<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2013 to December 2013), Syrian Human Rights Committee, 2013; Massacre of Daraa al-Mahatta neighborhood in Daraa city, Syrian Network for Human Rights, 21-03-2013.

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 04-06-2013; 12th Annual Report on the Situation of Human Rights in Syria 2013 January 2013 to December 2013, Syrian Human Rights Committee, 2013; From the heart of the Sanamein massacre: Witnesses and survivors of the massacre talking about its horrors, April, Violations Documentation Center in Syria, 04-2013; Documentation of the massacre of the town of Sanamayn in the city of Daraa, Syrian Network for Human Rights, 10-04-2013.

4 Daily Report on Human Rights Violations, Syrian Human Rights Committee, 27-06-2013; Documentation of the massacre of eastern Kark town, Daraa Governorate, Syrian Network for Human Rights, 27-06-2013.

5 Documentation of the eastern Kark massacre in Daraa Governorate, Syrian Network for Human Rights, 27-06-2013; Daily Report of Human Rights Violations, Syrian Network for Human Rights, 22-07-2013.

killing at least 11 civilians including two women and a child.<sup>1</sup>

On October 15, a landmine detonated by government forces exploded in the Tall Jumu area of Daraa countryside, killing between nine and 26 people including children and women, and injuring a number of others, as the mine had exploded as displaced families returned to the city of Nawa. Government forces targeted the National Hospital in Nawa with shells while the wounded were being transported, and there was a significant shortage of medical supplies due to the siege of the city.<sup>2</sup>

On November 6, a car bomb was detonated near the Air Force Intelligence branch in Suwayda, killing at least one woman. Jabhat al-Nusra claimed responsibility for the operation.<sup>3</sup>

On March 6, the Yarmouk Martyrs Battalion detained near the Golan Heights members of UNDOF and UNTSO, and the same group detained four UNDOF peacekeepers on May 7. A third incident took place a few days later, when opposition fighters detained three UNTSO peacekeepers in the area between Israel and Syria. In all these cases they were released.<sup>4</sup>

## The Conflict in the East

On September 29, the air force dropped what is believed to be a heat bomb outside Ibn Tufail Commercial High School in the Corniche area of Raqqah, to coincide with students gathering in the schoolyard on the first day of school. 13 to 16 civilians were killed, most of them under the age of 18, and between 25 and 30 others were wounded.<sup>5</sup>

On October 20, and without warning, warplanes bombed a school in al-Kussur neighborhood of Deir ez-Zur which is under government control. The MiG warplanes bombed the school during working hours, although the regime knew it was operating normally and there were no armed fighters inside, killing between

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1 Documentation of al-Hara city massacre in Daraa Governorate, Syrian Network for Human Rights, 23-07-2013; Daily Report of Human Rights Violations, Syrian Network for Human Rights, 23-07-2013.

2 Daily Report on Human Rights Violations in Syria on 15-10-2013, Syrian Human Rights Committee, 15-10-2013; Documentation of a landmine explosion in Nawa city in Daraa province, Syrian Network for Human Rights, 11-12-2013.

3 Daily report on human rights violations in Syria, Syrian Network for Human Rights, 6-11-2013; Four-year harvest: most notable human rights violations in Syria, Syrian Network for Human Rights, 12-03-2015.

4 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 04-06-2013

5 Daily Report on Human Rights Violations in Syria, Syrian Human Rights Committee, 29-9-2013; Bombing of universities and schools: When students are killed in classrooms, example of bombing educational building of the Commercial High School in Raqqah governorate, Syrian Network for Human Rights, 29-09-2013; Syria: Fuel-Air Bombs Strike School Powerful Conventional Weapon Kills at Least 12 Students in Raqqah, Human Rights Watch, 01-10-2013.





three and seven people, mostly children, as well as a teacher and several fell wounded.<sup>1</sup>

On October 26, government warplanes bombarded the crowded Tell Abiad Street in Raqqah, killing three to seven people and injuring many, including children.<sup>2</sup>

### • **Violations by Opposition Parties in the Eastern Region**

On June 17, around 125-150 armed members of the (Kurdish) Democratic Union Party surrounded the predominantly Kurdish city of Amuda in Hasakah, sealed its exits and entrances, set up roadblocks, and began to request IDs from passers-by. They arrested three non-party political activists. The stated reason for the arrest was drug use and trafficking, but Kurdish opposition groups considered the arrests purely political. In protest, opposition factions and their supporters set up a tent in the main square, the situation then developing into a hunger strike. Gunmen from the Democratic Union opened fire on a peaceful demonstration demanding the release of the detainees, and six people were killed, including two children, and dozens wounded.<sup>3</sup>

### • **Ethnic Cleansing and Kidnapping for Ransom**

In July, the Kurdish People's Protection Units (YPG) seized control of Ras al-Ayn and other locations in the north of the country after clashes with ISIS and Jabhat al-Nusra. ISIS fighters looted and destroyed the property of Kurds, who were systematically evacuated, and Arab families displaced from Qalamun and Deir ez-Zur were settled in their place. This was a pattern followed in Tell Arn and Tal

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1 When a Child and his Teacher Are Killed Inside the Classroom, Syrian Network for Human Rights, 20-10-2013; Daily Report on Human Rights Violations in Syria, Syrian Human Rights Committee, 20-10-2013.

2 Policy of Shelling Markets with the aim of Killing: Example of Shelling of Tell Abiad Street in Raqqah Governorate, Syrian Network for Human Rights, 22-12-2013; Daily Report on Human Rights Violations in Syria/Syrian Human Rights Committee, 23-10-2013.

3 Report on violations against activists and residents of Amuda city by the Kurdish Democratic Union Party, Syrian Network for Human Rights, 28-05-2013; Four-year harvest: most notable massacres in Syria, Syrian Network for Human Rights, 03-2015; Under Kurdish rule, Violations in areas controlled by the PYD in Syria, Human Rights Watch, 2014.



Hasel in northern Aleppo, as well as in Tell Abiad of Raqqah; ISIS told Kurds to leave or face death, forcing thousands of civilians to flee, including Turkmen and Arab families.<sup>1</sup>

In coordination with other armed groups, Jabhat al-Nusra carried out a series of killings and abductions for ransom against Kurdish civilians in locations spread between Malikiyah and Qamishli. On July 17, Jabhat al-Nusra fighters stopped a bus at a checkpoint near Tall ar-Ruman village, situated between Tall Tamr and Hasakah, on board which were many Kurdish students going from Homs to their towns and villages in Hasakah. After checking their IDs, they detained 15 Kurdish students in retaliation for the detention of three Nusra fighters by members of the PYD.<sup>2</sup>

On July 21, during an attack on Tell Abiad, several hundred Kurdish men were taken hostage by ISIS in exchange for one of its leaders who had been captured by the PYD. The city witnessed a tense atmosphere with clashes between the two sides, killing and injuring dozens. Tension increased after the detention of the Kurds, some of whom were released, and others kept to exchange for the group's emir and four other members. Many women were humiliated and threatened while their husbands and children were being detained. Some neighborhoods were looted, and several houses blown up.<sup>3</sup>

## The Prolonged Siege

Humanitarian organizations sounded the alarm regarding more than one siege imposed by government forces on opposition areas around the capital Damascus, but the most notable and most severe of these was the siege of Moadamyeh, Eastern Ghouta and Yarmouk camp, commencing 2013 with a death toll due to the siege and shelling since the beginning of 2012. More than 10,000 children were at risk of dying from starvation in Yarmouk camp, which was still under siege at the time of writing; a double siege by government forces on the one

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Rule of Terror: Life under the Islamic State of Iraq and the Levant, United Nations, 14-11-2014.

2 Report of the International Independent Investigation Commission on the Syrian Arab Republic, United Nations General Assembly, 12-02-2014; Statement regarding the detention of 15 Kurdish students by Jabhat al-Nusra, Violations Documentation Center, 07-2013.

3 Report of the International Independent Investigation Commission on the Syrian Arab Republic, United Nations General Assembly, 12-02-2014; Report on recent events in the city of Tell Raqqah - Raqqah governorate, Violations Documentation Center, 07-2013.



hand and by ISIS on the other.

The report of the International Independent Investigation Commission noted that the United Nations was also concerned about the evacuation of civilians from besieged towns. The report said this was done against their wish and constitutes forced displacement, and that the warring parties across Syria were using blockades and taking advantage of humanitarian aid to force surrender.<sup>1</sup>

Local truces in Fua, Kafarya, Madaya, Zabadani, Barzeh, Qaboun and Tishrin - according to the report - led to evacuation agreements that resulted in the forced displacement of civilians from these areas.

In January 2013, government forces began a blockade of Yarmouk Palestinian refugee camp in Damascus, setting food rations for each family, and then in July preventing food and medicine from coming in altogether. This led to malnutrition and deaths due to starvation, disease, and high prices of basic food items. It was estimated that 300,000 people were displaced from the camp and 25,000 were trapped. They suffered complete electricity blackouts and extremely difficult humanitarian conditions. Meanwhile, government forces targeted the camp with toxic gases.<sup>2</sup>

In the meantime, the blockade imposed in December 2012 on the city of Hajar al-Aswad, administratively part of Damascus, remained in place.

On June 8, 2013, the government stopped sending flour to bakeries, and 15 bakeries completely shut down. Daily shelling continued and hospitals and medical points were also directly targeted. One medical point, for example, was bombed four times in a row. Two hospitals and three dispensaries were burned and two other clinics, including one in Hajar al-Aswad, were completely shut down.

Civilian homes were also targeted, and nearly 1,000 houses were partially or completely destroyed, some 200 of which were completely burned during repeated incursions. Additionally, over 80% of schools were directly and indirectly targeted by government forces.

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1 Ibid.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 04-06-2013; Daily Report on Human Rights Violations in Syria, Syrian Human Rights Committee, 27-12-2013; Syrian government blockade of neighborhoods in Damascus, Syrian Network for Human Rights, 2013; Squeezing the life out of Yarmouk: War crimes against besieged civilians, Amnesty International, 2014.

Government forces completely cut off communications and electricity, and began systematically shelling water centers, making them inoperable. It also bombed a vegetable market and mosques. This situation caused the displacement of a large number of people, while some stayed behind because of poor economic conditions. A number of women were arrested at checkpoints on the grounds they were relatives of FSA fighters.<sup>1</sup>

On July 11, the siege on the city of Moadamyeh, a suburb of Damascus countryside, intensified. Barriers no longer allowed the passage of any food items, whereas previously they had allowed small quantities to pass through. The city suffered from a shortage of food, medical supplies, medicines, and fuel. It was subjected to heavy shelling on a daily basis and was hit with chemical weapons, in addition to the absence of electricity, water and communications. It is said that residents were forced to live on the leaves on trees and wild weeds. There was a shortage of flour and milk, and mothers were no longer able to breastfeed their children. Four children and three women were documented as dying of starvation in October.

On December 28, barely enough food for one day was allowed into Moadamyeh, after the opposition agreed to fly the government flag at the city's highest point in exchange for food. At the same time, the siege on Eastern Ghouta intensified.<sup>2</sup>

Between November 20 and December 27, government forces shelled, besieged, and stormed the city of al-Nabk in rural Damascus. Since the protests began, al-Nabk's role had been limited to receiving the wounded from neighboring towns, until the armed opposition took control. At that point, government forces besieged and bombed it, cutting off all services including electricity, water, and communications, and preventing food from going in. Government forces used warplanes, surface-to-surface missiles, and vacuum bombs. Government forces backed by loyal Shiite militias, such as the Iraqi Abu al-Fadhal al-Abbas and Zulfiqar Brigades and Lebanese Hezbollah, stormed the city in conjunction with heavy bombardment, bringing the death toll to around 360 civilians, including many women, children and families trying to flee.<sup>3</sup>

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1 Syrian government siege of neighborhoods in Damascus city, Syrian Network for Human Rights, 2013; Disastrous Humanitarian Situation of al-Hajar al-Aswad neighborhood in Damascus, Syrian Network for Human Rights, 08-06-2013; Report on the siege of al-Hajar al-Aswad city in Damascus: Tens of thousands of civilians on the slow death list, Violations Documentation Center in Syria, 10-2013.

2 12<sup>th</sup> Annual Report on the Situation of Human Rights in Syria, 2013, from January 2013 to December 2013, Syrian Committee for Human Rights, 2013; Special report on the siege of Yarmouk camp in Damascus and the city of Moadamyeh in Damascus countryside, forgotten under the siege, Violations Documentation Center, 09-2013; General statement of summary report on besieged areas in Syria, Amnesty International, 16-04-2014.

3 12<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2013 to December 2013), Syrian Human Rights Committee, 2013; Bombing, killing, siege and invasion by government forces and loyal militias against the city of al-Nabk, Syrian Network for Human Rights, 28-12-2013.



## Chemical Weapons and Toxic Gases

After years of mutual accusations, with Syrian authorities denying any responsibility for the attacks, the UN team finally issued a report (the 14th report) concluding that the Syrian government was responsible for more than 20 chemical attacks on a number of areas from March 2013 to April 2017. Syrian forces had used chlorine gas in Idlib, Hama and Eastern Ghouta, the report said.<sup>1</sup>

Syrian President Bashar al-Assad said the report was “100% fabricated,” noting that his country did not have any chemical weapons and he had not ordered any such attack.

The fiercest attack, and the one which caused the greatest shock, was the Ghouta attack (Eastern and Western) on August 21, 2013, which left more than 1,000 dead and some 10,000 injured in an already besieged area and, paradoxically, coincided with the visit of the International Commission of Inquiry. This horrific massacre caused a reversal of global public opinion regarding the Syrian issue. Demonstrations spread across a number of capitals demanding the international community to intervene. Pro-government media hastened to deny the charge; Media and Political Adviser Bouthaina Shaaban said in a television interview that “the Syrian government is not responsible for the August 21 attacks, but gunmen who had kidnapped children and men from the villages of Latakia and brought them to Ghouta, where they put them in one location and used chemical weapons against them.” Both the opposition and the government exchanged accusations that the strike was aimed at pressuring the other’s opponents ahead of the Geneva II Conference, which was repeatedly stalled and delayed.

On March 19, government planes bombed Khan al-Asal area of Aleppo with chemical missiles. The attack killed between 10 and 22 people and wounded many more. Samples of soil and blood were transported outside Syria and these proved the use of chemical weapons, at the time when the government was claiming the opposition had carried out the attack, and the latter denying it

possessed the means.<sup>1</sup>

On the same day, government forces targeted the Otaybah area of Damascus countryside with chemical weapons, killing five civilians instantly and causing severe cases of suffocation for over 60 people, including women and children. Government forces had withdrawn from the town's border just before these missiles were launched.<sup>2</sup>

On March 24, government forces fired missiles with chemicals at Adra and Duma in Damascus countryside, killing two civilians and wounding more than 40.<sup>3</sup>

On April 17, government forces shelled the town of Ein Tarma in Damascus countryside with toxic gas bombs, killing between one and eight citizens and injuring 10 in cases of asphyxiation.<sup>4</sup>

On April 25, government forces attacked the city of Darayya with a surface-to-surface missile loaded with toxic gases, causing a number of people to suffocate.<sup>5</sup>

On April 29, the city of Saraqib in Idlib was subjected to aerial bombardment with chemical weapons which caused cases of suffocation.<sup>6</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 12-02-2014; Daily field report of violations on Syrian territory for March 19, 2013, Syrian Commission on Human Rights, 22-03-2013; From chemical weapons to Geneva, from 21.08.2013 to 22.01.2014 Five Months of Fire: Statistical Study, Syrian Center for Statistics and Research, 25-01-2014.

2 Field study documenting human rights violations in Damascus and its countryside: Sarin and chlorine toxic gases as a weapon of confrontation in the hands of the Syrian regime, Syrian Center for Statistics and Research, 08-2016; From chemical weapons to Geneva from 21.08.2013 to 22.01.2014 Five months of fire: Statistical study, Statistics and Research, 25-01-2014; Update The rise in the number of toxic gas attacks to 25 in five governorates 7/7/2013, Syrian Network for Human Rights, 07-07-2013.

3 Field study documenting human rights violations in Damascus and its countryside: Sarin and chlorine toxic gases as a weapon of confrontation in the hands of the Syrian regime, Syrian Center for Statistics and Research, 08-2016; From chemical weapons to Geneva from 21.08.2013 to 22.01.2014 Five months of fire: Statistical study, Statistics and Research, 25-01-2014; Update The rise in the number of toxic gas attacks to 25 in five governorates 7/7/2013, Syrian Network for Human Rights, 07-07-2013.

4 Field study documenting human rights violations in Damascus and its countryside: Sarin and chlorine toxic gases as a weapon of confrontation in the hands of the Syrian regime, Syrian Center for Statistics and Research, 08-2016; 12th Annual Report on the Situation of Human Rights in Syria 2013, from January 2013 to December 2013, Syrian Human Rights Committee, 2013; Update The rise in the number of toxic gas attacks to 25 in five governorates 7/7/2013, Syrian Network for Human Rights, 07-07-2013.

5 Field study documenting human rights violations in Damascus and its countryside: Sarin and chlorine toxic gases as a weapon of confrontation in the hands of the Syrian regime, Syrian Center for Statistics and Research, 08-2016; Update The rise in the number of toxic gas attacks to 25 in five governorates 7/7/2013, Syrian Network for Human Rights, 07-07-2013.

6 12<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2013 to December 2013), Syrian Human Rights Committee, 2013; Update The rise in the number of toxic gas attacks to 25 in five governorates 7/7/2013, Syrian Network for Human Rights, 07-07-2013.



On May 23, government forces shelled the town of Adra with missiles loaded with toxic substances believed to be sarin, causing severe cases of suffocation, and wounding between 40 and 50 people, two of whom died instantly.<sup>1</sup>

On May 26, government forces targeted Harasta with surface-to-surface missiles carrying toxic substances, killing three citizens, and injuring between 50 and 75 people.<sup>2</sup>

On May 29, al-Hamidiyah in Damascus countryside was hit by missiles carrying toxic gases that interacted with the soil in the shape of a fountain, injuring 10 civilians with cases of suffocation and convulsions.<sup>3</sup>

In response to these grave incidents, Syrian Deputy Prime Minister and Foreign Minister Walid Muallem held a press conference on June 24 in which he said that “nerve gas was used in Khan al-Asal and the (US) State Department asked UN Secretary-General Ban Ki-moon to immediately dispatch an impartial investigation mission, and we provided all logistical facilitations for them to do their work perfectly. We almost reached an agreement, if it was not for the intervention of other countries such as Britain, France and Qatar with false allegations about the use of chemical weapons in several areas, so the Secretary-General wanted to expand the investigation to include the Syrian territories, which we did not and definitely will not allow.” Muallem added: “We are committed to investigating the Khan al-Asal incident because the terrorists used nerve gas there and we have documents confirming that.”

On June 19, government forces bombed Zamalka in Damascus countryside with toxic gases, killing a number of people and causing several cases of suffocation,<sup>4</sup> returning to bomb it again with toxic gases on June 23, killing between three and

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1 Field study documenting human rights violations in Damascus and its countryside: Sarin and chlorine toxic gases as a weapon of confrontation in the hands of the Syrian regime, Syrian Center for Statistics and Research, 08-2016; Update The rise in the number of toxic gas attacks to 25 in five governorates 7/7/2013, Syrian Network for Human Rights, 07-07-2013.

2 Field study documenting human rights violations in Damascus and its countryside: Sarin and chlorine toxic gases as a weapon of confrontation in the hands of the Syrian regime, Syrian Center for Statistics and Research, 08-2016; Update The rise in the number of toxic gas attacks to 25 in five governorates 7/7/2013, Syrian Network for Human Rights, 07-07-2013.

3 Field study documenting human rights violations in Damascus and its countryside: Sarin and chlorine toxic gases as a weapon of confrontation in the hands of the Syrian regime, Syrian Center for Statistics and Research, 08-2016; Update The rise in the number of toxic gas attacks to 25 in five governorates 7/7/2013, Syrian Network for Human Rights, 07-07-2013.

4 12<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2013 to December 2013), Syrian Human Rights Committee, 2013; Update The rise in the number of toxic gas attacks to 25 in five governorates 7/7/2013, Syrian Network for Human Rights, 07-07-2013.



six people and injuring between 23 and 35 people by asphyxiation.<sup>1</sup>

On June 24, government forces targeted the Qaboun neighborhood of Damascus with surface-to-surface missiles loaded with toxic gases, killing one citizen and wounding 20.<sup>2</sup> The area was bombed again with toxic gases on June 26, killing one citizen and injuring others.<sup>3</sup>

On July 5, government forces shelled the besieged al-Khaldeeye neighborhood of Old Homs with chemical weapons that caused deformations and burns of various colors. It led to the death of a whole family and dozens of injuries.<sup>4</sup>

On July 7, government forces bombarded Babeela in Damascus countryside with surface-to-surface missiles loaded with toxic gases, injuring three civilians.<sup>5</sup>

On July 21, government forces shelled Yarmouk camp with missiles loaded with toxic gas, killing five civilians and wounding 10.<sup>6</sup>

On August 21, government forces shelled Eastern and Western Ghouta in Damascus countryside with around ten rockets loaded with toxic gases, followed by heavy aerial bombardment of areas such as Ein Tarma and Moadamyeh, making evacuation and treatment of victims more difficult. This resulted in the deaths of between 913 and 1,188, including hundreds of children and women and dozens of the Palestinian nationality, and between 6,000 and 10,000 injured as hundreds of families suffocated in their homes or in shelters. The chemical attack

1 Field study documenting human rights violations in Damascus and its countryside: Sarin and chlorine toxic gases as a weapon of confrontation in the hands of the Syrian regime, Syrian Center for Statistics and Research, 08-2016; Update The rise in the number of toxic gas attacks to 25 in five governorates 7/7/2013, Syrian Network for Human Rights, 07-07-2013.

2 Field study documenting human rights violations in Damascus and its countryside: Sarin and chlorine toxic gases as a weapon of confrontation in the hands of the Syrian regime, Syrian Center for Statistics and Research, 08-2016; Update The rise in the number of toxic gas attacks to 25 in five governorates 7/7/2013, Syrian Network for Human Rights, 07-07-2013.

3 Daily Report of Human Rights Violations for 26/6/2013, Syrian Human Rights Committee, 26-06-2013; Update The number of toxic gas attacks increased to 25 in five governorates 7/7/2013, Syrian Network for Human Rights, 07-07-2013.

4 12<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2013 to December 2013), Syrian Human Rights Committee, 2013; Update The rise in the number of toxic gas attacks to 25 in five governorates 7/7/2013, Syrian Network for Human Rights, 07-07-2013.

5 Field study documenting human rights violations in Damascus and its countryside: Sarin and chlorine toxic gases as a weapon of confrontation in the hands of the Syrian regime, Syrian Center for Statistics and Research, 08-2016; Update The rise in the number of toxic gas attacks to 25 in five governorates 7/7/2013, Syrian Network for Human Rights, 07-07-2013.

6 Syrian Government's Blockade of Neighborhoods in Damascus, Syrian Network for Human Rights, 2013; Field Study Documenting Human Rights Violations in Damascus and its Countryside: Sarin and Chlorine Toxic Gases as a Weapon in hands of the Syrian Regime, Syrian Center for Statistics and Research, 08-2016.





was accompanied by shelling with artillery and rocket launchers, which forced people into shelters. Because the sarin gas used in the attack is heavier than air and sinks downwards, it caused significant loss of life and the death toll was between 69 and 105 in Saqba, 150 and 165 in Kafr Batna, 16 and 26 in Jisreen, 63 and 110 in Irbin, 27 and 300 in Hamoryah and around 103 in Muadamiyat al-Sham and 500 in Zamalka. Medical, ambulance and media staff were not spared the chemical attack, in addition to shortages in first aid materials to treat injuries and a shortage of atropine needles. Water tankers were used to hose down casualties. The lack of equipment resulted in injuries amongst paramedics themselves due to the unavailability of masks and means of protection. Inhaling the gas also led to the death of some media staff who rushed to the scene.<sup>1</sup>

Additionally, government forces targeted FSA headquarters with bombs loaded with toxic and chemical gases, as was the case at Kuweires military airbase on April 27, killing opposition force members, and causing cases of poisoning and asphyxiation and symptoms of allergy.<sup>2</sup> The operation was repeated on May 17, when regime forces fired surface-to-surface missiles loaded with toxic gases at Adra Labor city, killing between one and five fighters.<sup>3</sup>

A number of violations by government forces were recorded using incendiary napalm, including but not limited to:

On August 26, government aircraft targeted the Iqraa Institute in Urem al-Kubra in Aleppo countryside with two incendiary bombs that killed between seven and

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1 Four Years Harvest: Most Notable Human Rights Violations in Syria, Syrian Network for Human Rights, 12-03-2015; Four Years Harvest: the Highlights of the Massacres in Syria, Syrian Network for Human Rights, 03-2015; Annual Report on Martyrs of the Revolution for Dignity 2013, and other statistics on the occasion of the 3rd anniversary of the Syrian Revolution, Violations Documentation Center, 2013; Horrific massacre as a result of bombing civilians with toxic gases in Damascus countryside, Syrian Human Rights Committee, 21-08-2013; Special Report on the Use of Chemical Weapons in Rural Damascus Governorate, Eastern Ghouta, Violations Documentation Center, 08-2013; Chemical massacre in Syrian capital Damascus countryside, Syrian Organization for Human Rights Sawasia, 17-09-2013; Syria: Government Likely Culprit in Chemical Attack New Evidence based on Rocket Analysis, Witness Accounts, Human Rights Watch, 10-09-2013

2 12<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2013 to December 2013), Syrian Human Rights Committee, 2013; Update The rise in the number of toxic gas attacks to 25 in five governorates 7/7/2013, Syrian Network for Human Rights, 07-07-2013.

3 Comprehensive report on the Syrian regime's use of toxic gases 18 times in five Syrian governorates, Syrian Network for Human Rights, 2013; Field Study Documenting Human Rights Violations in Damascus and its Countryside: Sarin and Chlorine Toxic Gases as a Weapon in hands of the Syrian Regime, Syrian Center for Statistics and Research, 08-2016.

10 civilians, most of them students. In addition, between 70 and 100 people sustained serious second- and third-degree burns. Tests showed that the incendiary material was napalm. The International Commission of Inquiry said in its report: "It is still unclear what kind of flammable materials were used, but the bomb left traces similar to those of napalm."<sup>1</sup>

On September 14, a crowded neighborhood of civilians in Dael, Daraa, was targeted by warplanes with a missile loaded with flammable sticky materials (napalm), killing between four and six people including a mother and her unborn child, charring bodies and severely burning others.<sup>2</sup>

## Systematic Torture

Torture continued in government prisons and detention centers. For example, on March 24, the Military Police delivered the names of some 14 men from Qatana in Rural Damascus, all of whom had died under torture in Branch 227 of the Military Security (Almantiqa Branch). In an unusual move, the Government sent a letter to the Municipality of Qatana informing residents to collect personal items belonging to their dead and explaining that their bodies were in Tishreen Military Hospital and the causes of death were heart attack and angina.<sup>3</sup>

In March, the armed opposition attacked Aleppo Central Prison, located at a strategic crossroads on the road between the city and its countryside. The authorities hastily installed an automatic machine gun over the dormitory for political prisoners, noting that the prison housed a few thousand prisoners, mostly convicted criminals and detainees, including dozens of women. Government

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1 Special Report on the Use of Incendiary Bombs in Aleppo and Daraa Governorates, "Burning to Death", Violations Documentation Center in Syria, 10-2013; 12th Annual Report on the Situation of Human Rights in Syria 2013 from January 2013 to December 2013, Syrian Committee for Human Rights Human Rights, 2013; Report of the International Independent Investigation Commission on the Syrian Arab Republic, United Nations General Assembly, 12-02-2014.

2 Special Report on the Use of Incendiary Bombs in Aleppo and Daraa Governorates, "Burning to Death", Violations Documentation Center in Syria, 10-2013; 12th Annual Report on the Situation of Human Rights in Syria 2013 from January 2013 to December 2013, Syrian Committee for Human Rights Human Rights, 2013.

3 Report on the horrors of Almantiqa Branch - Branch 227 Military Security, Violations Documentation Center in Syria, 06-2013; Daily field report on violations taking place on Syrian territory on 24-3-2013, Syrian Committee for Human Rights, 25-02-2013.



forces controlled the prison but were surrounded by armed opposition factions, including members of Ahrar al-Sham and Jabhat al-Nusra.

On June 1, government forces carried out field executions of a number of political prisoners on charges of participating in current events and of being terrorists. In July, the opposition tightened its blockade around it and prison authorities stopped feeding all prisoners for days and carried out field executions of six of them without trial.

There were record cases of tuberculosis in Aleppo Central Prison in Syria, where deaths among prisoners were recorded as a result of the spread of this disease in the absence of health care. Hundreds of prisoners are believed to have been infected. In addition to others who died of starvation due to the neglect of prison authorities and as a result of the siege, while prison guards confiscated much of the food coming in under an agreement before selling it to the prisoners at double their prices. Armed groups then prevented more food from entering the besieged prison, and conditions deteriorated.<sup>1</sup>

Also recorded were cases of girls being raped during raids by security forces and Shabiha of homes in another district. Cases of rape were also recorded in the Palestine Branch, where minors and girls were taken to an apartment and Shabiha and security agents took turns raping the girls, injecting them in the thigh with a substance that kept the girls aware of what was happening while movement was paralyzed.<sup>2</sup>

A girl told of “Monsters who took off her clothes, brought an iron, and ironed her genitals on the inside and the outside, and she lost consciousness to awake and find herself the next day naked in the Palestine Branch.” In another incident, a 15-year-old girl whose parents had been killed said she was raped for 10 days in apartments in the governorate, and then transferred to Palestine Branch, where they brought mice and pushed their heads into her genitals, then she was thrown on the outskirts of Damascus to die, but she survived and later fled to Jordan.<sup>3</sup>

In mid-May, members of a “Sharia Councils”<sup>4</sup> in the north of Aleppo city arrested and detained activists following a peaceful demonstration and subjected them to physical violence, including beatings on their heels. The Northern Storm Brigade ran a prison that could accommodate 300 prisoners in Azaz (Aleppo countryside), where they used interrogation techniques such as keeping

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1 General statement of summary report on besieged areas in Syria, Amnesty International, 16-04-2014; 12th Annual Report on the Situation of Human Rights in Syria 2013 from January 2013 to December 2013, Syrian Committee for Human Rights Human Rights, 2013.

2 Violations against Syrian women during the Syrian Revolution, Syrian Network for Human Rights, 21-08-2013; number of children killed in Syria by government forces exceeds 10,000, including 2,305 children under the age of 10, Syrian Network for Human Rights, 07-09 -2013.

3 Ibid.

4 “Sharia Councils are a type of civil court and judicial regulator established in opposition areas, they are affiliated with armed factions and are supervised by clerics called “sharia leaders”.

detainees in a 1.5-meter-deep hole with a sheet of metal overhead for 48 hours.<sup>1</sup>

## Abductions of Influential Figures

On April 22, unidentified gunmen kidnapped Archbishops John Ibrahim and Paul Yazji in the western countryside of Aleppo, killing their driver with a gunshot. Other anti-government armed groups tried to find the two missing archbishops who remained missing.<sup>2</sup>

In June, an anti-government armed group killed a Catholic priest, Father François Murad. He was one of the only Christians to remain in the town of Gassaniah in Idlib countryside where Jabhat al-Nusra was active at the time.<sup>3</sup>

On July 28, ISIS kidnapped Father Paolo Dall'Oglio, an Italian Jesuit priest and peace activist, in Raqqah. He had been deported from Syria in 2012 after criticizing the government. His fate remains unknown.<sup>4</sup>

On September 4, unidentified armed groups clashed with government forces in Maaloula in rural Damascus, capturing and executing soldiers stationed at a checkpoint and abducting 12 nuns from Mar Takla Monastery after the monastery was besieged.<sup>5</sup>

On December 9, human rights activist Razan Zeitouna and her colleagues Samira al-Khalil, Wael Hamada and Nazim Hammadi were abducted from Duma, at the time when Jaysh al-Islam was the faction controlling the area. Their fate remains unknown, and this incident is considered the most indicative of how the revolution and its events changed course.

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2013

2 Report by the International Independent Investigation Commission on the Syrian Arab Republic, United Nations General Assembly, 12-02-2014; Report by the International Independent Investigation Commission on the Syrian Arab Republic, United Nations General Assembly, 04-06-2013.

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 16-08-2013

4 Report of the International Independent Investigation Commission on the Syrian Arab Republic, United Nations General Assembly, 12-02-2014; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic: Rule of Terror: Life under the Islamic State of Iraq and the Levant, United Nations, 14-11-2014; Policy of Kidnapping Activists in Syrian Territories controlled by the Armed Opposition, Syrian Human Rights Committee, 16-08-2013.

5 12<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2013 to December 2013), Syrian Human Rights Committee, 2013; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 12-02-2014.



## Violations against Journalists

In 2013, Syria topped the list of the most dangerous countries for journalists and media teams, as government forces did not even spare foreign journalists, eight of whom died during that year. Among them is French photographer Gilles Jacquier, who was killed when a shell exploded in the Ekrama neighborhood of Homs. American journalist Marie Colvin and French photographer Remi Ochlik were also killed in a bombardment at their place of residence in Baba Amr neighborhood of Homs on February 26, in what is believed to be a direct target with the aim of assassination, as Colvin had survived a similar bombing of her former headquarters a few days earlier.

Dozens of local journalists have also been documented, and a range of abuses such as disappearance, detention, physical assaults, and the confiscation and destruction of equipment used by media activists and journalists have been identified.

Media groups were not only targeted in government-controlled areas that year, but “liberated areas” also saw a worrying rise in abuses against journalists and media activists, particularly those with secular and civic tendencies, with violations ranging from unlawful detention to physical assaults and murder attempts.

On June 22, French journalists Nicolas Henin and Peter Torres were kidnapped in Raqqah.<sup>1</sup>

On July 24, Polish journalist Martin Soder was kidnapped in Saraqib after gunmen stormed the media office. They also beat journalist Manhal Barish and stole the office’s contents, including laptops and money. The attackers were most likely ISIS fighters.<sup>2</sup>

On July 25, unidentified gunmen abducted Orient TV reporter Obeida Batal along with the technical staff from their headquarters in Tall Rifat in Aleppo countryside.<sup>3</sup>

On August 24, journalist Ziad Arafa was killed under torture in a security branch

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1 12<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2013 to December 2013), Syrian Human Rights Committee, 2013; World Press Freedom Day in Syria, Syrian Network for Human Rights, 05-05-2014.

2 Policy of abducting activists on Syrian territory controlled by the armed opposition, Syrian Human Rights Committee, 16-08-2013; Report by the International Independent Investigation Commission on the Syrian Arab Republic, United Nations General Assembly, 12-02-2014.

3 12<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2013 to December 2013), Syrian Human Rights Committee, 2013; Report on the violations of rights of journalists and media workers during July 2013, by the Syrian Journalists Association, 07-2013.

in Damascus.<sup>1</sup>

On September 5, unidentified actors killed journalist Abdelaziz Mahmoud Hassoun while he was covering events in Jobar, and activist Abdelkarim al-Bakr while covering events in Zamalka.<sup>2</sup>

On September 13, journalist Mohamad Ahmad al-Hulu Khasharfa was killed by unidentified actors while covering the fighting in Sheikh Saad in Daraa.<sup>3</sup>

On October 15, unknown persons kidnapped Mauritanian journalist Isaac Mokhtar and fellow Lebanese cameraman Samir Kassab of Sky News in Anadan in the northern countryside of Aleppo.<sup>4</sup>

On November 7, media activist Abdelwahab al-Mulla was abducted from his home in Aleppo. He was reportedly being held in ISIS prisons.<sup>5</sup>

ISIS also sought to control the flow of information in areas it controlled, and scores of journalists and human rights activists were abducted. Former prisoners report that the most brutal treatment inside ISIS detention centers was directed at those suspected of belonging to other armed groups, or workers in local media, or assistants working with international journalists and detained on spying charges.<sup>6</sup>

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1 Daily Report on Human Rights Violations in Syria on 15-10-2013, Syrian Human Rights Committee, 24-8-2013; The most prominent violations of media freedom in Syria during August 2013, Syrian Network for Human Rights, 31-08-2013.

2 The most prominent violations of media freedom in Syria during September 2013, Syrian Network for Human Rights, 01-10-2013; Daily Report on Human Rights Violations in Syria, Syrian Human Rights Committee, 05-09-2013.

3 The most prominent violations of media freedom in Syria during September 2013, Syrian Network for Human Rights, 01-10-2013; Daily Report on Human Rights Violations in Syria, Syrian Human Rights Committee, 13-09-2013.

4 12<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2013 to December 2013), Syrian Human Rights Committee, 2013; Special Report: Documentation of the most prominent violations on the media scene in Syria during the month of October: arrest, torture to death, and kidnapping, Syrian Network for Human Rights, 31-10-2013.

5 12<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2013, (from January 2013 to December 2013), Syrian Human Rights Committee, 2013; Violations against media workers in November, Syrian Network for Human Rights, 30-11-2013.

6 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Rule of Terror: Life under the Islamic State of Iraq and the Levant, United Nations, 14-11-2014.



## Chapter Four: 2014



The year 2014 came as Syrians were exhausted by the serious events of 2013, the country bogged down in open armed conflict, and amid astounding international incapacity and a record number of condemnations in Security Council resolutions. Had the Arab initiative succeeded, launched two years prior, this year would have witnessed “a multi-candidate presidential election open to all candidates who meet the conditions for nomination,” as it corresponded to the “date of the end of the current term of President (Bashar al-Assad).” Also, according to the initiative, the Baath Party was supposed to “hold an extraordinary national conference in which it would decide whether to accept a transition to a pluralistic democratic system based on the ballot box,” but this and other proposals and emergency solutions remained unrealistic, and the dreams of change of the early years were blown away. In 2014, the horizontal split saw divisions taking clear sectarian and ethnic lines, whether Arab-Kurd or Arab-Arab based on sect and religion. There were mutual raids on villages and towns, arrests, abductions, revenge violence and executions.

January 3, can be considered the actual launch of this year, as mass demonstrations took place in a number of Syrian cities and towns under the name “Friday of the martyr Abu Rayan, victim of treachery,” sparking clashes between ISIS, whose presence had become a fait accompli, and FSA forces and other Islamic factions.

Abu Rayan is the code name of a doctor, Hussein al-Suleiman, leader of Ahrar al-Sham movement, who had been kidnapped by ISIS less than a month before from the town of Maskanah in Aleppo countryside, to be returned a corpse in a prisoner exchange with the Islamic Front, who handed over the bodies of the doctor and 20 other prisoners. His body showed signs of abuse and torture. Suleiman, who had previously described ISIS as “the other face of the regime,” was a pediatrician at al-Kindi hospital in Aleppo who was arrested by the regime after a sit-in in front of the city’s syndicate of doctors calling for the release of detainees during the first weeks of the revolution. He also participated in the “Doctors under oath” document, which carried the signatures of 600 doctors and called on the regime to stop targeting doctors and paramedics. He was also active in supporting field hospitals in Homs and participated in relief work in Aleppo. As the armed movement grew, Suleiman left his studies and joined Ahrar al-Sham Movement as a doctor in its field hospitals and a participant in its military operations.

The fighting in Aleppo was at its most intense, when on January 1, helicopters dropped barrel-bombs on the Sukkari neighborhood in the eastern part of the city, killing between 13 and 15 civilians, including a woman. Another 40 people were injured, besides massive destruction of residential buildings and shops.<sup>1</sup>

1 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Human Rights Committee, 01-2015; At least 38 massacres in January 2014, Syrian Network for Human Rights, 01-02-2015; Special report on recent airstrikes on Aleppo, Violations Documentation Center in Syria, 03-2014.



However, in the context of the fight against ISIS, opposition factions surrounded the Ophthalmology Hospital in Aleppo on January 6, where ISIS had established its headquarters. After a two-day siege, ISIS withdrew, leaving behind the bodies of 50 to 65 people executed on the spot, including media workers they had previously detained.<sup>1</sup>

On the same day, ISIS members opened fire on civilians in Raqqah city during clashes with Jabhat al-Nusra and Ahrar al-Sham forces, killing 12 civilians including two children.<sup>2</sup>

Individual confrontations between ISIS and the factions turned into an open war that ended in ISIS victory after fierce battles that lasted for about eight days in which ISIS recruited fighters from Iraq. It declared full control over the city of Raqqah on January 12, 2014.

However, ISIS did not stop at the city. As soon as the factions were overthrown, it quickly shifted its attention to the Syrian army's last military positions. It began with headquarters of the 17th Division outside the city, taking control of it in July 2014, and then headquarters of the 93rd Brigade in Ain Issa, seizing it on August 7, and finally Tabqah military airport on the 24th of the same month, thus enabling its control of the whole of Raqqah.

Raqqah the city was built during the reign of the Abbasid caliph al-Mansur, its architectural style similar to Baghdad's, and it became the capital of the Abbasid caliph Harun al-Rashid. Then it was severely neglected and in the era of the Baath Party, it was one of the most deprived of the Syrian provinces, despite its rich natural and agricultural resources. Raqqah is one of the first cities to have held regular demonstrations since the beginning of the revolution and even preceding it. On January 26, 2011, a large demonstration took place protesting the murder of two Kurdish soldiers killed in mysterious circumstances (The Story of a Place). Then on November 6, of the same year, President Bashar al-Assad performed the Eid prayers in Raqqah with Mufti Ahmad Hassoun, to suggest that things were under the control of the central government, although no Syrian president had visited the city since the time of Adib Shishakli.

Under ISIS's control, Raqqah witnessed on January 13, the bloody inauguration of this new authority, with field executions of some 100-armed opposition fighters.<sup>3</sup>

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1 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Committee for Human Rights, 01-2015; Four-year Harvest of the Most Prominent Massacres in Syria, Syrian Network for Human Rights, 2015; Special Report on the Medical Situation In Aleppo Governorate and Violations against Medical Personnel, Violations Documentation Center in Syria, 05-2014; Out of sight, out of mind: Deaths in custody in the Syrian Arab Republic, United Nations, 27-01-2016

2 At least 38 massacres in January 2014, Syrian Network for Human Rights, 01-02-2015; 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Committee for Human Rights, 01-2015.

3 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015.

ISIS quickly began to abuse the city and its inhabitants and resources. It practiced all kinds of public violence and inflicted unfair judgments on civilians. It carried out death sentences, severing of limbs, and crucifixions in city and town squares, filming, and re-broadcasting them to intimidate people and impose their authority.

ISIS has also set up training camps to recruit children to engage in combat. According to one account regarding its training camp in al-Bab (Aleppo), ISIS actively recruits children between the ages of 14 and 15 to receive the same training as adults in return for financial rewards. It deploys children to take part in actual fighting during military operations, including suicide operations.<sup>1</sup>

However, the recruitment of children was not restricted to ISIS. According to a report by the Independent International Commission, regime forces recruited children as informants to locate opposition forces, for example.<sup>2</sup>

Opposition armed groups such as the Islamic Front also recruited and trained children to fight and have used them in non-combat actions, such as guarding and surveillance. According to a report by the International Independent Commission and a report by Human Rights Watch, the Kurdish People's Protection Units (YPG) recruited children to engage in combat in the battle of Kobane against ISIS in September and October 2014. Despite promises to discharge children, male and female children were constantly seen at checkpoints.<sup>3</sup>

The YPG also later arbitrarily arrested political opponents of the PYD in the areas it controlled, and some were sentenced to lengthy sentences for bombings and drug trafficking based on confessions extracted under torture.

For example, on April 29, a court in Afrin convicted 13 people, including five PYD members, of various assaults and sentenced them with time ranging from 10 to 20 years, ignoring complaints that confessions were extracted through violent means.<sup>4</sup>

The death of a 36-year-old man, detained by the Asayish in Afrin, was recorded in May. The Asayish claimed that the man had committed suicide, breaking his head by repeatedly beating it against the wall. However, it was reported that the bruises around his eyes and laceration at the back of his neck do not correspond to self-beating to the head, and he was likely killed under torture.<sup>5</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 13-08-2014.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 13-08-2014.

3 Report of the International Independent Investigation Commission on the Syrian Arab Republic, UN General Assembly, 05-02-2015; "We May Live or We May Die" Recruitment and Use of Children by Armed Groups in Syria, Human Rights Watch, 06-2014.

4 Under Kurdish rule, abuses in PYD-administered areas in Syria, Human Rights Watch, 2014.

5 Under Kurdish rule, abuses in PYD-administered areas in Syria, Human Rights Watch, 2014.



On June 27 and 28, mass demonstrations took place in Amuda in Hasakah governorate. Members of the Kurdish People's Protection Units (YPG) arrested 53 members of opposition groups in their own offices.<sup>1</sup>

On July 19, journalist Rudi Haj Khalil was tortured to death in an Asayish detention facility (security service of the Kurdish Protection Units), affiliated with the Democratic Union Party (PYD), after having been held for nearly a year. Asayish gunmen handed over his body to his relatives with traces of acid burns and ordered them under threat to bury him silently.<sup>2</sup>

Meanwhile, military actions had not ceased, and the other cities and towns were not spared regime raids.

On January 11, government forces shelled el-Waer, a besieged neighborhood in Homs, with heavy weapons, killing 28 civilians, including a child and two women, and injuring 100 others.<sup>3</sup>

On January 12, government artillery fired several mortar shells at al-Ghouta neighborhood in Homs city, killing 20 civilians including four children and three women.<sup>4</sup>

The city of al-Bab and its neighboring town of Tadif (north of Aleppo) were also bombed with explosive barrels dropped from unidentified helicopters on January 12, killing 22 to 38 civilians, including 14 children and 12 women.<sup>5</sup>

On January 17, unidentified warplanes bombed the Madyara mosque in Madyara town, Damascus countryside, killing between 17 and 19 civilians including two children.<sup>6</sup>

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1 Under Kurdish rule, abuses in PYD-administered areas in Syria, Human Rights Watch, 2014.

2 Most prominent violations against media workers in July, Syrian Network for Human Rights, 02-08-2014.

3 At least 38 massacres in January 2014, Syrian Network for Human Rights, 01-02-2015; 13th Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Committee for Human Rights, 01-2015.

4 At least 38 massacres in January 2014, Syrian Network for Human Rights, 01-02-2015; 13th Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Committee for Human Rights, 01-2015.

5 13th Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; Massacre in al-Bab city, Syrian Network for Human Rights, 16-11-2014.

6 13th Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; Four Years Harvest: Most Notable Human Rights Violations in Syria, Syrian Network for Human Rights, 12-03-2015.

On January 18, unidentified helicopters dropped two explosive barrels on al-Myassar neighborhood in eastern Aleppo, killing 31 to 48 civilians, including 10 children and six women.<sup>1</sup>

It also dropped two barrel-bombs in Tariq al-Bab neighborhood of Aleppo city, killing 14-18 civilians, including eight children.<sup>2</sup> Also on the same day, unidentified warplanes raided the city of Rastan in Homs governorate, killing 10 civilians including a child and two women.<sup>3</sup>

On January 18, 2014, after a two-year total siege of Yarmouk camp near the capital Damascus, and as international preparations began for the Geneva II conference, the Syrian government allowed partial assistance in, only of around 400 packages, whereas actual needs were in the thousands. The UN Relief and Works Agency for Palestine Refugees (UNRWA) said it was able to cover only 20% of the needs of the remaining 18,000 residents. A moment while [people] scrambled to receive aid was captured in a historic photo by the Associated Press, which the world press described as “Doomsday.”

Some 450 civilians of those trapped in the camp were allowed out, but most of them were subsequently recorded as having been forcibly disappeared.<sup>4</sup> Prior to 2011, Yarmouk camp was home to around 140,000 Palestinian refugees and more than 60,000 Syrians, and it gradually transformed into a neighborhood on the outskirts of the capital, rather than an isolated camp.

On January 20, regime helicopters shelled Daraa camp for Palestinian refugees, Daraa city, killing six to 12 civilians, including four children and a woman.<sup>5</sup>

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1 At least 38 massacres in January 2014, Syrian Network for Human Rights, 01-02-2015; 13th Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Committee for Human Rights, 01-2015; Monthly Report on Martyrs of the Revolution for Dignity, Violations Documentation Center in Syria, 04-2013.

2 At least 38 massacres in January 2014, Syrian Network for Human Rights, 01-02-2015; 13th Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Committee for Human Rights, 01-2015; Monthly Report on Martyrs of the Revolution for Dignity, Violations Documentation Center in Syria, 04-2013.

3 At least 38 massacres in January 2014, Syrian Network for Human Rights, 01-02-2015; 13th Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Committee for Human Rights, 01-2015.

4 Squeezing the life out of Yarmouk: War Crimes against besieged civilians, Amnesty International, 2014.

5 At least 38 massacres in January 2014, Syrian Network for Human Rights, 01-02-2015; 13th Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Committee for Human Rights, 01-2015.



## The “Caesar” Photographs

In an unprecedented incident that sparked worldwide outcry, a dissident military police officer leaked 55,000 photographs of 11,000 detainees killed under torture or mistreatment and showing conditions inside detention facilities and some Syrian government security branches in Damascus alone. This was on January 21, 2014. The soldier, nicknamed “Caesar” in order to protect his identity, was tasked with photographing the bodies before they were disposed of, until he defected because he could not tolerate any more atrocities, as he said in his testimony which the International Commission of Inquiry drew upon in its assignment to investigate war crimes in Syria, in addition to these photographs.

Many detainees die as a result of extremely harsh prison conditions, such as overcrowding, where detainees are forced to take turns sleeping and standing, almost naked, and the lack of food and clean water to drink, lack of medical care, and spread of scabies and skin diseases. Those who are referred to military hospitals as a result of their deteriorating health are tortured by medical staff, and some even die as a result.

In addition to “routine” torture, in early 2014 a detainee at a center of the 4th Division of the Syrian Army recorded genital mutilation leading to severe bleeding until he died three days later. According to a witness, an elderly detainee in one of the Military Security branches in Homs was suspended by his wrists, then the guards burnt his eyes with a cigarette and penetrated his body with a hot rod, leading to his death three hours later.

Authorities often record the deceased as having died of heart attacks.<sup>1</sup>

Women are often raped in detention. For example, one woman was detained in the Military Intelligence branch in Aleppo and six members of the branch took turns raping her daily for several months while they beat and tortured her. When she was released from detention, she was five months pregnant. On September 13, 2014, a month after she was released from detention, she committed suicide.<sup>2</sup>

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In the meantime, preparations had begun for the Geneva II Conference, which took place in two rounds: The first, in Montreux on January 22, and in Geneva on February 10, 2014, was said to have had negative consequences because the “Caesar” photographs were revealed amid doubts about their “timing” ahead of the conference.

Initially, the opposition had refused to attend without guarantees, but then

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1 Out of sight, out of mind: Deaths in custody in the Syrian Arab Republic, United Nations, 27-01-2016

2 Four Year Harvest: Highlights of violations in the Syrian war, Syrian Network for Human Rights, 12-03-2015.



agreed to under pressure from its Western and Arab allies. Attendance of the conference resulted in deep disagreements among its ranks, as it was rejected by military factions as well as by representatives of the Syrian National Council, who temporarily withdrew from the coalition to protest participation. Lakhdar Brahimi had invited Iran to the conference but that was later withdrawn under pressure from the United States. Russia, although it considered the withdrawal of the invitation a big mistake, agreed to attend the conference after it became apparent that insistence on the presence of Iran would cause it to collapse.

On the ground, however, nothing changed. While preparations were underway for the conference, on January 25, unidentified warplanes fired a missile on the Saliheen neighborhood in eastern Aleppo, killing 20-23 civilians including 13 children.<sup>1</sup>

On January 30, regime forces shelled the besieged town of Darayya with cluster bombs, killing seven civilians including five children.<sup>2</sup>

Geneva II registered the first direct meeting between representatives of the Syrian regime and representatives of the opposition represented by the National Coalition for Syrian Revolution and Opposition Forces. The conference began with a public opening session in which the regime's speech was delivered by Foreign Minister Walid Muallem, and the opposition speech was delivered by Ahmad Assi Jarba, while Hadi al-Bahra was chief negotiator of the coalition.

However, at the end of the second round on February 15, Lakhdar Brahimi declared the negotiations had failed because the regime refused to discuss political transition and insisted on putting the issue of "terrorism" at the top of the agenda, while the opposition insisted on a provision for the formation of a fully-authorized transitional governing body under the statement of the Geneva Conference 1 in June 2012. Upon which, Brahimi resigned in May and Staffan de Mistura succeeded him in July of the same year.

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In the first three days of February, as preparations were under way for the second round of the Geneva conference, unidentified helicopters dropped 33 barrel-bombs on neighborhoods in eastern Aleppo, killing 85 civilians and injuring more than 300 others.<sup>3</sup>

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1 At least 38 massacres in January 2014, Syrian Network for Human Rights, 01-02-2015; 13th Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Committee for Human Rights, 01-2015.

2 General statement of summary report on besieged areas in Syria, Amnesty International, 16-04-2014.

3 At least 54 massacres in February 2014, Syrian Network for Human Rights, 03-03-2014; 13th Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Committee for Human Rights, 01-2015.





On February 8, government forces stormed the city of Suran in Hama countryside and carried out field executions of residents in response to an opposition faction attack of a security post; between 27 and 30 civilians were reportedly killed during the raid.<sup>1</sup>

On February 9, government helicopters dropped barrel-bombs on Haydariya in eastern Aleppo, killing 15-29 civilians, including two children and nine women, and injuring dozens.<sup>2</sup>

On February 14, a car bomb exploded in front of a mosque in the town of al-Yadudah in Daraa as worshipers left Friday prayers, killing 50 civilians. The responsible party for the car bombing is unknown.<sup>3</sup>

On the same day, several mass graves were found in the vicinity of the Electricity Institute building in Hraytan city of Aleppo countryside, following the withdrawal of ISIS from the city. These graves contained the bodies of 68 civilians.<sup>4</sup>

On February 18, regime helicopter gunships bombed Ain al-Zaytoun school in Muzayrib town in Daraa countryside, killing 12 to 21 civilians including three children and a woman, and injuring 60 others.<sup>5</sup>

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On 19 of the same month, the first report was issued by the UN Office of the High Commissioner for Human Rights on ongoing blockades by parties to the conflict in the governorates of Damascus countryside, Damascus, Homs and Aleppo, covering the period April 2013 to January 20, 2014.<sup>6</sup>

The report said blockades imposed by Syrian government forces and pro-government militias as well as armed opposition groups had resulted in severe suffering, oppression, and civilian deaths in clear violation of the obligations imposed by international human rights law. About 240,000 people remain under siege in several parts of the country.

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1 At least 54 massacres in February 2014, Syrian Network for Human Rights, 03-03-2014; 13th Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Committee for Human Rights, 01-2015.

2 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 54 massacres in February 2014, Syrian Network for Human Rights, 03-03-2014.

3 June, the bloodiest month: 2,336 killed including 203 children and 225 women, at an average of 80 civilians per day, Syrian Network for Human Rights, 06-2014; 13th Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Committee for Human Rights, 01-2015.

4 At least 54 massacres in February 2014, Syrian Network for Human Rights, 03-03-2014.

5 At least 54 massacres in February 2014, Syrian Network for Human Rights, 03-03-2014; 13th Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Committee for Human Rights, 01-2015, They killed my teacher... Barrel-bombs extend to various Syrian provinces despite recent Security Council resolution, Syrian Network for Human Rights, 01-04-2014.

6 <http://www.ohchr.org/AR/NewsEvents/Pages/DisplayNews.aspx?NewsID=14262&LangID=A>

“Starvation as a method of warfare and, by extension, the imposition of sieges that endanger the lives of the civilian population by depriving it of goods essential for survival are prohibited under international humanitarian law” said High Commissioner for Human Rights Navi Pillay. The report added, “On occasion, civilians have reportedly been prevented from fleeing through barricades and checkpoints manned by different Government military and security agencies.”

In cases of government-enforced sieges, these have been coupled with shelling and aerial bombardment, which have resulted in significant loss of life and have damaged or destroyed objects indispensable to the survival of the civilian population. The document adds that field hospitals, medical points, power generators and water tanks have been damaged or destroyed as a result of government shelling.

More than 173,000 people are believed to be trapped in Ghouta. In the district of al-Moadamyeh in the Ghouta area of rural Damascus, several thousand trapped residents are living with hardly any food or other basic necessities, with a number of deaths reported due to inadequate healthcare and nutrition, reaching the point where religious clerics have reportedly issued edicts allowing residents to eat cats and dogs in order to survive. The paper also states that in Yarmouk, dozens of deaths have been reported due to various factors, including from starvation, the consumption of rotten food, the chronic shortage of medical supplies, and due to the lack of medical expertise to treat sick people and pregnant women trapped in the camp.

In Nubl and Zahra in northern Aleppo, since July 2012, multiple armed opposition groups have been imposing tight ground sieges, which have prevented food, fuel, and medical supplies from entering through checkpoints. A lack of running water has reportedly forced some residents to dig wells without the necessary sanitary precautions. More than 45,000 people are estimated to be trapped in these villages.

“The Security Council is continuing to fail Syrians by not even managing to agree on measures to ensure the provision of basic necessities to people,” Pillay said.<sup>1</sup>

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A few days after the OHCHR’s report, UN Security Council Resolution 2139 was issued on February 22, seeming more of a humanitarian plea. The resolution placed all parties on the same level of responsibility, demanding an offer of political transition and a greater focus on the aspect of emergency relief.

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<sup>1</sup> Life under siege in Syria, detailed paper issued by the UN OHCHR on the destructive impact of siege in Syria, 19-02-2014



While the resolution welcomed pledges, which totaled \$25 billion, announced at the Second International Humanitarian Pledging Conference for Syria hosted by Kuwait on January 15, 2014, it reiterated its support for the Geneva-1 Statement, which called on all parties to put an immediate end to all acts of violence and violations of human rights and international law, and to facilitate the Syrian-led political process, which had begun in Montreux on January 22, 2014 and was supposed to lead to a transitional phase that meets the legitimate aspirations of the Syrian people and enables them to determine their future independently and democratically.

The resolution strongly condemned the widespread violations of human rights and international humanitarian law by the Syrian authorities and armed groups, and called on all parties to put an immediate end to all forms of violence regardless of their source, stressing that some of these violations could constitute war crimes and crimes against humanity. It also called on all parties to immediately cease attacks on civilians as well as the indiscriminate use of weapons in populated areas, including artillery and aerial bombardments such as the use of barrel-bombs. It also called on all parties, in particular the Syrian authorities, to fully implement provisions contained in the statement by the President of the Security Council on October 2, 2013 (S/PRST/2013/15) on facilitating humanitarian relief operations in accordance with applicable international humanitarian law and UN guidelines for emergency humanitarian assistance.

Additionally, the resolution called on all parties to immediately lift sieges on populated areas, including those in the old neighborhood of Homs, Nubl and Zahraa (Aleppo), Muadamiyat al-Sham (rural Damascus), Yarmouk (Damascus), Eastern Ghouta (rural Damascus) and Darayya (rural Damascus); and called on all parties to allow the delivery of humanitarian and medical assistance and to stop depriving civilians of food and medicines indispensable to their survival, and to enable the safe and prompt evacuation of all civilians who wished to leave. It stressed the need for the parties to agree on periods of cessation of hostilities for humanitarian purposes, days of tranquility, periods of ceasefire and local truce, recalling the need to respect the principle of medical neutrality and to facilitate free passage of medical specialists to all areas, as well as medical equipment, transportation and medical supplies, including surgical materials, and the cessation of military use of medical facilities and schools and other civilian establishments.

The resolution strongly condemned arbitrary detention and torture of civilians, especially in prisons and detention facilities, as well as abductions, kidnapping for ransom and enforced disappearances; calling for an immediate end to these practices and for the release of all the arbitrarily detained, including women, children, the sick, the wounded and the elderly, and UN staff and journalists; and the need to protect staff of international organizations and not to harass them.

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On February 22, the Kurdish Democratic Union Party (PYD) forces surrounded the Arab village of Tal Barak in Hasakah province and nearby villages, storming them and carrying out field executions. Some homes were also looted on the pretext that these villages were supporting ISIS. In total, 43 civilians were killed.<sup>1</sup>

On February 23, ISIS published a statement addressed to Christians who had fled Raqqah, stating the conditions for their return: conversion to Islam or pay a tribute. ISIS also attacked Huseineah and Shiite residences in Raqqah, forcing them to change their faith to save their lives. The organization also considered Sunni mosques established around graves or shrines of religious figures as manifestations of polytheism and demolished them.<sup>2</sup>

On February 24, warplanes bombed al- Nashabiyah area in Damascus countryside, killing 14 civilians, including two children and a woman.<sup>3</sup>

On February 26, 105 civilians, accompanied by 40 opposition gunmen and 30 wounded persons, attempted to sneak out of Otaybah area in the besieged Eastern Ghouta to escape the siege. But regime forces and members of the Lebanese Hezbollah and the Iraqi Brigades of Abu al-Fadl al-Abbas detonated explosive devices and mines planted in the region and fired at them with heavy machine guns, killing at least 150 of them.<sup>4</sup>

On March 1, regime warplanes bombed the city of Kafar Takharim in Idlib countryside, killing 13-16 civilians and wounding 40 others.<sup>5</sup>

On March 9, regime helicopters dropped two explosive barrels on the Haydariya roundabout in eastern Aleppo, a passenger collection point where taxis and minibuses waited to transport passengers between Aleppo and the countryside. 15-20 civilians were killed, including children and women, as well as Canadian journalist Ali Mustafa.<sup>6</sup>

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1 At least 54 massacres in February 2014, Syrian Network for Human Rights, 03-03-2014; 13th Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Committee for Human Rights, 01-2015; The Most Significant Human Rights Violations by Kurdish Democratic Union Party and the Kurdish Self-Management Forces, Syrian Network for Human Rights, 2015.

2 Report of the International Independent Investigation Commission on the Syrian Arab Republic, Rule of Terror: Living under ISIS in Syria, UN, 14-11-2014.

3 At least 54 massacres in February 2014, Syrian Network for Human Rights, 03-03-2014; 13th Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Committee for Human Rights.

4 13th Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; Demanding the UN Include Genocide Crimes Committed by the Syrian Regime on the Acts of Genocide List, Syrian Organization for Human Rights Sawasia, 23-03-2014.

5 13th Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 26 massacres in February 2014, Syrian Network for Human Rights, 03-04-2014.

6 At least 26 massacres in February 2014, Syrian Network for Human Rights, 03-04-2014, Syria: New Barrel-Bombs Hit Aleppo Attacks Defy UN, Hit Medical Facilities, Human Rights Watch, 28-04-2014.



## The Maaloula Nuns Deal

On March 10, 2014, a Monday, 13 nuns and three of their assistants from Deir Mar Takla in Maaloula arrived in Damascus after their release under Lebanese/Turkish/Qatari mediation, which included the release of 148 female detainees and four children from Syrian regime prisons. The nuns had been held by militant factions in the Qalamun area, some affiliated with Jabhat al-Nusra.

That morning, opposition activists broadcast a video showing the Lebanese and Syrian nuns of Deir Mar Takla being transferred from their place of detention to the outskirts of border town Aarsal in east Lebanon, situated opposite Yabrud, the city Syrian forces had for weeks been waging a campaign to encircle, with the support of Hezbollah. Lebanese General Security received the nuns and transported them to Lebanese territory and from there to Jdait Yabws through the Masnaa border crossing.

Maaloula is located 55 kilometers north of Damascus, a predominantly Christian town known for its holy sites and monuments, especially the monastery of Saint Takla. Its population speaks Aramaic, or “the language of Christ.”

It was taken over by opposition fighters in September 2013, before regime forces retook it; but [the opposition] managed to take control of it again in December.

A source close to the negotiation file reported that the nuns were being held by a Nusra group led by a person known as “Abu Malik al-Kuwaiti,” described as “the Jabhat al-Nusra emir” in Qalamun.

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On March 11, an ISIS operative blew himself up in the Hadaya Hotel, location of the (PYD) Kurdish Democratic Union Party’s Qamishli municipality, killing between five and 10 civilians, including four women.<sup>1</sup>

On March 15, regime warplanes bombarded the main market in Maarrat Misrin town of Idlib countryside, killing 9-17 civilians, including two children and two women, and wounding 25 others.<sup>2</sup>

On March 18, ISIS fighters entered the village of Tall Akhdar in Raqqah and issued a final ultimatum to Kurdish residents to either leave the village within two days or be killed. On March 20, hundreds of ISIS fighters returned and reiterated their threat, so the civilians fled in fear.<sup>3</sup>

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1 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 26 massacres in February 2014, Syrian Network for Human Rights, 03-04-2014.

2 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 26 massacres in February 2014, Syrian Network for Human Rights, 03-04-2014.

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 13-08-2014.

## The “Anfal” Battle

In the meantime, on March 21, 2014, the second battle for the coastal region began, named the Anfal Battle, launched by Jabhat al-Nusra and Sham al-Islam Movement, joined by a number of factions.

The fighters advanced towards the Kesab border crossing with Turkey in Latakia province, one of the regime’s main strongholds, where they engaged in violent clashes with regime forces. Opposition fighters and Jabhat al-Nusra managed to take over a police station at the border and some buildings on the outskirts of the city, and the strategic al-Sakhra hill, which oversees the Armenian-dominated city. The fighters used mortars and missiles in several areas of Kesab and the nearby Alawite-majority Kirsana village, with regime forces blocking the Ras al-Bassit - Kesab road. According to the Syrian Observatory for Human Rights, the fighting killed “5 people including a child in the village of Kirsana,” and “7 members of the regime forces and affiliated fighters.”<sup>1</sup> The Syrian News Agency (SANA), citing a military source, reported 17 fighters had been killed “including the so-called “emir of Jabhat al-Nusra” in the northern countryside of Latakia”;<sup>2</sup> while Jabhat al-Nusra confirmed the death of its “senior leader and officer of public relations, Abu Omar al-Turkmani.” The coastal province of Latakia is one of the Syrian regime’s major strongholds and includes al-Qardahah, birthplace of President Bashar al-Assad. The province had remained relatively calm, but anti-regime militants were holed up in some of its mountainous villages, especially in the far north near the Turkish border.

Meanwhile, violence continued in more than one region across the country.

On March 23, the Popular Front for the Liberation of Palestine - General Command (PFLP-GC) forces in Yarmouk camp fired a mortar shell at a queue waiting in a square in the center of the camp while UN Relief and Works Agency (UNRWA) was distributing aid baskets in the camp. The shelling killed between seven and 11 civilians, including a woman.<sup>3</sup>

On April 1, the city of Harasta in Damascus countryside was bombarded with toxic gases causing neurological symptoms, asphyxiation, and the death of one or two civilians.<sup>4</sup>

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1 Syrian Observatory for Human Rights (SOHR). Initial Toll, 145 killed today. March 21, 2014, in Arabic.

2 <https://youtu.be/4aNEhNgcv5Q>

3 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 26 massacres in February 2014, Syrian Network for Human Rights, 03-04-2014.

4 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; The Syrian government and toxic gases from 2012 to 2014, Syrian Network for Human Rights, 28-04-2014; Special Report, Syria is suffocating again: Syrian regime returns chemical and toxic weapons to its military arsenal in 2014, Violations Documentation Center in Syria, 04-2014.





On April 2, the Syrian Revolutionaries Front of the opposition factions fired shells at the government-controlled city of Jisr al-Shughur in Idlib governorate, killing 13 civilians, including a child and a woman.<sup>1</sup>

On April 4, regime helicopters dropped two explosive barrels on a bakery and a vegetable market in the Shaar neighborhood of eastern Aleppo, killing 33 civilians and wounding 40 others.<sup>2</sup>

On April 9, two car bombs exploded on al-Khodari Street in the Homs neighborhood of Karam el-Looz, a mainly Alawite neighborhood controlled by government forces. They were remotely detonated by Jabhat al-Nusra members, killing 25 civilians, including eight women and three children, and injuring 104 others.<sup>3</sup>

On April 11, regime helicopters bombed the town of Kafr Zita in Hama countryside with explosive barrels containing toxic gas believed to be chlorine, causing many civilians to suffocate. The toxic gas attack was repeated again on April 16 and 18. More than 100 people suffocated.<sup>4</sup>

On April 12, a regime helicopter dropped an explosive barrel containing toxic gases on the town of al-Tamanah in Idlib countryside, causing 13 civilians to faint and suffocate.<sup>5</sup>

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1 At least 39 massacres in April 2014, Syrian Network for Human Rights, 03-05-2014; 13th Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Committee for Human Rights, 01-2015.

2 At least 39 massacres in April 2014, Syrian Network for Human Rights, 03-05-2014, Syria: New Barrel-Bombs Hit Aleppo Attacks Defy UN, Hit Medical Facilities, Human Rights Watch, 28-04-2014.

3 13th Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 39 massacres in April 2014, Syrian Network for Human Rights, 03-05-2014; Four Years Harvest: Most Notable Human Rights Violations in Syria, Syrian Network for Human Rights, 12-03-2015; Syria: Car Bombs, Mortars Hit Residential Areas Non-State Armed Group Appears to Target Civilians, Human Rights Watch, 01-05-2014.

4 13th Annual Report on the Situation of Human Rights in Syria 2014 January-December 2014, Syrian Human Rights Committee, 01-2015; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 13-08-2014 ; Syrian Government and toxic gases from 2012 to 2014, Syrian Network for Human Rights, 28-04-2014; Special Report, Syria is suffocating again: Syrian regime returns chemical and toxic weapons to its military arsenal in 2014, Violations Documentation Center in Syria, 04-2014; Update on the special report of 18-04-2014 entitled 'Syria is suffocating again: The Syrian regime is returning chemical and toxic weapons to its military arsenal in 2014', Violations Documentation Center in Syria, May 2014; the Syrian regime violates UN Security Council Resolution 2118, Syrian Organization for Human Rights Sawasia, 24-04-2014.

5 13th Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; The Syrian regime violates Resolution 2118 of the Security Council, Syrian Organization for Human Rights Sawasia, 24-04-2014; Update on the Special Report of 18-04-2014 entitled 'Syria is suffocating again: the Syrian regime returns chemical and toxic weapons to its military arsenal in 2014', Violations Documentation Center in Syria, May-2014; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, UN General Assembly, 13-08-2014.



On April 18, regime helicopters bombed the town of al-Tamanah in Idlib countryside with explosive barrels containing toxic chlorine gas, killing between three and six civilians.<sup>1</sup>

The YPG carried out arbitrary arrests of political opponents of the PYD, and some were sentenced to lengthy sentences for bombings and drug trafficking based on confessions extracted under torture.

For example, on April 29, a court in Afrin convicted 13 people, including five PYD members, of various assaults and sentenced them with time ranging from 10 to 20 years, ignoring complaints that confessions were extracted through violent means.<sup>2</sup>

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In a report by UN High Commissioner for Human Rights Navi Pillay on April 14, she condemned the rampant use of torture in places of detention across Syria by government forces and some armed opposition groups. UNHCR issued a detailed testimony from victims and witnesses describing a broad pattern of torture and abuse in government facilities. It also documents report of torture perpetrated by some armed groups. The paper is based on interviews conducted by the UN Human Rights Office with individuals who spent time in detention facilities in Syria. "Upon arrival at a detention facility, detainees are routinely beaten and humiliated for several hours by the guards in what has come to be known as the 'reception party'," the paper states. "Men, women and children have been routinely picked up from the street, their homes and workplaces, or arrested at Government-manned checkpoints," according to the paper. "Many are activists – often students – as well as lawyers, medical personnel and humanitarian workers, and some just happened to be in the wrong place at the wrong time."

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, United Nations General Assembly, 13-08-2014; 13th annual report on the situation of human rights in Syria 2014, January-December 2014, Syrian Human Rights Committee, 01-2015; Update on the special report of 18-04-2014 entitled 'Syria is suffocating again: the Syrian regime returns chemical and toxic weapons to its military arsenal in 2014', Violations Documentation Center in Syria, May 2014; Syrian government and toxic gases from 2012 to 2014, Syrian Network for Human Rights, 28-04-2014; Syria: Strong Evidence Government Used Chemicals as a Weapon Civilian Casualties in Barrel-Bomb Attacks on three Towns, Human Rights Watch, 13-05-2104

2 Under Kurdish rule, abuses in PYD-administered areas in Syria, Human Rights Watch, 2014.



A 30-year-old university student described how he was beaten, how his beard was pulled out in clumps, his feet burned and his toenails torn off with pliers at an Air Force Intelligence facility in Hama, where he was interrogated daily for more than a month. Two victims, a man, and a woman, described the use of sexual violence against them. One 26-year-old woman told of repeated night-long interrogation sessions, during which she was beaten with electric cables and had her teeth pulled out. On one occasion, a security officer took her and another woman to a room where they were raped. The paper also makes reference to cases of individuals who died in detention. "Occasionally, families are asked to sign papers stating that their relative was killed by armed opposition groups, and to immediately and discreetly bury the body," the paper states. Reports of torture by armed opposition groups appear to be on the rise since 2013, particularly in Raqqah, northern Syria, the paper states, although documenting allegations against such groups is particularly challenging due to constantly evolving alliances and changes in memberships, power structures and areas under their control. However, testimony collected from victims suggests that those most at risk of being detained and tortured by some armed opposition groups are activists attempting to document human rights violations and individuals perceived to be pro-Government or affiliated with other armed opposition groups.

Former detainees described abhorrent conditions in Government detention centres, including one case where 60 people were crammed into one cell, with a hole in the corner to be used as a toilet. One 60-year-old man who spent three months in different detention centres described how, every day, "cellmates were taken for 30 or 45 minutes of interrogation and came back with their faces bleeding, barely able to walk, and with open wounds that remained untreated and became infected."

Pillay stressed that international law unequivocally prohibits the use of torture, at all times and under all circumstances. "In armed conflict, torture constitutes a war crime. When it is used in a systematic or widespread manner, which is almost certainly the case in Syria, it also amounts to a crime against humanity," Pillay added. The High Commissioner also reiterated her request to the Government to allow regular and unannounced access to all detention facilities to impartial international observers, including her office, the Commission of Inquiry on Syria and relevant UN independent human rights experts, to enable them to effectively monitor the situation.<sup>1</sup>

On April 20, Syrian helicopters dropped two explosive barrels on al-Fardos neighborhood in eastern Aleppo, killing 37 to 57 civilians, including 12 children and nine women.<sup>2</sup>

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1 Pillay condemns the use of torture in detainment facilities in Syria, UN High Commissioner's Office, 14-04-2014.

2 Death Everywhere War Crimes and Human Rights Violations in Aleppo, Amnesty International, 05-04-2014; At least 39 massacres in April 2014, Syrian Network for Human Rights, 03-05-2014; Syria: New Barrel-Bombs Hit Aleppo Attacks Defy UN, Hit Medical Facilities, Human Rights Watch, 28-04-2014.

On June 22, members of the Abu al-Fadhal al-Abbas Brigade arrested a number of young men from the Cultural Center in Khanaser town of Aleppo. They took them out of the building and gathered them in the public square blindfolded and then lined them against a wall and fired heavily at them, killing 26.<sup>1</sup> On the same day, Jabhat al-Nusra kidnapped three journalists in Deir ez-Zur after raiding their media center and confiscating their satellite internet device.<sup>2</sup>

The Kurdish People's Protection Units (YPG) affiliated with the Democratic Union Party (PYD) stormed the town of Tel Barak in Hasakah countryside and carried out a large-scale campaign of arrests targeting the Arab sector of the population, followed by a field execution campaign in which at least 43 civilians were killed.<sup>3</sup>

On April 24, government warplanes targeted al-Atarib town market in western Aleppo countryside, under opposition control, with two thermobaric missiles, killing some 35 civilians, including children and women, and wounding 50 others.<sup>4</sup>

On April 26, PYD forces stormed the village of Ras al-Ayn north of Hasakah, a village of Arabs and Kurds, and launched an arbitrary arrest campaign against Arabs and told 35 Arab families to evacuate their homes within 48 hours. It is believed that 300 Arab people were arbitrarily detained during this campaign.<sup>5</sup>

On April 27, a mortar shell landed in al-Minshiya neighborhood in western Aleppo, fired from artillery stationed in opposition areas in eastern Aleppo, killing 38 civilians, including four children and two women.<sup>6</sup>

On April 29, Jabhat al-Nusra detonated two car bombs in the Alawite-dominated al-Zahraa neighborhood of Homs, under the control of government forces, killing between 39 and 55 civilians and wounding 130 others.<sup>7</sup>

#### On April 29, opposition forces shelled an educational complex in the Shaghour

1 Four Year Harvest: Highlights of human rights violations in Syria, Syrian Network for Human Rights, 12-03-2015.

2 World Press Freedom Day in Syria, Syrian Network for Human Rights, 05-05-2014.

3 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015.

4 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Human Rights Committee, 01-2015; At least 39 massacres in April 2014, Syrian Network for Human Rights, 03-05-2014; Massive massacre of dozens of civilians in Atarib city of Aleppo countryside, Violations Documentation Center in Syria, 04-2014.

5 Crimes of ethnic cleansing committed by armed Kurdish militias against Arabs in Hasakah province in collusion with the Syrian regime, Syrian Organization for Human Rights, 30-04-2014.

6 At least 39 massacres in April 2014, Syrian Network for Human Rights, 03-05-2014; 13th Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Committee for Human Rights, 01-2015.

7 At least 39 massacres in April 2014, Syrian Network for Human Rights, 03-05-2014; Four-year harvest: the most prominent massacres in Syria, Syrian Network for Human Rights, 2015; Syria: Car Bombs, Mortars Hit Residential Areas Non-State Armed Group Appears to Target Civilians, Human Rights Watch, 01-05-2014; He didn't have to die: Indiscriminate Attacks by Opposition Groups in Syria, Human Rights Watch, 2015.



neighborhood of Damascus, killing 14-17 children.<sup>1</sup>

On April 30, government warplanes targeted Ain Jalut School in the Ansari neighborhood of eastern Aleppo. The school was organizing a photo exhibition for children, and 17 children and three civilians were killed.<sup>2</sup>

This was the second time that the same school was bombed, having been targeted with a missile by Syrian regime's warplanes on August 21, 2013, when a charity market was set up, killing nine people.<sup>3</sup>

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On May 1, 2014, regime forces intensified their siege on Moadamiyeh, which had been under siege since March 2013, and focused on bombing infrastructure, particularly water pipes.

On May 2, helicopter gunships targeted al- Hellok neighborhood in eastern Aleppo with six barrel-bombs, killing 61 to 78 civilians, including 18 children and seven women, and wounding at least 70 others.<sup>4</sup>

On May 2, a car bomb exploded in the Jadrine in Hama countryside, a village loyal to the regime, killing 15 civilians including three women and nine children. ISIS claimed responsibility for the bombing.<sup>5</sup>

On May 9, an agreement was reached between the regime and the besieged

1 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; Press release on the targeting of two schools in Damascus and Aleppo: Imprint of Hope Soaked with Blood, Violations Documentation Center in Syria, 05-2014; Syria: Car Bombs, Mortars Hit Residential Areas Non-State Armed Group Appears to Target Civilians, Human Rights Watch, 01-05-2014.

2 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; Government forces are destroying Syrian schools.. At least 3,878 schools targeted, Syrian Network for Human Rights, 06-05-2014; Press release on the targeting of two schools in Damascus and Aleppo: Imprint of Hope Soaked with Blood, Violations Documentation Center in Syria, 05-2014; Death everywhere: War crimes and human rights violations in Syria Aleppo, Amnesty International, 2015; Selected testimonies from victims of the Syrian conflict, Human Rights Council, 16-09-2014

3 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; Government forces are destroying Syrian schools.. At least 3,878 schools targeted, Syrian Network for Human Rights, 06-05-2014; Press release on the targeting of two schools in Damascus and Aleppo: Imprint of Hope Soaked with Blood, Violations Documentation Center in Syria, 05-2014; Death everywhere: War crimes and human rights violations in Syria Aleppo, Amnesty International, 2015; Selected testimonies from victims of the Syrian conflict, Human Rights Council, 16-09-2014

4 Government forces policy of bombing commercial markets: Death while shopping, Syrian Network for Human Rights, 10-05-2014; Syria: Barrage of Barrel-Bombs Attacks on Civilians Defy UN Resolution

5 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 44 massacres in May 2014, 32 of them at the hands of government forces; Syrian Network for Human Rights, 03-05-2014.

people and fighters trapped in Old Homs, mediated by Iran and UN supervision. The agreement provided for the evacuation of besieged neighborhoods to the northern countryside and allowed fighters to carry their light weapons; and the city of Homs would come completely under the control of the regime with the exception of el-Waer.

The Old City had been under a severe siege since 2012, and some of its residents had died of starvation. People were forced to eat plants not suitable for human consumption, and cats and mice, not to mention the scarcity of medical services and necessary materials in the only field hospital.<sup>1</sup>

On May 15, an ISIS operative is believed to have detonated a car bomb in the Sajo garage at Bab al-Salama border crossing with Turkey, killing 44 civilians, including eight children.<sup>2</sup>

On May 15, the Jabhat al-Ezz, an armed opposition faction, fired a mortar shell at Karm al-Rahhal neighborhood of Jisr al-Shughur city in Idlib countryside, under regime control, killing 14 civilians, including nine children and three women.<sup>3</sup>

On May 16, Jasim city in Daraa province came under heavy aerial bombardment by regime forces, killing 20 civilians.<sup>4</sup>

On May 17, an armed opposition faction shelled the Ashrafiyeh neighborhood in western Aleppo with six missiles, killing 15 civilians, including six children and two women.<sup>5</sup>

On May 22, the Sejl Battalion, an armed opposition battalion, fired three mortar shells at al-Matar neighborhood in Daraa city, targeting and polling station tent where a crowd of people were celebrating the presidential elections, killing 29 civilians, including eight children and five women, and wounding about 250 others.<sup>6</sup>

On May 22, regime forces were able to end the siege on Aleppo prison, which

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1 Additional and updated report on besieged areas across Syria, Amnesty International, 06-2011.

2 At least 44 massacres in February 2014, Syrian Network for Human Rights, 03-05-2014; Four-year harvest: the most notable massacres in Syria, 2015; 13th Annual Report on the Situation of Human Rights in Syria 2014 from January to December 2014, Syrian Committee for Human Rights, 01-2015.

3 13th Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 38 massacres in June 2014, 32 of them at the hands of government forces; Syrian Network for Human Rights, 03-07-2014.

4 At least 44 massacres in May 2014- 32 by government forces, Syrian Network for Human Rights, 03-05-2014; press release on targeting Radwan Hospital in Jasim city in Daraa, Violations Documentation Center in Syria, 15-05-2014.

5 13th Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 44 massacres in May 2014, 32 of them at the hands of government forces; Syrian Network for Human Rights, 03-05-2014.

6 13th Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 44 massacres in May 2014, 32 of them at the hands of government forces; Syrian Network for Human Rights, 03-05-2014.



had held hundreds of prisoners, which had been in place since April 2013. It had been imposed by factions of the armed opposition, particularly Ahrar al-Sham and Jabhat al-Nusra. The siege had resulted in the death of dozens of prisoners as a result of indiscriminate shelling by opposition forces, prison guards using prisoners as human shields, the field execution of some, torture and ill-treatment and deprivation of medical care leading to many deaths from tuberculosis.<sup>1</sup>

On May 22, members of the Security Council met in New York to vote on a draft resolution submitted by France requesting the International Criminal Court to investigate the ongoing civil war in Syria. However, Russia and China vetoed the French draft resolution, although the ICC prosecutor would not have been able to investigate the situation in the country without the consent of all 15 Security Council members.

UN Deputy Secretary-General Jan Eliasson told the Security Council: “Since the outbreak of the war in Syria, I have consistently called for the perpetrators of gross human rights violations, crimes against humanity and war crimes to be held accountable. Recent attacks against humanitarian convoys and personnel may constitute war crimes.”

To date, the conflict has killed more than 100,000 people, injured about 700,000 and displaced nearly half of the Syrian population.

According to Eliasson, “The Security Council has an inescapable responsibility in this regard. Member States of the Security Council and the Human Rights Council have a special duty to end the bloodshed and ensure justice for the victims of unspeakable crimes.”

In February 2013, the Investigation Commission had concluded that the International Criminal Court was the appropriate forum in which to wage the fight against impunity in Syria. The High Commissioner for Human Rights has repeatedly called for the referral of the situation in Syria to the ICC, most recently in April.

Jan Eliasson said: “The Syrian people have a fundamental right to justice. The United Nations and Member States have a fundamental duty to defend this right. Clearly, no side in the tragedy is innocent. Let us remember that accountability will help prevent further atrocities.”

The UN Deputy Secretary-General warned: “If the Council cannot agree on mechanisms that genuinely hold perpetrators to account, the credibility of the entire Organization will continue to suffer.”



On May 27, the Syrian Foreign Ministry issued a statement with the following: “Based on the cooperation of the Syrian Arab Republic with the Organization for the Prohibition of Chemical Weapons (OPCW) and in compliance with its agreement to receive the fact-finding mission into the alleged use of chlorine gas, the competent authorities ensured security protection for its members in areas under our control. On May 27, 2014, the mission team was informed of the approval of a ceasefire in the Kafr Zita area of Hama northern countryside from 8 a.m. to 6 p.m. to facilitate the work of the mission. After the arrival of a team from this mission consisting of four four-wheel drive UN vehicles to the village of Tayyibat al-Imam, this team was informed that they could not be protected beyond this point. At their own responsibility, they decided to continue without being escorted by Syrian security towards the village of Kafr Zita. 2 kilometers from Tayyibat al-Imam one of the mission’s vehicles was exploded with an IED, forcing them to move to another car and return towards the village of Tayyibat al-Imam.”

The statement added: “One car arrived in this village, while two cars carrying 11 people, five Syrians (drivers) and six from the fact-finding team, were hijacked by terrorist groups.” The Syrian Arab Republic, in bringing these facts to the attention of the Director-General of the OPCW, reaffirms that terrorist groups are the ones sabotaging the work of the fact-finding mission and committing terrorist crimes against UN and OPCW personnel as they do with UN humanitarian convoys.<sup>1</sup>

Meanwhile, on May 29, in Manbij, ISIS fighters abducted 153 Kurdish students from the town of Ayn al-Arab (Kobane) aged 13 -14, while they were returning from Aleppo to their hometown after taking end-of-year exams. They were gradually released, after they were subjected to ill-treatment and torture during their detention and forced to attend religious classes.<sup>2</sup>

On May 30, opposition forces targeted al-Midan neighborhood in western Aleppo with mortar shells, killing 19 civilians, including eight children and four women.<sup>3</sup>

June 2014, saw what was the first pluralist presidential election in Syria since the Baath Party theoretically took power half a century ago, held amid widespread condemnation from the Syrian opposition, Western countries and the United Nations. Assad faced in this presidential election a member of the People’s Assembly Maher Hajjar and former member of the Council Hassan al-Nuri.

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1 Statement issued by the Foreign Ministry on chemical weapons in the Syrian Arab Republic, 27-05-2014.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Rule of Terror: Life in Syria under the Islamic State of Iraq and the Levant, United Nations, 14-11-2014.  
Syria: ISIS Holds 130 Kurdish Children Kept Hostage for One Month, Human Rights Watch, 30-06-2014. Released schoolboys reveal torture, fear and anxiety in IS captivity in Syria, Amnesty International, 07-11-2014

3 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 44 massacres in May 2014, 32 of them at the hands of government forces; Syrian Network for Human Rights, 03-05-2014.





On the morning of June 3, polling stations were opened for some 15 million voters in some 9,000 polling stations located in areas controlled by the regime. The elections were held by virtue of a law that effectively closes the candidacy to any dissident resident abroad, as it stipulates that the candidate must be resident in Syria during the last ten years.

US Secretary of State John Kerry described the election as an “insult,” a “farce” and “fraud.” French President Francois Hollande said the election was a “pretense” and the results were “pre-announced”; while Britain said it would have “no value” and the United Nations said the elections would undermine efforts to find a political solution.

This did not affect the official Syrian decision to go ahead with the elections; in fact they were attended by a Russian delegation of parliamentarians and members of the Central Electoral Commission of Russia to “keep up with the presidential election,” which resulted in 88.7% of votes in favor of President Bashar al-Assad, with a participation rate of 73% of the approximately 11.5 million voters, according to the Supreme Constitutional Court.

The elections coincided with military escalation on the ground, especially in Aleppo, where the regime’s aerial bombardment campaign continued for months, with daily deaths, as well as fierce battles in Damascus countryside, Hama countryside, Idlib countryside and Daraa.

On June 3, as Syrians were heading to the polls in a section of the country, government warplanes fired a missile at the Omayya Dispensary in the town of Zabdean in Damascus countryside, killing eight to 24 civilians, some of them medical workers.<sup>1</sup>

To celebrate the election, President Bashar al-Assad issued a general amnesty on June 9, for crimes committed before that date, by Legislative Decree No. 22 of 2014. The decree published by the official Syrian news agency SANA stipulates granting “amnesty for the full penalty” for crimes in the Penal Code related to “conspiracy intended to commit an act or acts of terrorism and the establishment of an association with a view to changing the state’s economic or social entity or the basic state of society.” The penalty is hard labor for a period of 10 to 20 years, according to the provisions of the legal articles mentioned in the decree.

The decree also provides amnesty for the full penalty for participation in the “conspiracy to commit any felony” stipulated in the Anti-Terrorism Law of July 2012, punishable by life imprisonment with hard labor, and the crime of joining “a terrorist organization or coercing someone by violence or threat to join a terrorist organization,” punishable by seven years of hard labor.

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1 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 38 massacres in June 2014, Syrian Network for Human Rights, 03-07-2014.

It also deals with crimes related to “weakening national sentiment,” “any act committed with the intent of provoking armed rebellion against the authorities” and “assault aimed at provoking civil war and sectarian fighting by arming Syrians and inciting murder,” which are usually punishable by death.

On June 12, government warplanes bombarded al-Busayid neighborhood in al-Muhassan city in Deir ez-Zur countryside, killing between 16 and 18 civilians, including six women.<sup>1</sup>

On June 16, government helicopters dropped barrel-bombs on al-Sukkari neighborhood in eastern Aleppo, killing 75-77 civilians.<sup>2</sup>

On June 18, government helicopters dropped barrel-bombs on an IDP camp in al-Shajara town in Daraa countryside, killing 18 civilians, including 14 children and a woman.<sup>3</sup>

On June 21, government helicopters dropped a barrel-bomb on a two-storey apartment building in Khan al-Sheh camp in Damascus countryside, killing 11 civilians, including seven children and two women.<sup>4</sup>

On June 29, warplanes shelled Salqin town in Idlib countryside, killing 22-38 civilians, including four children and a woman.<sup>5</sup>

However, on the same day, June 29, the Islamic State declared “the establishment of an Islamic caliphate” and pledged allegiance to its leader, Abu Bakr al-Baghdadi, as “the caliph of Muslims.”

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1 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 38 massacres in June 2014, Syrian Network for Human Rights, 03-07-2014.

2 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; “Death everywhere,” War crimes and human rights violations in Aleppo, Syria, Amnesty International, 05-05-2015; Four Years Harvest: Most Notable Human Rights Violations in Syria, Syrian Network for Human Rights, 15-03-2015

3 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 38 massacres in June 2014 .. 32 of which at the hands of government forces, Syrian Network for Human Rights, 03-07-2014.

4 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 38 massacres in June 2014 .. 32 of which at the hands of government forces, Syrian Network for Human Rights, 03-07-2014.

5 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 38 massacres in June 2014 .. 32 of which at the hands of government forces, Syrian Network for Human Rights, 03-07-2014.



ISIS spokesman Abu Mohammad al-Adnani said in an audio recording that “the Islamic State, represented by the persons of influence, including notables, leaders, emirs, and the Shura Council, has decided to declare the establishment of the Islamic Caliphate, and nominate the Caliph of the Muslim State, and pledge allegiance to the Mujahid [fighter] Sheikh Abu Bakr al-Baghdadi, and he accepted the pledge of allegiance and has thus become the Imam and Caliph of Muslims.”<sup>1</sup>

The Islamic State had taken control of all areas under opposition control in the province of Deir ez-Zur, and of the site of the 17th division in Raqqah, in addition to its control over large areas of western Iraq after it managed on June 9, to penetrate many Iraqi cities and towns. Accordingly, it took control of Mosul, Tikrit, and a number of border points between Syria and Iraq, declaring the end of the borders drawn by the Sykes-Picot Agreement.

Syrian official media denied the loss of those strategic positions in the east of the country, ascertaining that government forces were engaged in fierce battles against the organization in the vicinity of the 17th Division and Tabqah airport. But in practice, when ISIS took control of the military and airbase, it was quick to kill the prisoners and display their bodies. They beheaded some and displayed their bodies in the city of Raqqah, while almost 200 prisoners were stripped naked, forced to walk barefoot in the desert and then shot to death.<sup>2</sup>

What happened in Syria also happened in Iraq; Human Rights Watch announced that ISIS had executed at least 160 of its captives in Tikrit, the capital of Salah al-Din province.<sup>3</sup>

On June 30, an unidentified armed opposition faction fired 10 mortar shells at Idlib, killing 14 civilians, including three children and four women.<sup>4</sup>

On July 1, unidentified warplanes bombarded the Sakhour Hospital in eastern Aleppo, killing four civilians - the seventh attack on the hospital.<sup>5</sup>

On July 10, government helicopters dropped an explosive barrel on a popular market in the main street of al-Myassar neighborhood in eastern Aleppo amid a gathering of civilians and street vendors, killing 19 to 29 civilians including a child and three women, and injuring dozens of others, as well as destroying residential buildings and commercial shops.<sup>6</sup>

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1 <https://youtu.be/kNqkbcOu5tE>

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Rule of Terror: Life in Syria under the Islamic State of Iraq and the Levant, 14-11-2014

3 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 44 massacres in May 2014, 32 of them at the hands of government forces; Syrian Network for Human Rights, 03-05-2014.

4 Ibid

5 “Death everywhere”, War crimes and human rights violations in Aleppo, Syria, Amnesty International, 05-05-2015.

6 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 33 massacres in July 2014 .. 25 of which at the hands of government forces, 03-08-2014

July 10 witnessed the appointment of UN Special Envoy Staffan de Mistura to succeed Lakhdar Brahimi. He rushed to hold dozens of meetings with officials from capitals influencing the Syrian conflict, and with regime officials, and various opposition figures and bodies, in an attempt to establish a suitable atmosphere for new rounds of negotiations, but with little result. De Mistura worked on broader representation of the opposition and civil society institutions in the upcoming negotiations. His work coincided with the establishment of other opposition blocs to face the coalition; these opposition blocks translated into what became known as the Moscow, Astana and Cairo platforms, named after the meetings in those capitals, and included figures who shared the Syrian regime's priority of war on terror.

On July 14, the UN Security Council passed Resolution 2165 to bring humanitarian aid into Syria through four points, two in Turkey (Bab al-Salamah and Bab al-Hawa), one in Iraq (al-Yarubiyah) and one in Jordan (al-Ramtha); the first UN resolution to allow aid through border crossings not under the authority of the Damascus government.

In the middle of the month, ISIS seized the Shaer gas field east of Homs and killed close to 350 civilians at close range. The dead included technicians and other gas field employees with their family members, including children.<sup>1</sup>

On July 24, government artillery fired mortar shells and ground-to-ground missiles at the main market in Zabdean town in Damascus countryside, controlled by armed opposition factions, killing between 10 and 15 civilians, including four children, and wounding 15 others.<sup>2</sup>

On July 30, government forces targeted the city of Duma in Damascus countryside with rockets and missiles, killing 18-21 civilians, including three children and four women, and wounding about 70 others.<sup>3</sup>

On August 1, warplanes fired a missile loaded with cluster munitions on the western town of Marzaf in Hama. The bombs killed at least 11 civilians, including six children and two women.<sup>4</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Rule of Terror: Life in Syria under the Islamic State of Iraq and the Levant, 14-11-2014

2 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 33 massacres in July 2014 .. 25 of which at the hands of government forces, 03-08-2014

3 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 33 massacres in July 2014 .. 25 of which at the hands of government forces, 03-08-2014

4 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; Syrian regime the worst in the world in terms of cluster munitions use, Syrian regime uses cluster munitions at least 83 times in 2014 alone, Syrian Network for Human Rights, 2014



The FSA had previously taken control of Morek in Hama province, on the international highway between Hama and Aleppo, and Rahbet Khattab, north of Hama, after fierce battles.

On August 3, regime helicopter gunships bombed a popular market in Kafr Batna in Damascus countryside, killing 27 to 41 civilians including six children and five women, and injuring 85 others.<sup>1</sup>

In August, after 135 days of fighting, the regime took control of Mleha, which is of great strategic importance as it is the Damascus countryside gateway to Daraa countryside.

On August 3, a serious and unprecedented violation took place when Jabhat al-Nusra executed a woman, Fatima al-Sheikh Khalil, in Talbiseh, Homs, for witchcraft and sorcery.<sup>2</sup>

On August 9, ISIS fired mortar shells at the Shuwayt clan area in Deir ez-Zur, killing 18 civilians.<sup>3</sup>

Frictions with the Deir ez-Zur clans began to intensify, especially with the major clans such as the Shaaytat and Ageidat, as well as competition for the region's oil resources. After a period of armed skirmishes, ISIS committed mass killings of males from the Shaaytat clan over the age of 14. The group killed the men and displayed their heads on iron bars in public squares, and they buried large numbers in mass graves. At least 400 civilians of the Shaaytat are believed to have been killed, while unofficial figures go up to over 700. Residents continued to find mass graves containing the remains of those believed to have died in this incident against the Shaaytat clan. In December they found a grave with some 200 bodies.<sup>4</sup>

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1 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; 47 massacres documented in August 2014, Syrian Network for Human Rights, 2014.

2 Four Year Harvest: Highlights of human rights violations in Syria, Syrian Network for Human Rights, 03-12-2015.

3 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; 47 massacres documented in August 2014, Syrian Network for Human Rights, 2014.

4 Four Year Harvest: Highlights of human rights violations in Syria, Syrian Network for Human Rights, 03-12-2015. ISIS continues to displace the population of Abu Hamam in Deir ez-Zur, around 367 victims, 240 missing, and 33,000 displaced in the city of Abu Hamam, Syrian Network for Human Rights, 09-07-2015. Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Rule of Terror: Life in Syria under the Islamic State of Iraq and the Levant, 14-11-2014

On August 17, the first groups were noted of Yazidi girls brought by ISIS to Syria from their regions in Iraq, to be sold in public markets or individually. Hundreds of girls and women were brought in batches and sold into slavery at prices ranging from \$ 200 to \$ 1,500 per person. Members of the organization sold and raped nine-year-old girls and treated them as merchandise; the owner who buys the woman or girl has the right to bequeath, sell or give her as a gift.<sup>1</sup>

In the meantime, Security Council Resolution 2170 was passed on August 15, under Chapter VII, causing much controversy. While it reaffirms the unity of Iraq and Syria and announces the need to combat ISIS and Jabhat al-Nusra and those associated with or financing them, regarding both these organizations terrorist organizations that threaten international peace and security, it then refers in paragraphs eight and nine to the need to distinguish between combating terrorism and violating international humanitarian law. This means the Syrian government is not covered by international efforts to combat terrorism. The two organizations could have been added by the Sanctions Committee for Resolution 1373 of 2011<sup>2</sup> to the list for international sanctions against terrorism and al-Qaida, given that the difference between the two resolutions is practically only in name. The first names al-Qaeda, while the second names the Islamic State and Jabhat al-Nusra. The regime considered the resolution biased towards the armed opposition, which the Syrian government counts, in all its spectra, as “terrorist groups.” While the opposition considered the resolution obscure and broad, as it potentially allowed for political and military pressure on any kind of opposition military faction or political organization for suspecting them of dealing in any way with the Islamic State and Jabhat al-Nusra, and then include them in the list of terrorist organizations. The monitoring committee was given a period of 90 days from the date of issuance of the resolution to provide a list of bodies funding the two organizations and those associated with them militarily or ideologically.

On the ground, on August 21, the regime dropped cluster bombs onto the city of Manbij, killing four to seven civilians, including three children.<sup>3</sup>

## Al-Qadam Truce... The Capital's Lifeline

1 They came to destroy: ISIS crimes against Yazidis, Human Rights Council 32nd session, Human rights cases requiring the Council's attention, 15-06-2016. UN Panel Reports on ISIS Crimes on Yezidis “Unimaginable Horrors,” Human Rights Watch, 21-05-2016.

2 <http://unscr.com/en/resolutions/doc/1373>

3 Four year harvest: Highlights of human rights violations in Syria, Syrian Network for Human Rights, 03-12-2015; Syrian regime the worst in the world in terms of cluster munitions use, Syrian regime uses cluster munitions at least 83 times in 2014 alone, Syrian Network for Human Rights, 2014. Syria: Evidence of Islamic State Cluster Munition Use Continued Government Use as Well, Human Rights Watch, 01-09-2014





Meanwhile, opposition representatives in al-Kadam and al-Asali neighborhood south of Damascus concluded a truce with regime forces after nearly five months of stalled negotiations, as the regime was struggling to put down the last stronghold of the armed opposition on the outskirts of the capital, ahead of the presidential election.

A set of basic points were agreed upon: handing over al-Kadam al-Gharbi neighborhood to the opposition forces, the withdrawal of heavy weapons from all areas of the truce, opening roads and allowing the passage of food, allowing the return of residents to these neighborhoods, restoring services, compensating the affected, the release of women and children detainees, and the withdrawal of opposition forces from the al-Qadam Industrial Complex and allow shop owners to re-open their shops. The truce was practically applied in specific areas of the neighborhood, namely Jouret al-Shraybati, al-Asali, al-Kadam al-Gharbi and al-Madania. The issue of wanted activists would remain pending. They would not be able to leave the neighborhood before settling with the regime, while FSA fighters would be confined to al-Kadam al-Gharbi neighborhood with their light and medium weapons.

With this truce, the regime would put an end to the last uprising front in the southern region of the capital. This truce was preceded by a number of truces with other surrounding neighborhoods, such as Yarmouk Camp, Yalda, Babeela and others, while efforts are ongoing for the truce of Darayya to be successful, the city adjacent to Al-Qadam and al-Asali. After opposition forces lost the Mleha front, east of the capital, as mentioned earlier, the regime succeeded in securing the entire periphery of Damascus, after fighting that lasted more than two years with the opposition forces.

On September 5, helicopters dropped an explosive barrel on al-Haydaria neighborhood in eastern Aleppo, killing 26 civilians.<sup>1</sup>

On September 6, regime warplanes raided the city of Raqqah, killing between 44 and 54 civilians and wounding 40 others.<sup>2</sup>

On September 6, helicopter gunships dropped barrel-bombs on the city of Ltamenah in Hama countryside, killing around nine civilians, including a child

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1        13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; 27 Massacres in September, Syrian Network for Human Rights, 07-10-2014.

2        14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.



and three women.<sup>1</sup>

On September 9, a mysterious explosion killed more than 45 leaders of Ahrar al-Sham, including military emirs of the governorates of Aleppo, Raqqah and Idlib. These leaders were in a meeting of the movement's Shurah Council in the town of Ram Hamdan in Idlib countryside.

The Ahrar al-Sham movement, described as "moderate," is a component of the Islamic Front, which was formed at the end of 2013 as part of the Syrian opposition's efforts to unite.

## International Coalition against ISIS

On September 10, US President Barack Obama announced the formation of an international coalition of 20 countries led by the United States, with the aim of fighting the Islamic State and stopping its progress in Iraq and Syria after it had taken control of large areas in both countries.

The campaign in Iraq began on August 7, after a speech by Obama in which he said that the miserable conditions and violent attacks directed against the Yazidi minority, convinced the US administration of the need to intervene "to protect US citizens in the region and the Yezidi minority as well as stop the advance of insurgents to Erbil, capital of the Kurdistan region of Iraq." ISIS released a video of them beheading American journalist James Foley in Raqqah on August 18. Foley had disappeared in northwestern Syria in mid-2012.

A day later, US planes bombed the organization's weapons depot. Only two days later, Kurdish forces, backed by US air support, regained control of the Makhmur and al-Ghuwair areas near Mosul from ISIS, making it the first success for US raids on the ground.

On September 10, Obama announced that he had ordered the start of raids in Syria without waiting for congressional approval and ordered an intensification of raids in Iraq.

On September 19, France entered the frontline as the second country participating in the campaign, carrying out airstrikes against ISIS and sending special forces to northern Iraq to train Kurdish forces to use its weapons.

On September 23, the United States, Bahrain, Jordan, Qatar, Saudi Arabia, and the United Arab Emirates launched their first raids against IS in Syria.

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1 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; 27 Massacres in September, Syrian Network for Human Rights, 07-10-2014.



All coalition countries agreed not to send combat troops on the ground and to only train and equip the Iraqi army, and the “moderate Syrian opposition” and Kurdish forces.

One of the most prominent meetings held by the coalition countries was the Jeddah meeting on September 11, 2014 at the level of foreign ministers. The United States, Saudi Arabia, Egypt, Iraq, Jordan, Lebanon, Qatar, Kuwait, Bahrain, the United Arab Emirates and the Sultanate of Oman agreed to fight ISIS and work to stop the flow of money and fighters into the organization and to “rebuild communities that the organization has terrorized with its atrocities,” according to the agreement document.

Despite Turkey’s attendance at the meetings and its participation in the discussions that preceded the announcement of the document, the Foreign Minister, after contacting officials in Ankara, declined to sign the document.

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On September 11, regime forces fired six thermobaric missiles at a livestock market in al-Bab city in Aleppo countryside, killing between 17 and 19 civilians, including four children.<sup>1</sup>

On the same day, regime warplanes bombarded downtown Duma, killing between 45 and 58 civilians, including 22 children and 10 women, and wounding at least 175 others.<sup>2</sup>

On September 12, a military statement was issued by the General Command of the Syrian Army and Armed Forces declaring full control over Halfaya and its surroundings. The statement read, “security and stability have returned to the villages and towns of Arza, Khattab, Khirbet al-Hajama, Belhocine, Qusaiya, Shiraaya, Tal al-Samsam and the hills west of Tayyibat al-Imam town in the northern countryside of Hama, large numbers of terrorists have been eliminated, mostly non-Syrian nationals, and a large number of their vehicles and weapons have been destroyed.”

On September 13, the Kurdish Protection Units stormed the villages of al-Hajiya and Tall Khalil in Hasakah countryside and executed between 42 and 51 citizens.

1 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; 27 Massacres in September, Syrian Network for Human Rights, 07-10-2014.

2 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; Syrian regime commits four massacres in 10 days in Duma, Syrian Network for Human Rights, 22-09-2015.

including 15 children and three women.<sup>1</sup>

On September 15, unidentified helicopters dropped explosive barrels on Talbiseh city in Homs, killing 14 civilians.<sup>2</sup>

On September 15, unidentified helicopters dropped an explosive barrel on al-Marjeh neighborhood in eastern Aleppo, killing 18 civilians including a woman, and wounding dozens.<sup>3</sup>

Meanwhile, the FSA announced control of 80% of the al-Qunaitra province on the Lebanese/Israeli border, while Khan Arnabeh and the Baath City, the center of the city's security institutions, remained in the hands of the regime.

On September 16, unidentified warplanes bombarded the town of Talbiseh in Homs countryside, killing 31 civilians, including between 11 and 15 children and one woman.<sup>4</sup>

On September 18, unidentified helicopter gunships dropped barrel-bombs on the city of al-Bab in Aleppo northern countryside, killing around 41 civilians waiting to buy bread, including around 15 children and five women.<sup>5</sup>

In the meantime, a campaign by ISIS began to advance towards the city of Kobane (Ain al-Arab) and it was able to enter it on October 7, after fierce Kurdish resistance; the city surrendered only after the besieged Kurdish fighters' ammunition ran out. The result of ISIS incursion was the displacement of 200,000 civilians.

Kobane had a strong moral significance for Kurds because it was one of the

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1 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; Four Years Harvest: Most Notable Human Rights Violations in Syria, Syrian Network for Human Rights, 15-03-2015; Most notable violations by PYD and AA forces, Syrian Network for Human Rights, 18-01-2016.

2 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; 27 Massacres in September, Syrian Network for Human Rights, 07-10-2014.

3 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; 27 Massacres in September, Syrian Network for Human Rights, 07-10-2014.

4 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; 27 Massacres in September, Syrian Network for Human Rights, 07-10-2014.

5 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; 27 Massacres in September, Syrian Network for Human Rights, 07-10-2014; Joint statement: Continuing gross violations of human rights in Syria with continuing armed bloody violence and victims continue to fall, continuing abductions and forced disappearances, assassinations and arbitrary arrests, Kurdish Committee for Human Rights in Syria, 29-11-2011.



three provinces the Democratic Union Party announced as part of the project of autonomous administration. The Kobane battle was as important to ISIS as it was for the Kurds; it brought the Islamic State's borders for the first time in direct contact with Turkey, which meant controlling a large geographical area stretching from the city of Manbij in Aleppo countryside on the Syrian-Turkish border in the north, to the outskirts of Baghdad in the south.

On September 21, warplanes fired thermobaric missiles at Kafr Amim road in Saraqib city, Idlib countryside, killing 22 civilians including 10 children and four women.<sup>1</sup>

On September 21, warplanes bombarded the town of Ehsim in Idlib countryside, killing 33 civilians, including 11 children and 12 women.<sup>2</sup>

On September 21, ISIS completely demolished the Armenian Martyrs Church in the Rashideen neighborhood of Deir ez-Zur after planting and detonating IEDs.<sup>3</sup>

Meanwhile, on September 21, the Syrian Foreign Ministry issued a statement denying the use of chemical weapons, stressing that "the Syrian Arab Republic has not and will not use chemical weapons under any circumstances." The statement read: "In light of the Syrian Arab Army's achievements in combating terrorist groups in the Damascus Ghouta, northern Hama countryside, and other areas, some regional and international circles hostile to Syria, and their terrorist tools, are circulating allegations of possible use of chemical weapons by Syrian Arab Army forces in their military operations."

The statement warned that "regional and international conspiratorial parties against Syria may provide chemical weapons to armed terrorist groups for use against our people in order to accuse the Syrian Arab Army of this, as happened last year in Khan al-Asal in Aleppo and in Ghouta in Damascus countryside." The statement stressed that "The Syrian Arab Republic has fulfilled its obligations within the framework of its accession to the Chemical Weapons Convention and is now free of such weapons after its full cooperation with the OPCW-UN Joint Mission, and it expects the international community to reject these pretexts and focus instead on combating terrorism."<sup>4</sup>

On September 22, regime warplanes carried out raids on the city of Hamoryah

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1 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; 27 Massacres in September, Syrian Network for Human Rights, 07-10-2014.

2 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; 27 Massacres in September, Syrian Network for Human Rights, 07-10-2014.

3 At least 44 vital centers targeted in October, Syrian Network for Human Rights, 06-10-2014.

4 Statement by the Foreign Ministry on hostile allegations towards Syria around Syrian Arab Army's possible use of chemical weapons, Syrian Arab Republic, Foreign Ministry, 21-09-2014.

in Damascus countryside, killing 10-14 civilians, including two children and a woman, and wounding more than 30 others.<sup>1</sup>

On September 23, US warplanes carried out raids on residential neighborhoods in Kafr Darian in Idlib countryside, killing 15 people believed to be Nusra fighters.<sup>2</sup>

On September 24, regime warplanes bombarded the city of Duma in rural Damascus in four successive raids, killing between 12 and 15 civilians, including six women and three children.<sup>3</sup>

On October 1, two explosions occurred near the Ekrama al- Makhzoumi elementary school in the Ekrama neighborhood of Homs city, a predominantly Alawite neighborhood. The first explosion resulted from a car bomb and the second from a suicide attack. Jabhat al-Nusra or ISIS is believed to be behind the explosions. They killed at least 53 civilians, most of them children.<sup>4</sup>

On October 3, regime planes bombarded Duma, killing 15 civilians, including two children, and injuring 120 others.<sup>5</sup>

On October 9, regime helicopter gunships bombed a popular market in Irbin city in Damascus countryside, killing 31 civilians including four children and six women, and wounding 200 others.<sup>6</sup>

On October 10, government forces fired a surface-to-surface missile in the town of al-Hara in Daraa, killing 21 civilians, including six children and two women.<sup>7</sup>

On October 14, regime planes bombarded Ein Tarma, killing 13 civilians, including

1 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; 27 Massacres in September, Syrian Network for Human Rights, 07-10-2014.

2 US/Syria: Investigate Possible Unlawful US Strikes At Least seven Civilians Dead; Residents Say No Evident Military Target, Human Rights Watch, 27-09-2014. APPENDIX: CASES OF SUSPECTED CIVILIAN CASUALTIES IN US-LED COMBINED JOINT TASK FORCE ATTACKS IN SYRIA SINCE 23 SEPTEMBER 2014, AMNESTY INTERNATIONAL, 26-10-2016

3 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 14 massacres eastern Ghouta during September and October 2014, Syrian Network for Human Rights, 31-10-2014.

4 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; At least 44 vital centers targeted in October, Syrian Network for Human Rights, 06-10-2014.

5 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), At least 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014.

6 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014; At least 14 massacres in Eastern Ghouta during September and October 2014, Syrian Network for Human Rights, 31-10-2014.

7 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), At least 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014.



three children and three women, and wounding 20 others.<sup>1</sup>

On October 15, regime forces shelled the al-Waer neighborhood of Homs, killing 10 civilians, including two children and two women.<sup>2</sup>

On September 16, warplanes bombarded a residential neighborhood of Jisreen city in Damascus countryside, killing 22 civilians including three children and one woman.<sup>3</sup>

On October 17, government warplanes launched eight raids on Duma, killing 21 civilians, including seven children.<sup>4</sup>

On October 21, government helicopter gunships dropped two barrel-bombs on the town of Nassib in Daraa province, killing 23 civilians, including 12 children and two women.<sup>5</sup>

On October 23, government helicopter gunships dropped barrel-bombs on the town of Tell Qarah in Aleppo countryside, killing 19 civilians, including 15 children and four women.<sup>6</sup>

On October 25, regime planes raided Talbiseh city in Homs countryside, killing between 18 and 22 civilians, including 13 children and three women.<sup>7</sup>

On October 26, helicopters dropped an explosive barrel on an apartment building in Busra al-Sham city in Daraa, killing 15 civilians from one family, including six children and three women.<sup>8</sup>

On October 27, an armed opposition faction fired a Grad missile at al-Kamal

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1 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), At least 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014.

2 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), At least 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014.

3 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014; At least 14 massacres in Eastern Ghouta during September and October 2014, Syrian Network for Human Rights, 31-10-2014.

4 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), At least 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014.

5 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 01-2015; 27 Massacres in September, Syrian Network for Human Rights, 07-10-2014.

6 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), At least 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014.

7 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), At least 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014.

8 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), At least 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014.

school in Hamdaniya neighborhood in western Aleppo, killing seven civilians, including five children, and wounding 17 others.<sup>1</sup>

On October 29, regime helicopters targeted with a barrel-bomb an IDP camp in Abdin village in Idlib southern countryside, which houses some 250 families. The bombardment killed at least 18 civilians.<sup>2</sup>

At the end of the month, fierce clashes erupted between Jabhat al-Nusra and Hazzm Movement in Aleppo countryside, a few hours after other confrontations between Nusra and the Syrian Revolutionaries Front near Maarat al-Numan city in Idlib countryside. Al-Nusra is facing increasing pressure as new fronts are opened in the north of the country with moderate factions of the armed opposition.

Al-Arabiya TV reported that following the clashes, Al-Nusra took control of new towns and points in Idlib countryside, especially near the city of Maarat al-Numan, considered a stronghold of the Syrian Revolutionaries Front. Al-Nusra then opened another battle front in Atarib town in Aleppo countryside with the Hazzm Movement. Al-Nusra opening these fronts meant it had breathed a sigh of relief as coalition fighter jets focused their strikes on the positions of other extremist factions in the town of Kobane.

Al-Nusra appears to have benefited from ISIS's preoccupation with its battles in other areas, as evidenced in the fact that it opened a front in the city of Idlib with Syrian regime forces controlling the city.

When it failed to enter the city of Idlib, capital of the province, because of regime airstrikes, it tried to extend its influence elsewhere, this time at the expense of moderate armed opposition.

On November 4, during Eid al-Adha, negotiations between the government and opposition factions fell through, and government bombardment of al-Waer escalated, killing 11 civilians, mostly women and children.<sup>3</sup>

On November 5, a regime rocket launcher targeted a school in the Qaboun

1 "Death everywhere," War crimes and human rights violations in Aleppo, Syria, Amnesty International, 05-05-2015; 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014; At least 44 vital centers targeted in October 2014, Syrian Network for Human Rights, 06-10-2014.

2 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), At least 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014; Gross violations of human rights in Syria continue, with continuing bloody armed violence and bloodshed in Syrian streets, and abductions, assassinations, and arbitrary arrests, Damascus Center for Human Rights Studies, 09-12-2011

3 Syria: Escalating Assault on Rebel-Held District Indiscriminate Attacks, Increased Restrictions in Homs, Human Rights Watch, 23-12-2014.





neighborhood of Damascus, killing between 14 and 16 children.<sup>1</sup>

On November 12, one of the armed opposition factions fired a Grad missile at the town of Karnaz in Idlib countryside, striking the Karnaz girls' elementary school and killing 11 children and wounding 8.<sup>2</sup>

On November 15, regime forces fired a surface-to-surface missile at a school in the Qaboun neighborhood of Damascus (controlled by the opposition), killing 14-16 children.<sup>3</sup>

On November 16, ISIS shot dead 17 civilians in Tabqah marketplace, Raqqah province accused of spying and working for government forces.<sup>4</sup>

On November 17, Security Council Resolution 2191 was passed, very similar to the previous resolution 2165, with some of its paragraphs extended for a whole year, with implementation to be reviewed after six months. Its paragraphs authorize UN humanitarian agencies to use the border crossings: Bab al-Salam, Bab al-Hawa, al-Yarubiyah and Ramtha, and the establishment of a monitoring mechanism under the authority of the UN Secretary-General to monitor the loading of all humanitarian relief shipments sent by humanitarian agencies and their partners, as well as to monitor any shipment opened by customs authorities of neighboring countries concerned with passage into Syria through the border crossings.

The Council threatened to take further measures under the Charter of the United Nations if any party to the Syrian internal conflict did not comply with this resolution and previous Council resolutions 2139<sup>5</sup> and 2165.<sup>6</sup>

On November 18, warplanes dropped two explosive barrels on the area of Qabr

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1 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee;; 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014; At least 33 massacres in Eastern Ghouta during September and October 2014, Syrian Network for Human Rights, 05-10-2014.

2 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee;; 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014; At least 33 massacres in Eastern Ghouta during September and October 2014, Syrian Network for Human Rights, 05-10-2014.

3 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee;; 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014; At least 33 massacres in Eastern Ghouta during September and October 2014, Syrian Network for Human Rights, 05-10-2014.

4 At least 33 massacres in November 2014, Syrian Network for Human Rights, 05-10-2014.

5 <http://unscr.com/en/resolutions/doc/2139>

6 <http://unscr.com/en/resolutions/doc/2165>

al-Inglizi between Hraytan and Kafr Hamrah in Aleppo northern countryside, destroying two public transport vehicles and an ambulance, and killing 14-17 civilians including five children, and wounding at least 20 others.<sup>1</sup>

On November 25, regime warplanes repeatedly raided the city of Raqqah, targeting different civilian areas, killing between 70 and 100 civilians.<sup>2</sup>

On November 27, Syrian air force shelled two restaurants, two residential buildings, Sakina secondary school for girls and a location near Dar al-Salam preparatory school, the National Hospital, and Panorama Park, west of Raqqah, killing eight civilians, including women and children.<sup>3</sup>

On November 29, regime warplanes bombarded the vicinity of al-Nawawi mosque in the city of Raqqah, killing 11 civilians and injuring dozens.<sup>4</sup>

On November 30, regime planes bombarded the city of Jasim in Daraa, killing 28 civilians, including five children and five women, and wounding 100 others.<sup>5</sup>

On December 15, regime warplanes bombarded the villages of Khsham, Mu Hassan and al-Tabiyyah in the eastern countryside of Deir ez-Zur, killing 11-26 civilians.<sup>6</sup>

#### In the biggest attack by armed opposition factions in two years, Islamist

1 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee, 05-10-2104; 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014; At least 33 massacres in November 2014, Syrian Network for Human Rights, 05-10-2014; "Death everywhere", War crimes and human rights violations in Aleppo, Syria, Amnesty International, 05-05-2015.

2 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014); 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014; At least 33 massacres in November 2014, Syrian Network for Human Rights, 05-10-2014; Raqqah target of attacks by Syrian air forces against civilians, Amnesty International, 2015; Summary report on two massacres on Tuesday and Thursday in Raqqah governorate, 25 and 26 November, horrific massacres as a result of indiscriminate attacks against civilians, Violations Documentation Center in Syria, 11-2014.

3 Raqqah target of attacks by Syrian air forces against civilians, Amnesty International, 2015; At least 33 massacres in November 2014, Syrian Network for Human Rights, 05-10-2014.

4 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee,; 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014; At least 33 massacres in Eastern Ghouta during September and October 2014, Syrian Network for Human Rights, 05-10-2014.

5 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee,; 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014; Four years harvest: Most notable massacres in Syria, Syrian Network for Human Rights, 15-03-2015.

6 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee,; 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014; At least 40 massacres in December 2014, Syrian Network for Human Rights, 07-01-2014.



movement Ahrar al-Sham mobilized its brigades in Idlib and Hama provinces with full equipment to carry out an attack on al-Hamidiyah, al-Qadim, Bsida and Maar Hattat compounds, while Jabhat al-Nusra mobilized its fighters in sectors of Hama and Idlib and carried out an attack on Wadi Deif military camp. On December 15, complete control was taken of Wadi Deif and al-Hamidiyah military camps.

Wadi al-Daif and al-Hamdiya camps are located near the city of Maarat al-Numan between Idlib and Aleppo in the north and Hama in the center, extending over a distance of 13 kilometers and a width of three kilometers. It includes 40 military posts with about 1,500 regime officers and troops.

Before the start of the Syrian revolution, Wadi Deif was a site for fuel tanks. When the opposition took control of the city of Maarat al-Numan, two kilometers away, regime forces withdrew from the city to Wadi Deif and formed al-Hamidiyah compound. It set up a supply line on the international highway from Hama to secure a supply line between Hamidiyah and Wadi Deif, and opposition fighters were thus faced with a long series of barriers and compounds spanning several kilometers.

On December 16, government warplanes bombarded Orient Hospital in Kafr Nabl in Idlib countryside, killing between 11 and 13 civilians.<sup>1</sup>

On December 16, government warplanes bombarded Maarat al-Numan in Idlib countryside, killing between 13 and 15 civilians, and wounding around 20 others.<sup>2</sup>

On December 16, warplanes launched 15 raids on the opposition-held al-Waer neighborhood of Homs, killing 37 civilians, including seven children and nine women, and wounding at least 40 others.<sup>3</sup>

On December 23, regime warplanes carried out five airstrikes on the city of Raqqah targeting al-Huda Mosque, Adnan al-Maliki School, and the Informatics School, killing 26-28 civilians, including nine children and five women.<sup>4</sup>

On December 25, regime warplanes launched three airstrikes on al-Bab city

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1 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee,; 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014; At least 40 massacres in December 2014, Syrian Network for Human Rights, 07-01-2014.

2 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee,; 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014; At least 40 massacres in December 2014, Syrian Network for Human Rights, 07-01-2014.

3 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee,; 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014; At least 40 massacres in December 2014, Syrian Network for Human Rights, 07-01-2014.

4 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee,; 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014; At least 40 massacres in December 2014, Syrian Network for Human Rights, 07-01-2014.

in Aleppo countryside, killing 45-60 citizens, including seven children and two women, and wounding 170 others.<sup>1</sup>

On 27 December, helicopter gunships bombarded Ibtta town in Daraa countryside with four explosive barrels, killing 7-10 civilians and wounding around 20 others.<sup>2</sup>

On December 28, coalition warplanes raided the Serail building in al-Bab, north of Aleppo, where ISIS imprisoned people who violated its rules. The shelling is believed to have killed about 60 civilians detained in the building.<sup>3</sup>

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1 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee,; 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014; At least 40 massacres in December 2014, Syrian Network for Human Rights, 07-01-2014.

2 13<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2014, (from January to December 2014), Syrian Human Rights Committee,; 30 massacres documented in October 2014, Syrian Network for Human Rights, 05-10-2014; At least 40 massacres in December 2014, Syrian Network for Human Rights, 07-01-2014.

3 Four years harvest: Most notable massacres in Syria, Syrian Network for Human Rights, 15-03-2015; Statement on the targeting of a detainment center by coalition forces in al-Bab city, Aleppo governorate, 28-12-2014, Violations Documentation Center in Syria, February, 02-2015 APPENDIX: CASES OF SUSPECTED CIVILIAN CASUALTIES IN US-LED COMBINED JOINT TASK FORCE ATTACKS IN SYRIA SINCE 23 SEPTEMBER 2014, AMNESTY INTERNATIONAL, 26 -10-2016.



## Chapter Five: 2015

**The most prominent feature of 2015 was the “internationalization of the conflict” in Syria, not only at the political level, but specifically militarily. First, we see considerable change on the field locally, and the demarcation of multiple spheres of influence based on geography and the dominant military body, but also its reflection on the involvement of major powers militarily and directly in the conflict. This was the year that witnessed Russian Air Force enter into battle on September 30, under the pretext of fighting terrorism, the same reason that prompted US Congress to demand direct military intervention in Syria, rather than stop at leadership of the international coalition or support for local militant groups. During this year, ISIS attacks expanded beyond the Syrian border, targeting Tunisia, Turkey, Lebanon, Egypt, and France with terrorist attacks, and the “war on terror” appeared to be a global mission.**

**Additionally, 2015 witnessed the first Israeli military involvement through focused attacks, particularly in the occupied Golan which witnessed escalating tensions starting in the middle of the year.**

On January 17, Israeli forces carried out the first airstrike on the Mazraat al-Amal area in Qunaitra, killing five people later found to be leaders of Hezbollah and Iran’s Revolutionary Guards, including Jihad Mughniyah, son of the former Hezbollah military commander Imad Mughniyah, prompting the regime’s media machine and its allies to accuse the opposition of doing business with Israel.

In mid-2015, the regime completely lost control of Idlib governorate to Jaish al-Fateh, with the exception of the towns of Kafarya and Fua. By the end of the year, the Syrian regime had fully recovered Homs except for the besieged Waer neighborhood, which was controlled by opposition factions as part of a fragile truce agreement, while Aleppo was split between regime forces and opposition factions who controlled more than 70 percent of its eastern neighborhoods, while the regime had control over its western part.

Hama was completely under the control of the regime but was divided by the heavy presence of military checkpoints between neighborhoods and on public roads. The city did not witness any major incidents, and the relatively stable security situation contributed to the influx of IDPs from surrounding areas of confrontation.

The regime also tightened its grip on the capital Damascus except for Jobar and Yarmouk camps, under siege since 2013, while Barzeh and Qaboun in northern Damascus were relatively calm due to a truce signed between regime forces and the opposition.

It is noteworthy that ISIS succeeded in entering the besieged camp in April 2015, after it had spread and captured areas in the north between Iraq and Syria, reinforcing its slogan that it was “remaining and expanding,” at the height of its media war through which it sought to inspire terror and subjugate people.



This is also what President Bashar al-Assad did. He intensified his media presence, especially with foreign media to have his voice heard abroad and began field tours accompanied by photographers and propaganda campaigns locally. Therefore, the year began with what was broadcast as a New Year's celebration among his soldiers in Jobar, to suggest that Damascus and its environs were completely under the control of government forces.

On January 1, official media broadcast images and videos of Assad carrying out a field tour by night of military forces, allegedly in the Jobar neighborhood receiving the New Year, and then other photos of him sharing a modest meal with them. However, subsequent events indicated that on that date Jobar had not yet fallen.

Assad was then interviewed by US Foreign Affairs magazine on January 26, in which he accused Israel of providing support to "armed groups" opposed to him. He said the Israeli Air Force "constitutes the air power of these groups, including al-Qaeda."

A few days later, on February 10, he was interviewed by the BBC, justifying his military strategy of encircling and subjugating territories through siege and starvation, denying that this was applied in civilian populated areas. Assad said: "That is not true. Civilians fled from these rebel-held areas to come to our areas. So, most of the areas we surround, and attack are full of gunmen only."

Meanwhile, the YPG was making progress in the northern and eastern provinces against ISIS, backed by local armed groups and international coalition raids. The Units took control of the Ayn al-Arab/Kobane area of Aleppo countryside on January 27, after clearing it of ISIS operatives, and they expanded in the northern countryside of Aleppo and took control of the city of Tell Abiad in Raqqah countryside on June 15.

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On January 15, UN envoy Staffan de Mistura announced that a new year had begun while the Syrian conflict remained the biggest humanitarian crisis since World War II; a real tragedy that the Syrian people continue to live in constant fear of barrel-bombs, mortars, rockets, explosives, abductions and extrajudicial executions. De Mistura said there were 12 million people in need of assistance, 7.6 million displaced persons, 3.3 million refugees, 220,000 dead and one million wounded. Diseases such as polio, typhoid and measles had again emerged, 4,000 schools were inoperable, and three million students deprived of study. 290 cultural sites were damaged or destroyed. De Mistura said the war had pushed Syria's economy back years; a country that was expected to be one of five of the most prosperous economies in the Arab world, was now the second-worst economy after Somalia.



In addition, the winter of 2015 witnessed an unprecedented wave of snow and frost which the refugees suffered through, especially those stranded on the Lebanese/Syrian and Syrian/Jordanian borders. The snowstorm began at the end of 2014 and the new year began with the declaration of “Friday of refugee tents facing snow” on January 9, and Friday of “Syrians freezing to death is humanity’s shame” on January 16.

On January 19, UNHCR Lebanon recorded 10 deaths, including six children and an infant no more than four months old. “The storm has destroyed more than 1,000 tents,” said Jihan al-Qaisi, Program Director at the Union of Relief and Development Associations in Lebanon. “Displaced Syrians spread out in tents number up to 7,000 families, most of whom are registered while others live in informal camps.”

On January 1, the armed opposition’s artillery based in al-Rashideen area of Aleppo fired four mortar shells and a locally-made missile that landed near Sayyida Nafisa mosque in New Aleppo neighborhood, killing 14 civilians including three children and three women, and damaging mosque walls and commercial shops.<sup>1</sup>

On January 10, a car bomb exploded at the entrance to Miskan village near Azaz. When people and the Civil Defense rushed to the scene, a second car bomb exploded, killing 17 civilians including four Civil Defense members, and a Civil Defense vehicle was burned. It was not known who was behind the bombing.<sup>2</sup>

On January 18, government warplanes fired a missile at the town of al-Muhassan in Deir ez-Zur, killing 12 to 14 people, seven of whom were women and children.<sup>3</sup>

In what appeared to be “market battles” or the direct targeting of civilian communities attempting to conduct their day-to-day affairs, the main market in the city of Irbin was hit with mortar shells on January 19, by regime forces, killing seven to 11 people.<sup>4</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 20 massacres in December 2015, Syrian Network for Human Rights, 04-02-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), most prominent violations against the Syrian Civil Defense and White Hands, Syrian Network for Human Rights, 22-05-2016.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 20 massacres in December 2015, Syrian Network for Human Rights, 04-02-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 20 massacres in December 2015, Syrian Network for Human Rights, 04-02-2015.



On January 20, a Syrian Air Force helicopter attacked an area that also houses a marketplace for the trade of livestock and food, located in the center of al-Khansa town in Hasakah, killing 30 to 75 people and wounding 100 others, by dropping seven explosive barrels and more than 15 cluster bombs. The town was surrounded by regime forces and under the control of ISIS whose nearest headquarters were about 1,500 meters away.<sup>1</sup>

On January 21, a car bomb exploded in the commercial street of Ekrama neighborhood in Homs, killing seven people.<sup>2</sup>

On the same day, government helicopters dropped barrel-bombs on a residential gathering in the village of Tel Dahab, a village in the Houla area of Homs countryside, killing 14 people.<sup>3</sup>

On January 23, Syrian fighter jets launched a raid on the town of Hamouriya, targeting a popular market with a guided missile coinciding with heavy artillery shelling in the area. The fall of the rocket caused a major fire in houses and the commercial market. The raid killed 47 to 65 people, including six children and one woman, and wounded more than 100. The target was on a Friday after prayers when worshipers usually go to the market.<sup>4</sup>

On January 29, warplanes raided the livestock market in al-Bab, killing nine people.<sup>5</sup>

On February 2, government helicopters dropped barrel-bombs on the town of Khan Shaykhun in Idlib, killing 25 people, including four children.<sup>6</sup> At the same time, the city of Jasim in Daraa was bombed, killing 17 people, including two women.<sup>7</sup>

February 5, witnessed a peak and a widening of the area of shelling, coinciding with the issuance of the 9th report of the Independent International Commission of Inquiry on Syria: A/HRC/28/69, which condemned mainly the continued “impunity and poor progress on the path of justice and peace for Syrians.”

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1 Four year harvest: Most notable massacres in Syria, Syrian Network for Human Rights, 2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 20 massacres in December 2015, Syrian Network for Human Rights, 04-02-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 20 massacres in December 2015, Syrian Network for Human Rights, 04-02-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 20 massacres in December 2015, Syrian Network for Human Rights, 04-02-2015; “Left to die under the siege,” War crimes and human rights violations in Eastern Ghouta in Syria, Amnesty International, 2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 20 massacres in December 2015, Syrian Network for Human Rights, 04-02-2015.

6 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 37 massacres in February 2015, Syrian Network for Human Rights, 05-03-2015.

7 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 37 massacres in February 2015, Syrian Network for Human Rights, 05-03-2015.

Syrian aircraft carried out raids on the central market in Kafr Batna in Ghouta, killing between 29 and 45 civilians, including children and women.<sup>1</sup>

Government helicopters dropped a barrel-bomb on the Baidein neighborhood of Aleppo, killing between 16 and 45 civilians and wounding 80 others. This number of casualties occurred because people were gathered to board a bus in the bombarded area.<sup>2</sup>

The city of Duma in Damascus countryside was also bombarded with more than 40 rocket launchers, killing 24 people, including seven children and two women.<sup>3</sup>

In Hasakah countryside, helicopters dropped two barrel-bombs on the village of al-Hamad, killing eight people and wounding 13 others, in addition to the complete destruction of six shops.<sup>4</sup>

On the same day, February 5, Jisr al-Shughur artillery bombed the area of Sabaa Bahrat in Damascus, killing five people, including a child.<sup>5</sup>

On February 6, government artillery shelled the city of Duma with mortar shells, killing 11 to 25 people, including three children and three women.<sup>6</sup>

The aircraft also carried out four raids on Duma, destroying a mosque being used as a shelter, as well as destroying a shelter and damaging residential areas. Between 12 and 25 people, including children and women, were killed in these raids.<sup>7</sup>

On February 9, Syrian warplanes raided a mosque, a school, an underground field hospital and residential buildings in Duma. Between 30 and 38 civilians were killed in these raids, as well as one opposition fighter, including children and women.<sup>8</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 37 massacres in February 2015, Syrian Network for Human Rights, 05-03-2015; "Left to die under the siege," War crimes and human rights violations in Eastern Ghouta in Syria, Amnesty International, 2015.

2 At least 37 massacres in February 2015, Syrian Network for Human Rights, 05-03-2015; Death everywhere: War crimes and human rights violations in Aleppo, Syria, Amnesty International, 2015.

3 At least 37 massacres in February 2015, Syrian Network for Human Rights, 05-03-2015; "Left to die under the siege": War crimes and human rights violations in Aleppo, Syria, Amnesty International, 2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 37 massacres in February 2015, Syrian Network for Human Rights, 05-03-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 37 massacres in February 2015, Syrian Network for Human Rights, 05-03-2015.

6 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 37 massacres in February 2015, Syrian Network for Human Rights, 05-03-2015.

7 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015); "Left to die under the siege, War crimes and human rights violations in Eastern Ghouta in Syria, Amnesty International, 2015.

8 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015); "Left to die under the siege," War crimes and human rights violations in Eastern Ghouta in Syria, Amnesty International, 2015; At least 37 massacres in February 2015, Syrian Network for Human Rights, 05-03-2015.



On February 12, UN Security Council issued Resolution 2199 stressing the need to protect Syria's "cultural heritage" and denouncing the destruction of this heritage by organizations such as ISIS and Nusra, whether accidental or deliberate. The Resolution indicates the growing concern that "ISIS, Jabhat al-Nusra and other Al-Qaida-linked individuals, groups, institutions and entities are earning revenues from directly or indirectly looting and smuggling cultural heritage of all kinds from archaeological sites, museums, libraries, archives and other sites in Iraq and Syria," stressing the need for "all Member States to take appropriate measures to prevent trafficking in Iraqi and Syrian cultural property and all items of archaeological, historical, cultural, scientific and rare religious importance."

On February 13, government forces detonated a car bomb near Fatima al-Zahra mosque in al-Tal city in Damascus countryside, killing eight people, including two children and a woman, and damaging the mosque.<sup>1</sup>

On February 17, government forces, backed by Iranian, Afghan, Iraqi and Hezbollah militias, took control of the villages and towns of Bashkawi, Dweir al-Zaytun, Hardantin, Ritian, and al-Malah north of Aleppo city, with the aim of encircling the city and separating it from its northern countryside. Units of the attacking forces were able to reach the Shiite villages of Nubl and Zahraa, and opposition-controlled areas in Aleppo city were effectively separated from its northern countryside. The attacking forces committed horrific massacres in the villages and towns they entered. They committed a massacre in the village of Hardantin after abducting more than 320 people from the neighboring village of Ratyan and using them as human shields during their withdrawal. Between 44 and 48 civilians from Ratyan and Hardantin were killed, including 10 children and five women, and the rest of the hostages were released. Most of the bodies were discovered in a school after the armed opposition took control.<sup>2</sup>

The opposition launched a counter-offensive on February 18, that lasted until the end of the month, regaining control of a number of lost positions, and killing more than 200 regime soldiers and militia fighters, capturing 50 others of various nationalities, and removing the risk of a blockade around its strongholds in the heart of the city, securing a supply route, while losing nearly 100 fighters.

On February 20, the YPG, backed by Sanadid forces, launched an attack on the town of Tel Hamis in Qamishli countryside, which was under ISIS control. The fighting lasted for seven days, during which the international coalition's warplanes launched dozens of airstrikes on ISIS positions.

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 37 massacres in February 2015, Syrian Network for Human Rights, 05-03-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; Four Years Harvest: the most notable human rights violations in Syria, Syrian Network for Human Rights, 03-12-2015; Regime forces and loyal militias commit a new massacre in Retyan town of Aleppo northern countryside, Syrian Observatory for Human Rights, 21-02-2015.

After fierce clashes, ISIS withdrew from the town to its surrounding areas. The fighting resulted in the deaths of 36 members of the Kurdish units and 45 ISIS members.

The YPG continued its advance on the countryside and on February 27, announced the start of the battle of Tel Barak, which lasted for two days and resulted in the withdrawal of ISIS from the town towards al-Hol due to heavy shelling from coalition aircraft.<sup>1</sup>

On March 6, UN Security Council Resolution 2209 was issued, referring to resolution 2118 of 2013, condemning in the strongest terms any use of any toxic chemical such as chlorine as a weapon in the Syrian Arab Republic, and affirming that individuals responsible for any use of chemicals must be held accountable.

13th of March marked the 4th anniversary of the revolution, and demonstrations started on Friday under the slogan “4 years, we will continue.” In parallel, a campaign was launched in Idlib, “We want to learn”, aiming to bring students back to school after having been deprived of schooling for two years because of the direct targeting of educational premises.

On March 16, government helicopters dropped four explosive barrels with cylinders carrying toxic chlorine gas. The first and second barrels struck during the first attack on the village of Qiminas, less than 2 kilometers away from the town of Sarmin, and 70 civilians were lightly and moderately injured. However, the injuries were not confined to Qiminas alone. The air helped to spread the gas to Sarmin town and led to civilian casualties there too. The second attack followed the first by about two hours, dropping two barrels directly into the town of Sarmin, causing dozens of civilians moderate to critical injuries.<sup>2</sup>

On March 20, two car bombs exploded in al-Mufti neighborhood of Hasakah, killing between 79 and 84 people. ISIS soon claimed responsibility for the bombings.<sup>3</sup>

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1 <https://www.syriahr.com/en/18733/>

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; Inhaling Death: Government Forces' Use of Toxic Gases and its Insult to the Security Council, Syrian Network for Human Rights, 22-03-2015; Summary Report on the Use of Chlorine Gas as a Weapon In Syria, civilian casualties as a result of chemical attacks in Idlib governorate, Violations Documentation Center in Syria, March 2015;

Syria: Evidence of a fresh war crime as chlorine gas attack kills entire family, Amnesty International, 17-03-2015, Syria: Chemicals Used in Idlib Attacks Security Council Should Act Decisively to Establish Responsibility, Human rights Watch, 13-04-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 35 massacres in March 2015, Syrian Network for Human Rights, 05-04-2015.



On March 23, artillery stationed in an area under the control of armed opposition factions pounded mortar shells on the al-Jamilia neighborhood of Aleppo, killing some 17 civilians, including five children and two women, and wounding 40 others.<sup>1</sup>

The following day, a regime helicopter attacked with two explosive barrels of approximately 400 kg each. The first fell west of the city of Binish and the second in its center, targeting a residential neighborhood with toxic gases, likely chlorine gas, wounding 33 people, including eight children and 20 women. About half an hour later, a regime helicopter dropped two explosive barrels, each weighing about 400 kg and containing chlorine gas, on the town of Qiminas, causing 13 cases of suffocation.<sup>2</sup>

## The Battle to Liberate Idlib

On this day, March 24, seven of the largest armed opposition factions in northern Syria, Ahrar al-Sham, Jabhat al-Nusra, Jund al-Aqsa, Jaish al-Sunna, Faylaq al-Sham, Liwa al-Haq, and Ajnad al-Sham agreed to “abolish the state of factions” and come together under one name, the “Operation Room of Jaish al-Fateh,” and under a single unified military leadership for all factions making up the army.

This new military formation’s first battle was the launch of the so-called “Idlib conquest,” which resulted in ousting regime forces after four days of fighting and Jaish al-Fateh retaking the city. This battle was categorized as one of the major military and strategic victories of the Syrian revolution since its outbreak in 2011.

In parallel with battles in the field, activists launched demonstrations on Friday March 27, under the slogan “Idlib, tidings of victory.”

On March 29, the day after opposition factions declared victory in Idlib, government forces fired a ground-to-ground missile killing between 17 and 18 people, including seven children and four women.<sup>3</sup>

Meanwhile, government warplanes bombarded al-Hamidiya neighborhood of Deir ez-Zur, killing seven people, including three children, on March 24.<sup>4</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 35 massacres in March 2015, Syrian Network for Human Rights, 05-04-2015.

2 Ibid.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 35 massacres in March 2015, Syrian Network for Human Rights, 05-04-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 35 massacres in March 2015, Syrian Network for Human Rights, 05-04-2015.



In Daraa, armed opposition factions announced the liberation of the entire city of Bosra al-Sham on March 25, after five days of fierce fighting in a battle named “Qadisiya of Bosra al-Sham.” The liberation of the city occurred in conjunction with the mass flight of government forces, Hezbollah fighters and their families towards Sweida province.

Activists from inside the city reported the deaths of more than 55 members of government forces and supporting Shiite militias, including Iranian official Ali Hashemian and the leader of the Popular Committees.

On March 26, government forces fired two mortar shells in Daraa al-Balad neighborhood, killing 25 to 27 people, including three children and two women.<sup>1</sup>

## The Spread of ISIS and its Investment in Horror Scenes

Since mid-January 2015, ISIS had tightened its siege on neighborhoods in the city of Deir ez-Zur controlled by regime forces and inhabited by about 300,000 residents and IDPs. This gradually reflected on people’s lives until it finally reached a dangerous level regarding health and nutrition as many diseases began to emerge.

Under this siege, ISIS and government forces exchanged fire on each other’s civilian-dominated areas, causing heavy casualties.

On March 30, ISIS attacked the village of al-Mabouja within a series of other attacks on the outskirts of Hama city to gain control of the main road linking Homs to Aleppo. Although the majority of the population in this village is Ismaili, it is also inhabited by Sunni Muslims and Alawites. The first victims of this attack were civilians living close to the roads leading into the village of al-Mabouja; 43 to 48 people were killed in their homes, including two children and 11 women. Most of the victims were Ismailis. The group also abducted at least 10 people, all of them Ismailis.<sup>2</sup>

Since expanding geographically and taking control over large areas of the two countries, ISIS had relied on the policy of spreading terror through carrying out field executions while filming them professionally and cinematically, so the impact would be shocking, not only to its members and the local population, but also to regional and international public opinion. 2015 witnessed a peak in filming violence, to mention a few:

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 35 massacres in March 2015, Syrian Network for Human Rights, 05-04-2015.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Human Rights Council, 13-08-2015.





On January 31, ISIS released a video showing Japanese journalist Kenji Gotou Gao being beheaded and broadcast a message prior, saying that the execution was caused by “Japan’s folly in joining the international coalition.” The recording stated the group would continue to slaughter Japanese persons wherever it found them. On January 27, the group had published a recording showing the Japanese journalist holding a photo of imprisoned Jordanian pilot Moaz Kasasbeh, conveying the group’s offer to release him (the journalist) in return for Jordanian authorities releasing a detainee in their prisons named Sajida Rishawi.<sup>1</sup> Then, on February 4, ISIS executed al-Kasasbeh, burning him alive after dousing him in petrol while trapped in a cage.<sup>2</sup> A video was released showing the execution.

On March 29, the Syrian Observatory for Human Rights received a copy of a videotape showing child members of “Ashbal al-Khilafa” [Cubs of the Caliphate], all under the age of 18, carrying automatic rifles, leading away nine men dressed in orange overalls. They had the men kneel on the ground and a member of the “Cubs” distributed white weapons (knives) to the other members, eight of whom were masked and one unmasked. The hostages were made to lie on the ground and place their necks over the edge of a brooklet that was dug specifically for that purpose, then the armed members cut their necks until their heads separated from their bodies, leaving their blood flowing in the brooklet, on the charge that they “rejecters of faith.” In the video an ISIS spokesman appears, saying: “We will not forget what the wicked Nusairi regime did to Muslims in Hama in the 80s, and we will not forget a single drop of Muslim blood shed on this blessed land. As the Caliph said, “By God we will avenge it.””<sup>3</sup>

On May 20, ISIS took control of Palmyra in central Syria after regime forces withdrew from the city in a suspicious manner. This was the first time ISIS had taken a city directly from the government and its allied forces. Not long after, the organization began applying the cruelest punishments to its people. Just one week after taking over, on May 27, ISIS members executed around 20 men in Palmyra, according to what local sources in the city reported to the Syrian Observatory for Human Rights. According to the Observatory, the organization called citizens to the place of execution and said the men were members of the regime forces and armed loyalists, then shot them in the ancient Roman amphitheater.<sup>4</sup>

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1 Crimes of burning Syrians, in numbers: The regime singled out the people of Hama to death by burning! Syrian Network for Human Rights, 18-02-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015.

3 “Cubs of the Caliphate” participated for the first time in a mass execution, Syrian Observatory for Human Rights, 29-03-2015.

4 The Roman amphitheater witnesses for the first time executions carried out by the Islamic State of around 20 “regime force members and loyalists,” Syrian Observatory for Human Rights, 27-05-2015

In May, ISIS executed children in Hasakah, Raqqah and Deir ez-Zur. Members of one family, including minors as young as 14, were executed in a village in Deir ez-Zur. Residents, including children, were brought to see the execution. The organization also forced children to carry out executions. A video was released showing a death squad consisting of children executing men captured in Palmyra, and a 10-year-old child slaughtering a captured soldier in Homs.<sup>1</sup>

During this month alone, ISIS committed three similar but separate massacres, killing 21 people:

Seven people were beheaded with swords then crucified for three days in al-Mesrab village in Deir ez-Zur on May 22. On May 24, in the same way, seven people were slaughtered in al-Mayadeen city; beheaded and crucified for three days. On May 25, seven others were slaughtered with swords in the city of Deir ez-Zur.<sup>2</sup>

On May 22, intersecting sources reported to the Syrian Observatory for Human Rights that ISIS had executed the Operations Manager of Tuweinan Gas Plant in Tabqa countryside, Raqqah province, on charges of “apostasy,” after he was detained for about three months. ISIS had seized control of the gas plant on April 1, 2015, after it had been under the control of Uwais al-Qarni Brigade. The same sources confirmed to the Observatory that the executed Operations Manager had been responsible for an agreement between the regime and ISIS, which provides for the maintenance and protection of the Tuweinan gas plant in return for splitting profits between the regime and the organization.<sup>3</sup>

On June 25, ISIS agents disguised as YPG and FSA forces launched a grenade attack on several adjacent houses in Ain al-Arab/Kobani and killed its people as snipers spread over the roofs and killed between 233 and 311 civilians and injured at least 273, including women and children.<sup>4</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Human Rights Council, 13-08-2015.

2 Observers: Islamic State has killed 1,432 Syrians outside the fighting since June, Syrian Observatory for Human Rights, 18-11-2014; 13 men executed today by the Islamic State, joining 44 others executed four days ago to date, Syrian Observatory for Human Rights, 24/05/2015.

3 Islamic State executes the mediator between it and the regime on sharing the profits of the Tuenan Gas Plant, Syrian Observatory for Human Rights, 25/05/2015.

4 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Human Rights Council, 13-08-2015; ISIS carries out the second largest massacre since the establishment of its Caliphate State and kills at least 146 citizens in the city of Ain al-Arab (Kobani) and a village in its countryside, Syrian Observatory for Human Rights, 26-06-2015; 14th Annual Report on the Situation of Human Rights in Syria 2015 from January 2015 to December 2015; at least 46 massacres in June 2015, Syrian Network for Human Rights, 16-10-2015; Syria: Deliberate Killing of Civilians by ISIS Children, Women, Elderly Among Kobani Targets, Human rights Watch, 03-07-2015



On August 30, ISIS destroyed parts of the Temple of Bel in the ancient city of Palmyra. A month earlier, it had blown up the Baal Shamin Temple in the city.<sup>1</sup>

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On April 1, armed opposition factions declared control of the last border point held by government forces between Syria and Jordan, the Nusaybin crossing, after they had previously taken control of the Ramtha crossing. The two countries are linked with two border crossings: Daraa-Ramtha and Nusayb-Jaber; the second only 2 kilometers away from the first. The importance of taking control of this crossing lies in the fact it was the last military point held by government forces in that area, and through it passes one main line, the old war road linking Daraa to Sweida.

In April 2015, an unidentified armed group bombed the Armenian Church of the Forty Martyrs in Aleppo. The church was built in the 15th century and contains sacred relics and paintings dating back to the 18th century. This attack followed artillery shelling of Armenian neighborhoods of Aleppo in the same month.<sup>2</sup>

On April 3, government forces attacked Salah al-Din neighborhood in Aleppo with a surface-to-surface missile, killing 5-7 civilians, including two children.<sup>3</sup>

On April 5, government warplanes fired a missile at the city of Kafr Takharim, killing nine civilians, including four children and three women.<sup>4</sup>

On April 11, government helicopters dropped a barrel-bomb on a vegetable market in al-Maadi neighborhood in Aleppo, killing 26 civilians, including six children and a woman.<sup>5</sup>

On April 13, government helicopters dropped a barrel-bomb on Ghanto town in Homs countryside, killing 5-6 civilians, including two children and a woman.<sup>6</sup>

On the same day, government helicopters dropped a barrel-bomb on the village of Um Hartein in Hama, killing about 10 civilians, including two children and four

1 ISIS destroys parts of the most famous temple in Palmyra, Homs countryside, Syrian Observatory for Human Rights, 30-08-2015.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Human Rights Council, 13-08-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 51 massacres in April 2015, Syrian Network for Human Rights, 05-05-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 51 massacres in April 2015, Syrian Network for Human Rights, 05-05-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 51 massacres in April 2015, Syrian Network for Human Rights, 05-05-2015; After killing citizens with missiles and explosive barrels, the planes of Bashar al-Assad's regime target people's livelihoods to kill those remaining through starvation, Syrian Observatory for Human Rights, 13-04-2015.

6 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 51 massacres in April 2015, Syrian Network for Human Rights, 05-05-2015.

women.<sup>1</sup>

On April 15, government forces fired a mortar shell at the main square in the town of Zebdine in rural Damascus, killing 10 to 12 civilians, including six children.<sup>2</sup>

On April 17, government helicopters dropped a barrel-bomb near Jamal mosque in al-Kallasa neighborhood in Aleppo, killing 7-9 civilians.<sup>3</sup>

On April 18, the al-Shamieh Front, one of the largest opposition factions in Aleppo, declared itself dissolved. The factions which had formed it returned to armed action independently. This happened only a few months after [the Front] had been formed and had made unprecedented field progress, and at the same time as attacks by Syrian regime forces and ISIS in Aleppo intensified. Accordingly, the fighting factions re-adopted their own names: the Islamic Front, the Nouredine Zinki Movement, the Army of the Mujahideen, the Fastaqim Group, the Authenticity and Development Front, and the al-Safwa Brigades.

Tension was already rising on the frontlines both in the city and its countryside. Clashes were renewed, especially in Amriya, Karm al-Jabal, Old Aleppo and in the northern town of Handarat, as regime warplanes launched an unprecedented bombing campaign for months in opposition-held areas.

Since the beginning of the year, there had been clashes between government forces and their loyal militias on the one hand, and armed opposition factions on the other, along the axes of the Old City neighborhoods, and south of the city down to al-Hadher, which was captured by government forces in November 2015. Clashes spread to the northern countryside, from Ashrafiyye and Bani Zeid up to the cities of Nubol and Zahraa, which were besieged by armed opposition factions, and included an attempt to take control of the Castillo road, the only route to eastern Aleppo neighborhoods controlled by armed opposition factions where about half a million people live. This civilian population formed the majority of victims of aerial bombardment employing missiles, barrel-bombs and artillery shelling.

In Aleppo countryside, fighting escalated between ISIS and opposition factions, after ISIS targeted al-Shamieh Front leaders in the security square of Marea town north of Aleppo, killing two of them. Additionally, the organization targeted the headquarters of al-Shamieh Front's "Rad al-Mazalem" forces near the Syrian-Turkish border on the same day, killing 30 of the Front's members.

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 51 massacres in April 2015, Syrian Network for Human Rights, 05-05-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 51 massacres in April 2015, Syrian Network for Human Rights, 05-05-2015; "Left to die under the siege," War crimes and human rights violations in Eastern Ghouta in Syria, Amnesty International, 2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 51 massacres in April 2015, Syrian Network for Human Rights, 05-05-2015.



On the night of April 7-8, 30 members of opposition armed factions, including commanders, were killed in the areas of Marea and Hawar Kilis in northern Aleppo countryside, when two of their headquarters were targeted with two car bombs. The explosions were claimed by ISIS. According to media reports, a car bomb detonated by a suicide bomber at the headquarters of the Islamic al-Safwa Battalion in the city of Marea resulted in the deaths of 12 people, most notably the leader of Jabhat al-Nusra, Abu Maria al-Babi.

According to media sources, another car bomb exploded at the headquarters of Manbij Rebels Battalion in the area of Hawar Kilis on the Syrian border with Turkey, killing 18 more and wounding dozens.

In the meantime, government forces stormed the Lajat area of Daraa on April 20 and executed between five and 29 civilians by firing squad.<sup>1</sup>

On April 22, government warplanes shelled the National Hospital in the city of Deir Hafer in Aleppo, killing 21 civilians.<sup>2</sup>

On the same day, April 22, Jaish al-Fateh announced the launch of a battle named the Battle of Victory, to take control of the strategic city of Jisr al-Shughour in order to take future battles to villages and towns loyal to the regime; this was achieved on the 25th of the same month, the day when government forces executed between 23 and 27 detainees, including a child, inside a military security detention center in Jisr al-Shughour by firing squad before withdrawing from the city.<sup>3</sup>

Additionally, on April 25, government warplanes struck a market in Shadadi city, Hasakah countryside, with two missiles, killing 10 to 11 civilians, including a child, and wounding 23 others.<sup>4</sup>

On April 26, government warplanes fired missiles at a market and a school housing displaced people in the town of Darkoush in Idlib. This killed between 42 and 55 civilians, including seven children and 14 women.<sup>5</sup>

On April 27, Jaish al-Fateh announced its success in “liberating” the strategic brick factory military camp in Idlib, the oldest regime base on the Aleppo-Damascus International Highway.

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 51 massacres in April 2015, Syrian Network for Human Rights, 05-05-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 51 massacres in April 2015, Syrian Network for Human Rights, 05-05-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 51 massacres in April 2015, Syrian Network for Human Rights, 05-05-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 51 massacres in April 2015, Syrian Network for Human Rights, 05-05-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 51 massacres in April 2015, Syrian Network for Human Rights, 05-05-2015.

On April 28, government forces stormed the town of Ziyara and executed six civilians, including a child, by firing squad.<sup>1</sup>

On April 29, warplanes bombed the main market in Binnish, killing around 15 civilians, including two children and two women.<sup>2</sup>

On May 1 around midnight, international coalition warplanes conducted six consecutive raids, using in some raids more than one missile, on the village of Bir Mahali of Sarin town in the eastern countryside of Aleppo. The bombardment lasted about half an hour and employed nine missiles which killed between 60 and 64 people, including 31 children and 19 women, and wounded 30 others and destroyed a large number of houses.<sup>3</sup>

On May 2, the Syrian Air Force dropped two chemical bombs on Neirab and Saraqib. Then, on May 7, another chemical bomb landed on Kafr Batikh in Idlib, killing two people and wounding 127.<sup>4</sup>

On May 3, government helicopters dropped a barrel-bomb on Nour Eddine Maktabi kindergarten in Saif al-Dawla neighborhood in Aleppo, killing nine civilians, including three children and a woman.<sup>5</sup>

During this period, the Syrian Observatory for Human Rights managed to document the killing of 50 civilians as a result of shelling from the Badr Martyrs Brigade and Islamist armed factions on areas controlled by the regime in Aleppo city, between May 2 (a day after Khaled Hayani, commander of the Badr Martyrs Brigade, was killed) and the 9th at night. The Observatory documented the killing of 22 children, eight women and 20 men with mortar shells, missiles, and explosive gas canisters ("hell canons"). At least 162 civilians were injured, including 43 children and 30 women.<sup>6</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 51 massacres in April 2015, Syrian Network for Human Rights, 05-05-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 51 massacres in April 2015, Syrian Network for Human Rights, 05-05-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; The death toll of civilian casualties killed by coalition forces rises to 169, including 42 children and 30 women, Syrian Network for Human Rights, 06-05-2015; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Human Rights Council, 13-08-2015.

APPENDIX: CASES OF SUSPECTED CIVILIAN CASUALTIES IN US-LED COMBINED JOINT TASK FORCE ATTACKS IN SYRIA SINCE 23 SEPTEMBER 2014, Amnesty International, 26-10-2016

4 Syria: Chemicals Used in Idlib Attacks Security Council Should Act Decisively to Establish Responsibility, Human Rights Watch, 13-04-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 45 massacres in May 2015, Syrian Network for Human Rights, 05-06-2015; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Human Rights Council, 13-08-2015.

6 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Human Rights Council, 13-08-2015; More than 210 civilians killed and wounded since regime forces sniped Khaled Hayani, Syrian Observatory for Human Rights, 10-05-2015.





Hayani, commander of the Badr Martyrs Brigade (the most prominent formation under the 16th Brigade, sometimes known by the same name), was shot dead by a sniper on May 1, near Ashrafieh neighborhood, just one day after Aleppo city was targeted with dozens of explosive shells. His faction is accused of committing many violations against civilians, especially in regime-controlled areas of the city of Aleppo.

On May 12, government forces launched an airstrike on the Hajj Bridge, the location where buses and taxis collect passengers going to Aleppo, killing between 28 and 41 people, mostly civilians, including a number of children.<sup>1</sup>

On May 13, at least 35 people were killed in government bombardments in the towns and villages of al-Ais, al-Hadir and Khalsa in the southern countryside of Aleppo, including 11 children and three women.<sup>2</sup>

On May 16, government warplanes fired a missile at the city of Saraqib, killing 16 civilians, including three children and three women.<sup>3</sup>

On May 20, ISIS took control of Palmyra in central Syria after regime forces withdrew from the city, and one week later the organization carried out mass executions in the city. (See “The spread of ISIS and its Investment in Horror Scenes”).

On May 23, government aircraft dropped explosive barrels on the city in the neighborhoods of Hamidiya and Sheikh Yassin, destroying a number of buildings and killing 16-18 civilians, including eight children.<sup>4</sup>

On May 26, the Autonomous Administration forces (affiliated with the PYD) warned residents of several villages in the Jabal Abdel Aziz area of Hasakah governorate to evacuate, and gave them 24 hours to leave under the pretext of it being a military zone.<sup>5</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 45 massacres in May 2015, Syrian Network for Human Rights, 05-06-2015; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Human Rights Council, 13-08-2015; At least 63 martyred and dozens injured in massacres carried out by regime warplanes in Aleppo southern countryside and Aleppo city in under 48 hours, 14-05-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least one martyred and dozens wounded in massacres carried out by regime warplanes in Aleppo southern countryside and Aleppo city in under 48 hours, 14-05-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 45 massacres in May 2015, Syrian Network for Human Rights, 05-06-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 45 massacres in May 2015, Syrian Network for Human Rights, 05-06-2015.

5 The most prominent violations by the Kurdish Democratic Union Party and the Kurdish Autonomous Administration, Syrian Network for Human Rights, 2015.



On May 30, warplanes targeted the village of Balyun in the Jabal Zawiya area, killing 19 people.<sup>1</sup> On the same day, helicopter gunships also bombed the al-Shaar neighborhood in Aleppo with explosive barrels, killing 12 people.<sup>2</sup>

It fired four vacuum missiles at a market in Shadadi of Hasakah countryside, killing 13 to 27 people and wounding 49 others.<sup>3</sup> Government helicopters also dropped barrel-bombs on three markets in the ISIS-controlled city of al-Bab on May 30. The attack resulted in 67 civilian deaths.<sup>4</sup>

On June 3, government helicopters dropped barrel-bombs on residential houses in the town of Tal Rifaat, killing about 19 people, including eight children and a woman, and destroying homes and shops.<sup>5</sup>

The next day, warplanes fired three missiles at the town of Salqin, killing between 20 and 22 people, including a child and two women.<sup>6</sup>

On June 7, government warplanes dropped three barrel-bombs on the village of Alzaafaranah, killing 19 people, including a child.<sup>7</sup> While an entire family of seven people (a man, his wife and their five children) were killed in bombing by international coalition aircraft on Dali Hassan village in the eastern countryside of Sarreen town in Aleppo countryside.<sup>8</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015); 141 Civilian victims of massacres carried out by Bashar al-Assad's regime during the past 24 hours, Syrian Observatory for Human Rights, 31-05-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015); At least 45 massacres in May 2015, Syrian Network for Human Rights, 05-06-2015; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Human Rights Council, 13-08-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015); At least 45 massacres in May 2015, Syrian Network for Human Rights, 05-06-2015; 141 Civilian victims of massacres carried out by Bashar al-Assad's regime planes during the past 24 hours, Syrian Observatory for Human Rights, 31-05-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015); 141 Civilian victims of massacres carried out by Bashar al-Assad's regime planes during the past 24 hours, Syrian Observatory for Human Rights, 31-05-2015; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Human Rights Council, 13-08-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015); At least 46 massacres in June 2015, Syrian Network for Human Rights, 16-10-2015.

6 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015); At least 46 massacres in June 2015, Syrian Network for Human Rights, 16-10-2015.

7 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015); The death toll from barrel-bombs in Syria in June 2015: 1848 barrel-bombs killed 324 people, including 86 children and 57 women, Syrian Network for Human Rights, 08-07-2015.

8 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015); At least 46 massacres in June 2015, Syrian Network for Human Rights, 16-10-2015; A man, his wife and their five children martyred, bringing the number of martyrs in international coalition strikes on Syria to 148 Syrian civilians, Syrian Observatory for Human Rights, 08-06-2015.



On June 8, government warplanes bombarded several towns in al-Janoudiyah, killing 48 to 61 people, including seven children and five women.<sup>1</sup>

On June 10, at least 20 people from the Syrian Druze community of Qalb Louza were killed in Jabal al-Summaq in Idlib countryside in a clash between Jabhat al-Nusra and residents from the town. The details are that an altercation took place between a Tunisian leader in the Front and his members on one side, and citizens of the village on the other, following an attempt by the Front to confiscate the house of a member of the regime forces. When his family tried to stop them, the altercation developed into the shooting and killing of one of the villagers, then a member of the Front, who requested reinforcements; more members came and opened fire with machine guns, killing 20 to 25 civilians in the village, including an elderly person and at least one child.<sup>2</sup>

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Meanwhile, the YPG had advanced significantly against ISIS in the northern and eastern provinces, also supported by local armed factions and with air cover from the international coalition.

On June 14, the YPG seized the town of Suluk and a number of surrounding villages that were under the control of ISIS. It succeeded in capturing the city of Tal Abyad in Raqqah countryside on June 15, after it took the city of Ain al-Arab (Kobani) in Aleppo countryside on January 27, 2015 and expanded in the northern countryside of Aleppo.

In their meetings with Amnesty International, residents of villages near Suluk and from villages 35 kilometers to the south said that the YPG carried out extensive demolitions, destroying all or most of their homes. In the village of Asleem, the YPG demolished 100 of the village's 103 houses, and when YPG fighters entered on June 22, they instructed villagers to leave.

ISIS, which had lost most of its positions in the Hasakah countryside and had only a few towns left, suddenly launched a two-pronged attack on June 27, on Hasakah city, which was under the control of government forces and Kurdish units.

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 46 massacres in June 2015, Syrian Network for Human Rights, 16-10-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 46 massacres in June 2015, Syrian Network for Human Rights, 16-10-2015; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Human Rights Council, 13-08-2015; Jabhat al-Nusra affirms the participation of its members in the massacre of Qalb Loza "without referring to their emirs" and affirming its determination to hold accountable "all those involved in this incident" and to present them to a "Sharia court", Syrian Observatory for Human Rights, 13-06-2015.

Initially, the attack allowed it to take control of the southern and western neighborhoods of the city (e.g. al-Nashwa, Nashwa Villas, East Nashwa, Rusafa, Ghweiran, and Ghazal), leading to the collapse of the government forces' front lines of defense lines aided by car bombs and "immersion"<sup>1</sup> agents, who played an important role in the attack.

The center of Hasakah city was now only one kilometer away from ISIS-controlled areas. After two days of fighting between government forces and the National Defense Militia on one side, and ISIS on the other, Kurdish units intervened to support the government forces and sent supplies to the front lines. International coalition aircraft also stepped in and carried out intensive raids on neighborhoods that were held by ISIS.

After days of fighting, ISIS fighters withdrew from the majority of their neighborhoods after all their supply lines had been cut off by the ring formed around it by the international coalition's air force. This led the fighters to withdraw completely from the city, limiting their positions to the outskirts to the south and west, about 10 kilometers away.

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On June 16, government artillery fired surface-to-surface missiles at Duma city, killing 26 to 28 people, including eight children and 12 women.<sup>2</sup>

Also, on June 16, opposition factions bombed Arnous Square in Damascus with two Katyusha rockets, killing 11 civilians, including a child and three women.<sup>3</sup>

In Aleppo, on June 18, armed opposition factions took full control of the al-Rashideen and Scientific Research neighborhoods in the west of the city, following battles against government forces and their supporting militias. Opposition forces were now on the outskirts of the New Aleppo neighborhood, which gave them hope for further advances. But they failed after fronts were opened in the southern countryside, in addition to the "Syrian Democratic Forces" joining the fight against them in Aleppo. Friday demonstrations on June 19, took the name "PYD is another face of terrorism."

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1 A term used in Salafi jihadist circles, returning to circulate with the emergence of ISIS, to describe the highly-skilled fighters who carry an explosive belt while fighting, and infiltrate into the ranks of their enemies, then blow themselves up if their ammunition runs out or if needed. They differ from suicide bombers in that the latter carry out an integrated mission based on blowing up themselves or a vehicle they drive; they do not necessarily engage in fighting before it.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 46 massacres in June 2015, Syrian Network for Human Rights, 16-10-2015; "Left to die under the siege", War crimes and human rights violations in Eastern Ghouta in Syria, Amnesty International, 2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 46 massacres in June 2015, Syrian Network for Human Rights, 16-10-2015.



On June 20, government helicopter gunships dropped a barrel-bomb on a house in the village of Eb al-Shok in Hasakah, killing between six and nine people, including two children and a woman, and wounding five others.<sup>1</sup>

On June 23, government warplanes bombed the town of Ahras, killing 10 to 13 people, including four children and a woman, and burning several freight trucks.<sup>2</sup>

On June 29, the Security Council passed Resolution 2229, strongly condemning the ongoing fighting in the area of separation, calling on all parties to the Syrian internal conflict to cease hostilities in the UNDOF area of operations and to respect international humanitarian law. The resolution reaffirmed the Security Council was prepared to include individuals, groups, institutions and entities that provide support to ISIS or Jabhat al-Nusra in the sanctions list, including those who finance, arm, plan or recruit for ISIS or Jabhat al-Nusra and other individuals, groups, institutions and entities associated with al-Qaida in accordance with the sanctions measures established by resolutions 1267/1989 (against al-Qaeda), including those involved in or supporting attacks on UN peacekeepers.

On the ground, however, the fighting continued, and on June 30, government warplanes fired several missiles in Ihsam, killing 21 people, including four children and five women.<sup>3</sup>

In a move to liberate the city of Daraa, armed opposition factions launched a battle they named “Southern Storm” at the end of June. The battle began with an attack on gatherings of government forces in the center of Daraa to control government institutions and security branches, cutting off the road to the dam to storm buildings where government forces were holed up inside the market. The armed opposition failed to advance in the battle despite several months of planning. Activists blamed the Southern Operations Room for excluding Jabhat al-Nusra and the absence of a central command to successfully manage the battle.

On July 1, government warplanes launched two missile strikes on the town of Seida in Daraa, killing between 13 and 15 people, including a child.<sup>4</sup>

On the same day, Jaish al-Islam executed in Eastern Ghouta 18 people it said

1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 46 massacres in June 2015, Syrian Network for Human Rights, 16-10-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 46 massacres in June 2015, Syrian Network for Human Rights, 16-10-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 46 massacres in June 2015, Syrian Network for Human Rights, 16-10-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 58 massacres in July 2015, 39% of victims of massacres this month women and children, Syrian Network for Human Rights, 05-08-2015.

were ISIS operatives in response to the execution of 12 of its fighters a few days prior. Fighters handcuffed the prisoners, knocked them onto their knees, and opened fire at their heads with light machine guns. Among those executed by Jaish al-Islam were two foreign nationals; a Kuwaiti and a Saudi.<sup>1</sup>

Meanwhile, after Russia had provided all kinds of political, diplomatic, and military support to the Syrian regime for five years, it decided to take a further step and intervene directly. Beginning in July 2015, Russian military supply ships and Ilyushin and Antonov transport planes began arriving at Syrian ports and airports carrying ammunition, supplies, and equipment to establish and supply a large Russian military base at Hmeimim Airport, about 20 kilometers south of the city of Latakia.<sup>2</sup> Completion of preparations for direct military intervention began with equipping the military base and ended with a visit by Russian President Vladimir Putin to New York, where he met with US President Barack Obama, and described the Russian intervention in Syria as “a war on international terrorism.” On September 30, Russia would begin its direct military intervention in Syria.<sup>3</sup>

Returning to the situation on the ground, on July 5, government warplanes bombed a Bedouin tent in the village of Umm al-Tababir in Homs, killing nine people, including two women.<sup>4</sup>

Government helicopters also dropped a barrel-bomb on the village of al-Hawash in Hama, killing five people, most of them from the same family, including a woman.<sup>5</sup>

On July 8, government helicopter gunships dropped a barrel-bomb on houses surrounding Ebad al-Rahman Mosque in Karm al-Beik neighborhood of Aleppo, controlled by armed opposition factions, killing between 20 and 25 people, including six children and two women, and completely destroying a three-story apartment building.<sup>6</sup>

On July 11, government helicopters dropped two barrel-bombs on a vegetable

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), Mutual executions of more than 30 fighters by Jaish al-Islam and the Islamic State, Syrian Network for Human Rights, 01-07-2015.

2 <https://www.bbc.com/news/world-middle-east-34416519>

3 [Reuters, At U.N., Obama and Putin clash over working with Syria's Assad](#)

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 58 massacres in July 2015, 39% of victims of massacres this month women and children, Syrian Network for Human Rights, 05-08-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 58 massacres in July 2015, 39% of victims of massacres this month women and children, Syrian Network for Human Rights, 05-08-2015.

6 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 58 massacres in July 2015, 39% of victims of massacres this month women and children, Syrian Network for Human Rights, 05-08-2015.



market in ISIS-controlled al-Bab city, killing 13 to 35 people, destroying shops and burning a number of vehicles.<sup>1</sup>

In the meantime, Idlib fell completely out of regime control to become fully under the control of Jaish al-Fateh, while the frequency of shelling and violations there increased.

On July 13, government helicopters dropped a barrel-bomb on the village of al-Fatira, killing between 13 and 20 people, including two children and three women.<sup>2</sup>

On July 16, government helicopters dropped a barrel-bomb on Maaret Misreen town, killing 16 or 17 civilians, including two children and a woman.<sup>3</sup>

They also dropped barrel-bombs on the village of Urim al-Joz, killing 10 or 11 people, including three children.<sup>4</sup>

On July 16, government warplanes fired three thermal rockets in the Jib al-Qubba neighborhood of Aleppo, killing between 10 and 13 people.<sup>5</sup>

On July 18, the second day of Eid al-Fitr that year, government warplanes launched five successive air strikes with explosive rockets on civilian gatherings in Irbin and areas where people went for entertainment on these occasions. The bombardment was sporadic, and there was no armed presence in either of the places that were bombed or nearby. 11 or 12 people were killed, including three children and two women, and 26 were wounded.<sup>6</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 58 massacres in July 2015, 39% of victims of massacres this month women and children, Syrian Network for Human Rights, 05-08-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 58 massacres in July 2015, 39% of victims of massacres this month women and children, Syrian Network for Human Rights, 05-08-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 58 massacres in July 2015, 39% of victims of massacres this month women and children, Syrian Network for Human Rights, 05-08-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 58 massacres in July 2015, 39% of victims of massacres this month women and children, Syrian Network for Human Rights, 05-08-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 58 massacres in July 2015, 39% of victims of massacres this month women and children, Syrian Network for Human Rights, 05-08-2015.

6 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 58 massacres in July 2015, 39% of victims of massacres this month women and children, Syrian Network for Human Rights, 05-08-2015.



On July 20, government warplanes fired a thermobaric missile at a street in the city of Manbij in Aleppo countryside, killing between 23 and 30 people, in addition to firing three missiles at other neighborhoods.<sup>1</sup>

On July 21, government artillery stationed in the School of Armament in al-Maghayer neighborhood of Old Aleppo killed 25 to 28 people, including five children and two women, and destroyed 30 houses almost completely.<sup>2</sup> Government warplanes then dropped two barrel-bombs on the village of Qasr al-Bureij in al-Bab city, killing 18 people, including four children and three women, and wounding 30 others.<sup>3</sup>

On July 23, government helicopters dropped several barrel-bombs on the town of Western Gharia in Daraa, killing 15 people, including seven children and five women.<sup>4</sup>

On July 25, artillery belonging to armed opposition factions fired a gas canister at an apartment house in the New Shahba neighborhood of Aleppo, killing five civilians from the same family, including four children.<sup>5</sup>

In a televised speech on July 26, Syrian President Bashar al-Assad said: "Our friend Iran has provided military expertise. The Lebanese resistance (Hezbollah) has provided the most it can offer. But the supporting force cannot replace the existing force on the ground," referring to growing speculation of the regime's collapse if it was not for Iranian intervention, whether directly or through intermediaries of the Shiite militias. Laying the ground for the Russian intervention that President Vladimir Putin had spoken of, and which came into effect in September, Assad noted that there were "priorities for some areas based on the priorities of leadership and realities on the ground," stressing that the Syrian armed forces were definitely capable and at ease performing their military tasks, and that "The homeland is not for those who live in it or hold its passport, but for those who defend and protect it."

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 58 massacres in July 2015, 39% of victims of massacres this month women and children, Syrian Network for Human Rights, 05-08-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 58 massacres in July 2015, 39% of victims of massacres this month women and children, Syrian Network for Human Rights, 05-08-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 58 massacres in July 2015, 39% of victims of massacres this month women and children, Syrian Network for Human Rights, 05-08-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 58 massacres in July 2015, 39% of victims of massacres this month women and children, Syrian Network for Human Rights, 05-08-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 58 massacres in July 2015, 39% of victims of massacres this month women and children, Syrian Network for Human Rights, 05-08-2015.





On July 29, government warplanes fired two missiles at al-Halabiya roundabout in Salhiya in Deir ez-Zur eastern countryside, which was controlled by ISIS, killing between 10 and 13 people, including two children, and wounding more than 15 others,<sup>1</sup> while the city of Saraqib in Idlib was targeted with four missiles, killing 16 or 17 people, including five children and two women.<sup>2</sup>

On July 30, government artillery struck an agricultural tractor on the Kastoun al-Ankari road, killing five members of the same family, including four children.<sup>3</sup>

On August 1, government artillery fired a shell at Madaya, killing five people of the same family, including two children and two women.<sup>4</sup>

On August 3, a government warplane crashed into the main market of Ariha city in Idlib province, killing between 38 and 44 people, including two children and a woman.<sup>5</sup>

On August 7, UN Security Council Resolution 2235 on the use of chemical weapons in Syria was passed.

The resolution recalls that the Syrian Arab Republic has acceded to the Convention on the Prohibition of Chemical Weapons and declares that the use of any toxic chemical such as chlorine as a weapon is a violation of resolution 2118, international law and the Convention on the Prohibition of Chemical Weapons, and reiterates its request to the Director-General of the Organization for the Prohibition of Chemical Weapons and the Secretary-General of the Security Council to coordinate their reports on non-compliance with resolution 2118, in which “the Syrian Arab Republic and all parties in Syria are required to cooperate fully with the Organization for the Prohibition of Chemical Weapons and with the United Nations.”

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 58 massacres in July 2015, 39% of victims of massacres this month women and children, Syrian Network for Human Rights, 05-08-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 58 massacres in July 2015, 39% of victims of massacres this month women and children, Syrian Network for Human Rights, 05-08-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 58 massacres in July 2015, 39% of victims of massacres this month women and children, Syrian Network for Human Rights, 05-08-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 51 massacres in August 2015: 43 of which at the hands of government forces, Syrian Network for Human Rights, 04-09-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 51 massacres in August 2015: 43 of which at the hands of government forces, Syrian Network for Human Rights, 04-09-2015.

On August 8, Jaish al-Islam shelled al-Thawra Street in Damascus with mortar shells, killing five people, four children and one woman, and wounding 20 others.<sup>1</sup>

On August 10, the Nour al-Din al-Zinki movement from its location in Bustan al-Basha neighborhood of Aleppo, targeted the neighborhood of al-Midan controlled by regime forces, hitting a water source and killing 10 or 11 people, including seven children, and wounding 15 others.<sup>2</sup>

On the same day, ISIS advanced again in the northern countryside of Aleppo and took control of the town of Umm Hosh and within a few days took control of Harbil and Talalin.

During this month, ISIS released photos showing the destruction and bombing of several famous monuments in Palmyra, Homs eastern countryside, under its control since May 20, 2015. They include the Baal Shamin Temple and the Temple of Bel, as well as the destruction of many tombs that were located in the valley of graves in the region, in addition to the looting and selling of artifacts.

On August 11, coalition warplanes bombarded a military headquarters belonging to Jaish al-Sunna, an armed opposition faction that had joined Jaish al-Fateh operations room, in Atma village in Idlib northern countryside, killing between seven and nine civilians, including children and women.<sup>3</sup>

On August 12, gunmen from some pro-regime villages in Homs countryside ambushed some of the IDPs from Homs northern countryside near Um Khriza village and shot dead around 23 of them.<sup>4</sup>

On August 13, warplanes targeted a school sheltering IDPs from Hama in Almaouzrah village in Idlib countryside, killing five or six people.<sup>5</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 51 massacres in August 2015: 43 of which at the hands of government forces, Syrian Network for Human Rights, 04-09-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 51 massacres in August 2015: 43 of which at the hands of government forces, Syrian Network for Human Rights, 04-09-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 51 massacres in August 2015; Coalition forces target armed opposition factions for second time: The death toll of victims killed by Coalition Forces 243 civilians and three members of armed opposition groups among civilians 74 children and 38 women, Syrian Network for Human Rights, 2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 51 massacres in August 2015: 43 of which at the hands of government forces, Syrian Network for Human Rights, 04-09-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 51 massacres in August 2015: 43 of which at the hands of government forces, Syrian Network for Human Rights, 04-09-2015.



Government helicopters also dropped several barrel-bombs on the town of Ein al-Fejeh, killing between 16 and 20 people, including six children and four women.<sup>1</sup>

On August 15, government helicopters dropped three barrel-bombs on the town of Bassima in rural Damascus, killing eight people, most of them of the same family, including five children and two women.<sup>2</sup>

On August 16, government warplanes fired a missile near the archaeological site of Palmyra in ISIS-controlled Homs countryside, damaging the northern wall of the site and killing six people.<sup>3</sup>

On the same day, in Daraa al-Balad, government helicopters dropped a barrel-bomb on the city's popular market, killing eight people<sup>4</sup>. Additionally, at approximately 1:30 pm at a busy time, government warplanes targeted two popular markets in the center of Duma city (vegetable market and livestock markets) with four missiles, which resulted in the destruction of shops and property, killing 115 people, including 11 children and two women. Approximately two hours later, warplanes resumed their attack on the city with four missiles fired at a residential neighborhood, killing seven civilians and wounding more than 21 others, bringing the total number of victims that day to 122 dead and 485 wounded in Duma alone. And when rescue operations were under way, military checkpoints around the city started shelling the same locations with mortars, targeting paramedics and civil defense teams.

On August 17, government helicopters dropped barrel-bombs on the town of Ltamenah in rural Hama, killing six people, most of them from the same family, including three children and three women.<sup>5</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 51 massacres in August 2015: 43 of which at the hands of government forces, Syrian Network for Human Rights, 04-09-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 51 massacres in August 2015: 43 of which at the hands of government forces, Syrian Network for Human Rights, 04-09-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 87 incidents of targeting vital centers in August 2015, Syrian Network for Human Rights, 07-09-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 51 massacres in August 2015: 43 of which at the hands of government forces, Syrian Network for Human Rights, 04-09-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 51 massacres in August 2015: 43 of which at the hands of government forces, Syrian Network for Human Rights, 04-09-2015.

On August 19, government warplanes fired several missiles in Harasta, killing 11 people, including six staff members of the local council and civil defense, and a child.<sup>1</sup>

On August 21, ISIS forces stationed in the village of Tal Malid fired approximately 52 artillery and Vozdika shells targeting residential neighborhoods in the town of Marea, particularly its western section. Several shells were carrying unspecified toxic gases and 76 injuries were reported, with varying symptoms of shortness of breath, redness of the eyes, and skin symptoms such as itching, bubbles and blistering, according to Marea Hospital medical records. The attack was repeated in early September.

In intensified and more frequent shelling on the outskirts of the capital Damascus targeting its towns, on August 22, government warplanes bombarded residential areas near the main market in Hamouriya, killing 13 people, including six children and four women, and wounding more than 20 others.<sup>2</sup> Government warplanes also shelled residential houses in the city of Duma, adjacent to the capital, killing between 38 and 41 people, 19 of them in the same family, including nine children and 13 women.<sup>3</sup>

On August 23, government warplanes bombed the main square in Saqba, killing around 10 or 12 civilians, including a child and a woman.<sup>4</sup> Two rockets also struck a gathering near a medical center in Irbin, killing 10 or 11 people, including five children and a woman, and wounding 14 others.<sup>5</sup>

In Idlib countryside, helicopter gunships dropped two barrel-bombs on August 24, killing 18 people, including five children and five women.<sup>6</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 51 massacres in August 2015: 43 of which at the hands of government forces, Syrian Network for Human Rights, 04-09-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 51 massacres in August 2015: 43 of which at the hands of government forces, Syrian Network for Human Rights, 04-09-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 51 massacres in August 2015: 43 of which at the hands of government forces, Syrian Network for Human Rights, 04-09-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 51 massacres in August 2015: 43 of which at the hands of government forces, Syrian Network for Human Rights, 04-09-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 51 massacres in August 2015: 43 of which at the hands of government forces, Syrian Network for Human Rights, 04-09-2015.

6 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 51 massacres in August 2015: 43 of which at the hands of government forces, Syrian Network for Human Rights, 04-09-2015.



On August 25, the Homs City Council approved a general organizational plan for the reconstruction of the neighborhoods of Baba Amr, Jobar and Sultania through a competition sponsored and funded by “UN habitat.” The neighborhood has been under siege since 2014 and is undergoing a clear demographic change, as the authorities have worked on building a wall that would isolate it from its surroundings. The governor of Homs, Talal al-Barazi, was quoted by the official SANA news agency as saying that the project guarantees the rights of owners and occupants, whether by alternative housing or compensation, explaining that the scheme would be built on an area of 217 hectares and includes 465 residential division in addition to service buildings, such as hospitals, schools and investment, commercial and recreational buildings. On the other hand, displaced residents from the neighborhood considered the project a step in the direction of consolidating demographic change in the city, especially as their homes had been confiscated in what they described as punishment for their involvement in protests against the regime.

By the end of August 2015, clashes escalated between Jaish al-Fateh and the Yarmouk Martyrs Brigade, loyal to ISIS, near the towns of Hayt and al-Qusayr in Daraa western countryside in Yarmouk Valley on the Syrian/Jordanian border. These battles began when the Yarmouk Martyrs announced the beginning of a battle to lift the siege on civilians, who they said were besieged in the Yarmouk Valley by factions of Jaish al-Fateh. The fighting resulted in casualties on both sides, in addition to a number of wounded, as rival factions exchanged fire with mortars and tanks.

## Fighting ISIS

In early September, ISIS repeatedly bombed the city of Marea in Aleppo northern countryside with toxic gases. This was followed by two attempts to take control of the city, the center of the armed opposition’s strength in Aleppo northern countryside.

The details are that on September 1, ISIS bombarded the town of Marea with approximately 40 artillery and Vozdika shells, including around 18 loaded with toxic gases. The shelling injured at least 37 to 50 people who showed symptoms that matched those of the previous incident.<sup>1</sup>

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<sup>1</sup> In the footsteps of the Syrian regime, ISIS insults the Security Council, Syrian Network for Human Rights, 16-09-2105; Summary report: The use of toxic and asphyxiating substances in the city of Marea (Aleppo governorate), Violations Documentation Center in Syria, September 2015.

ISIS failed in its mission and lost more than 100 fighters. Its attacks on opposition positions in the northern countryside of Aleppo coincided with mass exodus from villages and towns under its control and those near front lines. An estimated 100,000 people were displaced, causing an additional humanitarian tragedy.

On September 4, a car exploded in Ain al-Marj on the road between the city and the mountain in Sweida province, as the convoy of Sheikh Wahid al-Balous, a Druze sheikh and elder, passed through, killing 11 people and wounding at least 12. When the victims were taken to Sweida National Hospital, a car exploded in front of the hospital, killing 20 people, including a child and three women, and injuring 30 others.<sup>1</sup>

On September 11, Jaish al-Islam bombed the Dweila area of Damascus with two shells, killing between eight and 11 people, including two women, and wounding more than 20.<sup>2</sup>

On September 13, ISIS blew up a tank in front of a school in the government-controlled city of Hasakah, used as the headquarters of the National Defense Forces, killing between six and eight civilians and wounding more than 15 people.<sup>3</sup>

On September 14, the 16th Division of the armed opposition factions fired a locally-made rocket shell on the outskirts of al-Ghufran Mosque in the Khalidiya neighborhood of Aleppo, killing six people, including five children, and wounding more than a dozen.<sup>4</sup>

The armed opposition stationed in al-Rashideen also fired two more locally made rockets at government-controlled parts of Salah al-Din neighborhood in Aleppo, killing 12 or 13 people, including nine children, and wounding more than 35.<sup>5</sup>

The following day, the armed opposition fired two mortar shells from the same location towards the government-controlled neighborhood of Aadhamiyye in Aleppo, killing five people, including a woman.<sup>6</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.

6 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.





On the same day, September 15, government helicopters dropped a barrel-bomb on the Mashhad neighborhood of Aleppo, killing 20 people, most of whom belonged to the same family, including 11 children and two women, and wounding 30.<sup>1</sup>

On September 16, government warplanes shelled the Sad al-Louz area in al-Shaar neighborhood of Aleppo, targeting residential buildings, killing between five and 15 people, including two children, and wounding 10.<sup>2</sup>

On September 16, warplanes fired a missile at the town of Sfohen in Idlib, killing six members of one family, including three children and a woman.<sup>3</sup> They also shelled the village of Jdid Akidat in Deir ez-Zur countryside, under ISIS control, killing six people, including three children and a woman.<sup>4</sup>

On September 17, government warplanes carried out raids on the city of Palmyra, one of them striking a residential house, killing an entire family of six to nine people, including four children and a woman.<sup>5</sup>

On September 17, government warplanes fired several missiles at Idlib city, killing 17 civilians, including four women.<sup>6</sup>

On September 20, government forces stationed at al-Hamadaniah stadium in Aleppo shelled a ground-to-ground missile in al-Shaar neighborhood of Aleppo, targeting a vegetable market, killing 22 people, wounding more than 40 others, and destroying shops and burning cars.<sup>7</sup>

On the other hand, the armed opposition, based in its stronghold of Bustan al-Basha neighborhood, bombarded with gas canisters al-Midan neighborhood in Aleppo, under the control of government forces, hitting a residential building and shops, killing 16-17 people, including nine children and three women, and at least 30 wounded.<sup>8</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.

6 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.

7 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.

8 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.



On September 21, the armed opposition fired a locally-made “Himam” rocket from its location in Bustan al-Qasr on a residential building in al-Midan neighborhood of Aleppo, killing five or six people, including two children and a woman, and wounding at least 30.<sup>1</sup>

On September 21, warplanes fired four missiles at al-Kou area in the town of Marat in Deir ez-Zur countryside, killing 13 people, including seven children and two women, wounding at least 30 people, and damaging a number of houses and shops.<sup>2</sup> They also dropped barrel-bombs on Palmyra, one of which fell on a crowd, killing 12 or 13 people and wounding 42 others.<sup>3</sup>

On September 22, government warplanes launched a missile strike on the town of Kafr Roma in Idlib, killing 13 people, including a child and three women.<sup>4</sup>

On September 24, warplanes fired missiles at the marketplace in al-Mayadin in Deir ez-Zur countryside, killing 25-40 civilians including 11 children and five women.<sup>5</sup>

On the same day, armed opposition factions led by Jabhat al-Nusra on one side, and regime forces and loyal militias on the other, reached an agreement under the supervision of the UN and sponsored by Iran. In its first phase, it provides for a six-month ceasefire between the parties in three towns: Zabadani, Fua, Kafraya, and to keep neutral the city of Binnish and ensure that armed opposition elements exit Zabadani allowing for humanitarian assistance to be brought in.

Since July, Binnish had been heavily bombarded by warplanes, helicopters, and artillery, displacing the majority of its population. Consequently, several armed opposition factions led by Jabhat al-Nusra declared battle on the neighboring Shiite towns of Fua and Kafraya and encircled them both. This prompted the regime to negotiate with the factions to reach a truce to stop the bombing of Kafraya and Fua and lift the siege, in return for Iran’s pledge not to bomb Zabadani which was besieged by regime forces and to keep neutral the city of Binnish, adjacent to Kafraya and Fua. However, negotiations failed three times and once again Binnish suffered intensive Russian bombardment that started on September 30.

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015.



On September 26, the third day of Eid al-Adha, government forces targeted with a short-range surface-to-surface missile a children's playground in the besieged al-Waer neighborhood of Homs, where more than 300 civilians were gathered, killing 20 to 28 people, including 17 children and four women, documented by name and photo, and wounding at least 150.<sup>1</sup>

The Russian Air Force joining [battle] for the first time was a turning point. The first Russian airstrikes on Alzaafaranah, Talbiseh and Rastan in Homs province, killed 43 people and wounded around 100 others, while only one fighter of the opposition factions was killed. The area was under opposition control and there was no ISIS presence.<sup>2</sup>

On October 2, government warplanes fired rockets at a vegetable market in al-Bab, killing 15 to 21 people, including two children and a woman, and wounding several.<sup>3</sup>

In the meantime, the Russian Air Force used cluster bombs in areas controlled by armed opposition factions and ISIS, especially in the provinces of Aleppo and Idlib.

An advanced type of Russian cluster munition was used in an air strike on southwest Aleppo on October 4, Human Rights Watch said.<sup>4</sup>

On October 7, Russian warplanes fired eight missiles at residential houses in the entrance to Maasaran village in Idlib, killing between six and nine civilians, most of them from the same family, including two children and three women.<sup>5</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015; Killed while they were playing: Syrian regime forces kill children in al-Waer neighborhood in Homs, the third day of Eid al-Adha, Syrian Network for Human Rights, 12-10-2015.

2 Summary Report on Russian Air Force Military Attacks in Syria "Shelling of Civilian Homes in the Northern Homs Countryside", Violations Documentation Center in Syria, 30-09-2015; at least 43 massacres in September 2015, Syrian Network for Human Rights, 04-10-2015; Special Reports Summary Report - Russian Strikes in Syria - October 2015, Violations Documentation Center, 2015; No civilian targets destroyed: Unveiling Russia's statements about its strikes in Syria, Amnesty International, 2015; Syria: Apparent Russian Airstrikes Kill Civilians Residents Say No Military Target Near Where 17 Died, Human Rights Watch, 09-10-2105.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 40 massacres in October 2015: 10 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-10-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; Russian forces litter's Syrian territory with cluster munitions: At least 54 Russian attacks until the statement of cessation of hostilities, Syrian Network for Human Rights, 20-07-2016.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 40 massacres in October 2015: 10 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-10-2015; Russia/Syria: Extensive Recent Use of Cluster Munitions Indiscriminate Attacks Despite Syria's Written Guarantees, Human rights Watch, 20-12-2015.

## Use of Ballistic Missiles and Shelling with Frequency

On October 7, two loud explosions rocked the city of Darat Izza in Aleppo countryside, while no warplanes had been heard. On the same day, Russian Defense Minister Sergei Shoygu announced that Russian ships had bombed ISIS positions from the Caspian Sea, firing 26 high-precision missiles, covering a distance of 1500 kilometers and hitting 11 targets in the provinces of Idlib, Aleppo and Raqqah. The Darat Izza missiles struck residential areas where there were no military headquarters and where ISIS had no presence. The bombardment killed seven people and destroyed about 50 houses.<sup>1</sup>

On October 8, a booby-trapped car exploded in a square in Hreitan city of Aleppo countryside, which was under the control of the armed opposition, killing 15 people, including four children, and injuring more than 30. The responsible body was not identified.<sup>2</sup>

The Russian/Syrian bombardment escalated in parallel and on several axes:

On October 9, a ballistic missile carrying cluster bombs, believed to be a Russian, hit Ubin camp in the Naqir area of Jisr al-Shughur western countryside, wounding nine people and damaging 15 tents. There were no military positions near this camp, neither opposition nor ISIS.<sup>3</sup>

On October 10, government warplanes launched a missile strike on the town of Beit Sawa, killing seven people from two families: four children and three women.<sup>4</sup>

On October 13, government warplanes launched a missile strike on the marketplace of Ain Tarma town in Damascus countryside, killing 15 people, including two children.<sup>5</sup>

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1 Special Report on Russian Strikes in Syria "Cluster Bombs, Vacuum Missiles and Long-Range Missiles Kill Civilians" Violations Documentation Center in Syria, November 2015; No civilian targets destroyed: Unveiling Russia's statements about its strikes in Syria, Amnesty International, 2015;

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 40 massacres in October 2015: 10 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-10-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; Russian forces litter's Syrian territory with cluster munitions: At least 54 Russian attacks until the statement of cessation of hostilities, Syrian Network for Human Rights, 20-07-2016.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 40 massacres in October 2015: 10 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-10-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 40 massacres in October 2015: 10 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-10-2015.



On October 15, two Russian airstrikes on towns on the northern countryside of Homs killed 59 civilians, including 33 children and one leader of the armed opposition. The first strike killed 46 people in the town of al-Ghantu, while 13 others were killed in the second strike near a bakery in the town of Ter Maela.<sup>1</sup>

According to other sources, the strike on Ter Maela killed between 24 and 29 people, including eight children and two women.<sup>2</sup> The next day, the town was targeted by Syrian government warplanes, killing 11 people, including three children.<sup>3</sup>

On October 16, Russian warplanes fired two missiles at a house in Kafr Karmin in the rebel-held western countryside of Aleppo, killing 11 or 12 people, including five children and two women, destroying several houses, and burning several cars.<sup>4</sup>

On October 20, an aerial bomb, believed to be Russian, struck the field hospital in Sarmin, Idlib, killing 13 civilians, including a child, a civil defense worker and a hospital staff member, and partially demolishing the operating theater.<sup>5</sup>

On October 21, government warplanes fired missiles at the village of Abu Khanadiq in Hama countryside, killing six people, most of them from the same family, including four women.<sup>6</sup>

On October 22, government warplanes launched a missile strike on Misraba town in Damascus countryside, killing seven-nine people.<sup>7</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; No civilian targets were destroyed: Unveiling Russia's statements about its strikes in Syria, Amnesty International, 2015; Amnesty International, 2015; documenting the killing of 48 civilians in the bombing of a residential building by Russian forces in the village of Ghanto, Syrian Network for Human Rights, 13-01-2016; Russia/Syria: Possibly Unlawful Russian Air Strikes Entire Extended Family Killed in Homs, Human Rights Watch, 25-10-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 40 massacres in October 2015: 10 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-10-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 40 massacres in October 2015: 10 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-10-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 40 massacres in October 2015: 10 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-10-2015.

5 No civilian targets were destroyed: Unveiling Russia's statements about its strikes in Syria, Amnesty International, 2015; At least 40 massacres in October 2015: 10 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-10-2015; At least 27 medical centers bombed by Russian forces since its intervention in Syria, Grozny holocaust, Aleppo; Syrian Network for Human Rights, 19-02-2016.

6 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 40 massacres in October 2015: 10 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-10-2015.

7 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 40 massacres in October 2015: 10 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-10-2015.

On October 23, government warplanes fired missiles at opposition controlled Talbisa in Homs, killing 17 people, including eight children and five women.<sup>1</sup>

On October 24, Russian planes used cluster munitions to shell Hayyan town in Aleppo countryside, killing two civilians and wounding between five and 10 others, including a civil defense member.<sup>2</sup>

On October 26, government warplanes shelled opposition-controlled al-Ghanto town in Homs countryside. One missile killed seven people, including two children, as they exited a mosque.<sup>3</sup>

On October 27, government warplanes shelled civilian homes in the village of Tel Hadya in the southern countryside of Aleppo, killing 13 people, including six children and two women, and wounding more than 20 others.<sup>4</sup>

On October 29, Russian warplanes bombed a field hospital in Duma, killing 16 people, including a girl and a woman.<sup>5</sup>

On October 30, government warplanes launched a missile strike at the same time a surface-to-surface rocket launcher was fired at the marketplace in Duma, killing between 63 and 76 people, including five children and five women.<sup>6</sup>

On October 30, government warplanes fired missiles at al-Ferdoss neighborhood of Aleppo, killing 10-15 people, including four children and one woman, and wounding more than 20 others.<sup>7</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 40 massacres in October 2015: 10 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-10-2015.

2 Russian forces litter Syrian territories with cluster munitions: At least 54 Russian attacks until the statement of cessation of hostilities, Syrian Network for Human Rights, 20-07-2016; Russia/Syria: Extensive Recent Use of Cluster Munitions Indiscriminate Attacks Despite Syria's Written Guarantees, Human rights Watch, 20-12-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 40 massacres in October 2015: 10 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-10-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 40 massacres in October 2015: 10 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-10-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 40 massacres in October 2015: 10 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-10-2015.

6 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 40 massacres in October 2015: 10 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-10-2015.

7 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 40 massacres in October 2015: 10 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-10-2015.



On October 30, a government rocket launcher bombed Wadi al-Arayes in the Aleppo neighborhood of al-Kallasa, killing 31 to 33 people, including 22 children and seven women, wounding more than 40 and destroying more than 15 houses.<sup>1</sup>

On October 30, government warplanes bombarded the city of Manbij in the ISIS-controlled Aleppo countryside and targeted a building that killed between 10 and 40 people including a child and two women, injuring more than 20 people, and completely destroying the building and damaging others nearby.<sup>2</sup>

In the first week of November, Russian warplanes intensified and concentrated bombardments on a wide geographical area of Syrian territory, with no distinction between military positions of the armed opposition factions, or ISIS, or even civilian locations. Moreover, it appears to have deliberately bombed towns and markets at peak times, also using cluster bombs.

On November 2, Russian warplanes shelled a bread distribution center in the town of al-Qaryatain in Homs countryside, controlled by ISIS, killing 26 people including three children and two women.<sup>3</sup>

On November 3, Russian aircraft bombed al-Ansari neighborhood in Aleppo, killing 11 people, including five children, injuring 20 and damaging some residential houses.<sup>4</sup>

On November 4, Russian warplanes bombarded with missiles ISIS-controlled Raqqah city, killing 14 to 32 people, including a woman and a child, and wounding 50.<sup>5</sup>

#### On November 5, Russian warplanes carried out two missile strikes targeting the

1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 40 massacres in October 2015: 10 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-10-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 40 massacres in October 2015: 10 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-10-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 36 massacres in November 2015: 13 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-11-2015

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 36 massacres in November 2015: 13 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-11-2015

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 36 massacres in November 2015: 13 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-11-2015



town market in al-Bukamal in Deir ez-Zur, controlled by ISIS, killing between 18 and 71 people, including nine children, and wounding 100 others.<sup>1</sup>

On November 8, Russian missiles bombed a marketplace in Maarat al-Numan in Idlib, killing 10 people.<sup>2</sup>

On November 9, an IDP camp was targeted in the village of Yunesiyeh in Idlib governorate. The cluster bombs fired by Syrian government forces killed seven civilians and wounded 43.<sup>3</sup>

On November 9, government helicopter gunships dropped two barrel-bombs on the village of Aisha in ISIS-controlled al-Bab, killing between nine and 15 people, including eight children and a woman, and wounding 10 others and destroying six houses.<sup>4</sup>

On November 9, the Syrian Foreign Ministry said in a statement that within the framework of political consultations between Syria and the Russian Federation, the use of so-called “indiscriminate weapons” had been raised. The Syrian side explained that “there is no truth to the lies and allegations promoted by some hostile and conspiratorial circles about the use of indiscriminate weapons by our forces in their efforts to combat terrorism.” The ministry added in its statement: “The Syrian side stressed that the Syrian Arab Army does not and will not use indiscriminate weapons in its ongoing efforts to eliminate terrorism and restore security and stability.”

On November 10, Ahrar al-Sham bombed the Spiro area of Latakia with a Grad

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1 14<sup>th</sup> annual report on the situation of human rights in Syria, 2015 from January 2015 to December 2015; October report on the siege - Justice for Life Observatory in Deir ez-Zur, Justice for Life organization 02-11-2015; At least 36 massacres in November 2015: 13 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-11-2015

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 36 massacres in November 2015: 13 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-11-2015

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; Russia/Syria: Extensive Recent Use of Cluster Munitions Indiscriminate Attacks Despite Syria's Written Guarantees, Human rights Watch, 20-12-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 36 massacres in November 2015: 13 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-11-2015





missile, killing some 21 people, including a child and six women, and wounding 50 others.<sup>1</sup> Meanwhile, international coalition warplanes bombed a civilian house near the Tishreen field on the road between Hasakah and al-Hol, under the control of ISIS, killing six or seven people, including three women, and wounding seven others.<sup>2</sup>

On that day, Syrian government forces and their supporting militias took control of Kuweires military airport in the eastern countryside of Aleppo, which was besieged by ISIS. The battle to lift the siege around the strategic airport and recover it had begun since the end of September with the help of Russian air forces. Government forces managed to advance on the ground towards the airport in three stages, during which more than 200 ISIS members were killed.

As government forces began to secure airport runways, they were able to advance towards villages and towns near the cities of Deir Hafer and al-Bab, controlled by IS.

In the northern countryside of Homs, on November 13, government forces ambushed a number of civilians in Bahrat al-Ghajar area as they crossed from Houla to a town in the northern Homs countryside. They shot and killed six people.<sup>3</sup>

On November 17, government warplanes fired missiles at the town of Mu Hassan in ISIS-controlled Deir ez-Zur, killing nine people, including three women.<sup>4</sup>

On November 19, government force tanks fired Vozdika shells in conjunction with artillery shelling of an olive press in the town of Sheikh Miskeen in Daraa, killing 16-19 people, including a woman.<sup>5</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 36 massacres in November 2015: 13 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-11-2015

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 36 massacres in November 2015: 13 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-11-2015

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 36 massacres in November 2015: 13 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-11-2015

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 36 massacres in November 2015: 13 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-11-2015

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 36 massacres in November 2015: 13 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-11-2015

The next day, government warplanes bombarded the town of al-Bulil in Deir ez-Zur countryside, also under ISIS control, killing five people, including two women, and wounding three others.<sup>1</sup>

Concurrently, UN Security Council Resolution 2249 was issued on November 20, on ISIS and its practices in Syria, but also its threat to international security and stability. The Security Council unequivocally condemned in the strongest terms the horrific terrorist attacks perpetrated by ISIS in 2015, beginning on June 26, in Sousse, Tunisia, then on October 10, in Ankara, on October 31, in Sinai, on November 12, in Beirut, and on November 13, in Paris. In its resolution, the Security Council reiterated that the situation would continue to deteriorate in the absence of a political solution to the conflict; stressing the need to implement the Geneva Statement of June 30, 2012, and the Joint Statement on the outcome of multilateral talks on Syria issued in Vienna on October 30, 2015, and the statement by the international Syrian Support Group of November 14, 2015.

France promised to increase airstrikes in ISIS-controlled areas, while Britain and Germany also voted to launch air strikes against the group in early December.

Participants in the meeting in Vienna issued a final statement agreed upon by 17 countries, as well as the EU, the UN, Russia, the US, France and for the first time Iran, to establish a road map for political transition in Syria, but without specifying the fate of President Bashar al-Assad. In addition to agreeing on the need to defeat ISIS and other terrorist groups as classified by the UN Security Council and approved by the participants, the agreement stipulated the preservation of Syria's unity, independence, territorial integrity and secular identity, and that state institutions would remain and must protect the rights of all Syrians irrespective of race, religion, or affiliation. It also stated the need to accelerate all diplomatic efforts to end the war and ensure that humanitarian organizations reach all Syrian regions after the participants pledged to strengthen support for IDPs, refugees and host countries.

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In the meantime, on November 21, Russian warplanes fired missiles at al-Sad neighborhood in Daraa, killing 10 members of the same family, including four children and five women.<sup>2</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 36 massacres in November 2015: 13 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-11-2015

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 36 massacres in November 2015: 13 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-11-2015



On November 22, armed opposition factions stationed in Salah al-Din neighborhood of Aleppo fired two home-made shells on the government-controlled al-Akramiya neighborhood, killing five or six people.<sup>1</sup>

On November 26, Russian warplanes bombarded with missiles the Raqqah city, targeting the perimeter of Hitteen school, and killing eight to 15 people, including five children, and wounding 10.<sup>2</sup>

On November 27, Syrian Deputy Prime Minister and Foreign Minister Walid Muallem held a press conference in Moscow during which he asserted that Turkey's downing of a Russian warplane in Syrian territory was an act of aggression against Syrian sovereignty as it was done in Syrian airspace, challenging Turkey to provide evidence to the contrary; and stressing Turkey was supporting terrorist organizations with weapons and facilitating the passage of terrorists through their territory and providing shelter for their families. On November 24, Turkey had shot down a Russian Sukhoi-24 fighter jet at the border with Syria. Turkish military officials said Turkish F-16s shot down the plane after its pilots had been warned several times that they had violated Turkish airspace.

Towards the end of November 2015, the role of the Syrian Democratic Forces (SDF) became more prominent in Aleppo northern countryside, after armed factions had announced earlier that month they were joining the new formation, most notably the Kurdish People's Protection Units and the Rebel Army. The SDF moved towards the eastern areas in the vicinity of Azaz, where they were able to take control of villages and towns such as Kishtar, al-Malikiya and Shuargha, and cut off the Aleppo-Azaz road more than once.

SDF attacks in the northern countryside of Aleppo were concentrated against armed opposition strongholds and coincided with continuous Russian airstrikes on border areas and towns and cities of Aleppo northern countryside, which were subjected to daily bombardment and huge massacres, especially the towns of Azaz and Tal Rifaat.

On November 29, SDF stormed Mereimin town in Aleppo northern countryside and arrested a number of residents on charges they were affiliated with ISIS and Jabhat al-Nusra; they took them to the Talai camp building in Kafar Janeh village near Afrin, and shot and killed 12 or 13 people, including a woman and five children. This village is predominantly Kurdish.<sup>3</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 36 massacres in November 2015: 13 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-11-2015

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 36 massacres in November 2015: 13 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-11-2015

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015); The most prominent violations by the Kurdish Democratic Union Party and the Kurdish Autonomous Administration, Syrian Network for Human Rights, 2015.

On the same day, Russian warplanes fired missiles at the city of Azaz, killing eight people, including a child.<sup>1</sup> Russian warplanes also fired three missiles at a marketplace in the center of Ariha, controlled by Jaish al-Fateh, killing between 25 and 36 civilians, including four children. 74 people were injured, and at least 20 shops and about 25 vehicles were destroyed.<sup>2</sup>

On December 4, Syrian warplanes fired two missiles at the southern neighborhood of al-Mashjar in Talbisa city in Homs countryside, killing 13 or 14 people, most of them from the same family, including five children and four women.<sup>3</sup> The same aircraft also fired four missiles at the main market in Kafr Batna city and four more missiles at the main market in Jisreen town in Damascus countryside, killing between 16 and 18 people, including four children and one woman in the first attack,<sup>4</sup> and 25 or 26 people, including seven children and two women, in the second.<sup>5</sup>

On December 5, ISIS artillery fired mortar shells at the accounting building of the Directorate of Education in al-Joura neighborhood of Deir ez-Zur, under the control of government forces, killing five people, including two children and two women, and wounding seven others.<sup>6</sup>

On December 6, government warplanes fired missiles at the main market of Zamalka city, killing 16-18 people, including seven children and two women, and wounding at least 40 others.<sup>7</sup>

This came at a time when the International Coalition was not sparing civilians either. On December 7, 40 civilians were killed by air strikes on Hasakah, including 19 children and nine women.<sup>8</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, from January 2015 to December 2015; At least 36 massacres in November 2015: 13 of which at the hands of Russian forces, Syrian Network for Human Rights, 04-11-2015

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015); Russian forces destroy a popular market in Ariha and kill its people, Syrian Network for Human Rights, 02-12-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in September 2015, Syrian Network for Human Rights, 04-01-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

6 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in September 2015, Syrian Network for Human Rights, 04-01-2015.

7 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in September 2015, Syrian Network for Human Rights, 04-01-2015.

8 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

APPENDIX: CASES OF SUSPECTED CIVILIAN CASUALTIES IN US-LED COMBINED JOINT TASK FORCE ATTACKS IN SYRIA SINCE 23 SEPTEMBER 2014, AMNESTY INTERNATIONAL, 26-10-2016



On December 7, Russian warplanes fired missiles on the al-Hullok neighborhood of Aleppo city. This coincided with students exiting a hall, killing five people, including two children and two teachers.<sup>1</sup> They also fired missiles at Kafr Hamra city in Aleppo countryside, killing seven people, including a woman.<sup>2</sup>

On December 9, government warplanes fired missiles at the marketplace in Hamouria city in Damascus countryside, killing 22 civilians including eight children and a woman.<sup>3</sup>

## **Establishment of the High Negotiations Committee**

On December 9, a meeting of the Syrian opposition was held in the Saudi capital of Riyadh, with the aim of reaching an agreement on the principles of negotiation with the Syrian government side. A 34-member High Negotiations Committee was established, comprising representatives of the National Coalition of Revolutionary and Opposition Forces, the National Coordinating Committee for Democratic Change, and representatives of the armed factions.

The participants expressed their willingness to “enter into negotiations with representatives of the Assad regime, based on the Geneva Communiqué of June 30, 2012 and the relevant international resolutions as an authoritative reference for negotiations, under the auspices and the guarantee of the UN and with the support of the International Syria Support Group (ISSG), within a fixed period of time to be agreed upon with the UN.”

In their final statement, the participants stressed the opposition’s willingness to engage in negotiations between the Syrians but insisted that the government take a series of confidence-building measures as a goodwill gesture before negotiations could take place, including the abrogation of capital punishment rulings against Syrians because of their opposition to the regime, the release of prisoners and detainees, lifting sieges on besieged areas, allowing humanitarian convoys to reach those in need, the return of refugees, an immediate cessation of forced migration, and an end to targeting of civilian areas with barrel-bombs and other means.

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

The participants also called for President Bashar al-Asad to leave office before beginning any transitional period.

Despite Russia officially welcoming the negotiating process, on the field the response was the opposite, with intensification of both Russian and Syrian air strikes, particularly on civilian areas, markets, and parks.

On December 12, Syrian government warplanes dropped two barrel-bombs on the western neighborhoods of the besieged city of Darayya, killing five or six people, including a pregnant woman.<sup>1</sup>

On December 12, government warplanes fired four missiles at the town of Soussa near al-Bukamal, killing seven children and seven women, and wounding 13 others.<sup>2</sup>

Meanwhile, ISIS detonated a car bomb on December 12 near the state hospital in al-Zahra neighborhood of Homs, under the control of government forces, killing between 14 and 16 people, including a child and four women, and injuring 130 others.<sup>3</sup>

On December 12, Russian warplanes bombed Manbij city in Aleppo countryside, targeting sites near the public park, killing at least 13 people, including two children and two women, and wounding 15 others.<sup>4</sup> It also targeted residential buildings in the southern neighborhood of Atareb city in Aleppo countryside, killing 13 people, including two children and two women.<sup>5</sup>

On December 13, Russian warplanes also fired missiles at the market in Maskana city in Aleppo countryside, killing between 15 and 20 people, including six children and two women, and wounding 30 others,<sup>6</sup> while Syrian warplanes bombarded the city of Duma, killing between 30 and 48 people and wounding 250 others.<sup>7</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

5 16<sup>h</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

6 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

7 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015); Russian forces litter Syrian territories with cluster munitions: At least 54 attacks until the statement on cessation of hostilities, Syrian Network for Human Rights, 20-07-2016; Russia/Syria: Extensive Recent Use of Cluster Munitions Indiscriminate Attacks Despite Syria's Written Guarantees, Human rights Watch, 20-12-2015.





On December 14, Russian warplanes used cluster munitions to bomb residential houses in the Marjeh neighborhood of Aleppo, killing between three and 10 civilians, including two children, and wounding 10 others.<sup>1</sup>

On December 14, Russian planes fired two missiles loaded with cluster munitions into Maarat al-Numan, killing five civilians, including a child, and wounding 10 others. The city was under joint control of Jabhat al-Nusra and the FSA.<sup>2</sup>

On December 15, Russian warplanes fired missiles at a marketplace in Maskana city in Aleppo countryside, killing 23 to 25 civilians including five children and five women, and injuring 40 others.<sup>3</sup>

On December 17, Russian warplanes fired missiles at a house in Azaz city in Aleppo countryside, killing seven to 10 members of the same family, including two children and four women, and injuring five others.<sup>4</sup>

On December 18, Syrian warplanes fired missiles at Jisr al-Shughour city, killing 15 people in the same family, including eight children and seven women.<sup>5</sup>

Meanwhile, Russian warplanes bombarded residential buildings near the old police station in Hreitan city in Aleppo countryside, killing six people and wounding five others.<sup>6</sup>

On December 18, 2015, Security Council resolution No. 2254 was issued.

It called on the UN Secretary-General to invite representatives of the Syrian regime and the opposition to participate “expeditiously” in formal negotiations on the path for political transition, to begin in January 2016 “with a view to reaching a lasting political settlement to the crisis.”

The resolution also adopted the Geneva Communiqué and supported the Vienna statements as the basis for achieving political transition and ending the conflict in Syria. It stressed that the Syrian people would determine the future of their country. It also acknowledged the role of the International Support Group for Syria as the focal point for facilitating UN efforts to achieve a lasting political settlement.

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

6 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.



Only a few days had passed since this resolution, when the Security Council followed it on December 22, with resolution 2258, demanding the opening of humanitarian corridors to deliver assistance to all those in need.

On December 20, three Russian warplanes had carried out six raids, striking eight missiles at vital areas in the center of Idlib city, in an area not exceeding one square kilometer. As a result, 42 civilians, including a child and two women, were killed and at least 122 people were injured. The Syrian Network for Human Rights documented the victims with names, photos, videos, and some testimonies.<sup>1</sup>

In conjunction with Resolution 2258, on December 22, Syrian warplanes fired missiles at a marketplace in the town of Bazina in Damascus countryside, killing 20 people, including two children, and wounding about 50 others,<sup>2</sup> while Russian aircraft bombed the neighborhood of al-Hamidiya in the city of Deir ez-Zur, which was under ISIS control, killing 13 people, including two children and five women.<sup>3</sup>

In turn, and on the same day, ISIS artillery shelled Tishreen school for girls in the Harabish neighborhood of Deir ez-Zur, under the control of government forces, killing 11 female students in the preparatory stage and wounding at least 10 others.<sup>4</sup>

On December 23, government helicopters dropped several barrel-bombs on a house in the town of Sheikh Miskeen in Daraa countryside, killing eight people from one family, including four children and a woman.<sup>5</sup>

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015); Russian forces violate Security Council Resolution 2254 and kill the people of Idlib, Syrian Network for Human Rights, 26-11-2015.

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.



## Zahran Alloush and Jaish al-Islam

On December 25, the head of Jaish al-Islam, Zahran Alloush, and five military commanders of the armed opposition factions were killed in an air strike on Ghouta in Damascus countryside. There were conflicting accounts of who carried out the attack. Reuters news agency reported that Russian planes targeted a secret Jaish al-Islam headquarters in an air strike in which at least 10 missiles were fired, killing Zahran Alloush. However, the official SANA news agency confirmed that the Syrian air force carried out the raid, while the Syrian army command announced in a statement broadcast on state television that it launched a “special operation” that led to the killing of Alloush.

Alloush had been arrested in 2009 and released from prison in June 2011, when he worked to establish what is known as the “Islam Company,” later becoming a brigade. In 2013, Alloush announced the formation of Jaish al-Islam, which included a large number of fighters and took control of large parts of Eastern Ghouta, before the faction joined the Islamic Front. Jaish al-Islam presence was concentrated in Eastern Ghouta and the eastern Qalamoun area north of Damascus, and to a lesser extent in the northern countryside of Idlib.

After Zahran Alloush was killed, Jaish al-Islam appointed Abu Hammam al-Bwaidani as its leader.

Jaish al-Islam committed a considerable number of violations while it held the besieged area; most notably in early November 2015, when it took prisoners from the Alawite sect and displayed them in cages in the center of Eastern Ghouta, under the pretext of curbing Russian and Syrian government shelling in the area. Jaish al-Islam used dozens of its prisoners, regime force members and civilians, including women of the Alawite sect, as human shields. It placed them in metal cages, each containing between five and eight people, and distributed them in the squares of Eastern Ghouta, especially the city of Duma.

In a widely disseminated video, a member of Jaish al-Islam said the aim was to prevent regime forces from shelling the area which was being subjected to heavy bombardment. Some prisoners, including an Alawite colonel, who had been held captive for three years, sent a message to President Assad appealing to him not to bomb civilians.

Notably, the shelling of Ghouta relatively quietened for a time, to concentrate on other areas in northern Syria; only to return a month later and target the stronghold of Jaish al-Islam, killing its leader.

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On December 25, Russian warplanes bombed a cargo convoy in Aleppo northern countryside, on the road to the ISIS-controlled town of Harbil from the opposition-controlled Ithris, killing five people, including two children, and wounding 11 others.<sup>1</sup>

On December 26, government warplanes fired missiles at the periphery of a school in Jarjanaz town, killing nine civilians including three children.<sup>2</sup>

On December 27, Syrian helicopters dropped barrel-bombs on the village of Talf in Hama countryside, killing six people including two children. Two missiles were also fired at a salt factory in the industrial area of Palmyra, killing between seven and 18 people, including a child, while they were at work in the factory.<sup>3</sup>

On December 28, Russian warplanes shelled residential houses in the northern neighborhood of Tal Rifaat in Aleppo countryside, killing five people, including three children and a woman, and destroying a house almost completely. The shelling resumed for a second time, killing 11 people, including three children and a woman.<sup>4</sup>

On the same day, an ISIS agent driving a booby-trapped Syrian Red Crescent vehicle in the government-controlled Zahra neighborhood of Homs, blew himself up with an explosive belt. Minutes after civilians gathered, the car he was driving exploded. The first explosion killed the suicide bomber and burned a civilian car, while the explosion of the car killed between 20 and 27 people, including a child and two women, and wounded 40 others.<sup>5</sup>

On January 28, implementation began of the third phase of the Fua and Kafraya agreement; opposition fighters left Zabadani, close to the Lebanese border, for Beirut airport to fly to their final destination in Turkey under the auspices of the International Committee of the Red Cross (ICRC), while some 300 families from the towns of Fua and Kafraya were taken to the Turkish border to fly from there to Beirut. The city of Binnish, which had been covered by the ceasefire agreement, continued to suffer sporadic Russian bombardment, and remained until the end of 2015 under the control of opposition factions led by Jabhat al-Nusra.

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1 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), Syrian Commission for Human Rights; At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015; Our lives under Russian fire: Special report on northern Aleppo countryside, Violations Documentation Center, March 2016

2 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), Syrian Commission for Human Rights; At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015

3 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

4 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.

5 14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015.



On December 30, four ISIS suicide bombers blew themselves up with explosive belts in two restaurants in a central neighborhood of Qamishli in Hasakah, under the control of Kurdish AA and government forces, killing 18 people and wounding 50 others.<sup>1</sup>

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1        14<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2015, (from January 2015 to December 2015), Syrian Commission for Human Rights 2015; At least 516 massacres in 2015, Syrian Network for Human Rights, 04-01-2015

## **Chapter Six 2016**



**January 1, 2016 was set as the date for formal negotiations between the Syrian government and the opposition, in accordance with the Vienna agreement of late 2015, and the subsequent conference in Riyadh and related Security Council resolutions. The Support Group, together with the Special Envoy of the Secretary-General for Syria Staffan de Mistura, welcomed efforts to “bring together the widest possible spectrum of the opposition chosen by Syrians to decide on their representatives in the negotiation process.” The unanimous adoption of Security Council resolution 2254 the previous month was the culmination of two rounds of Vienna talks. In the same resolution, the Council also called for a series of confidence-building measures by the parties, including unimpeded access for humanitarian aid and the release of detainees.**

In practice, however, none of these decisions saw the light of day in 2016. On the contrary, the situation worsened, as the states and their growing military intervention in Syria failed to reach a political settlement, or at least to curb serious violations of human rights and international humanitarian law, which had become a “feature of the armed conflict” in Syria, according to Human Rights Watch.<sup>1</sup>

The international organization reported that, according to the Syrian Center for Policy Research (independent), the number of people killed in the conflict as of February 2016 was 470,000, in addition to 6.1 million IDPs and 4.8 million asylum seekers, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA). By mid-2016, about one million people were living in besieged areas and deprived of the basic necessities of life and humanitarian aid, while the targeting of hospitals and medical staff was another feature of the year. The shelling did not even spare MSF hospitals.

It could be assumed that the number of individual and collective arrests and enforced disappearances dropped as the conflict entered a new military crossroads in 2015, but in reality nothing affected or mitigated the policies of detention or enforced disappearances, or diminished their frequency. Between January and June 2016 alone, 4,557 people were detained and disappeared, according to the Syrian Network for Human Rights, the majority of them held by government security services.

In 2016, the regime had in place blockades of several areas in Syria, leading to the deaths of 114 civilians, including 32 children and 17 women, from starvation or unavailability of medicine.

In the second half of 2016, some 600,000 civilians were still living under siege (total or partial), an increase of 103,500 people, according to OCHA.

The areas besieged by pro-government forces included towns of Damascus countryside and Homs; ISIS had also imposed a siege on the Deir ez-Zur neighborhoods under regime control since June 2014; and Jabhat al-Nusra and armed factions besieged the Shiite towns of Kafraya and Fua in Idlib countryside.

In the international arena in 2016, Russia lost its seat on the Human Rights Council after failing to garner enough votes from UN member states for re-election. A number of human rights and humanitarian organizations, including Human Rights Watch, urged UN member states to hold Russia accountable for its involvement in possible war crimes in Syria.

The OPCW-UN Joint Investigation Mechanism concluded in its fourth report this year that Syrian government forces had used chemicals in an attack in Idlib in March 2015. The investigation identified army units as responsible for flights linked to the attacks but did not name the units' commanders because the Syrian government had not responded to inquiries. The Joint Investigation Mechanism had reached the same conclusion regarding two other attacks in 2014 and 2015. It also found that ISIS had used sulfur mustard gas in an attack on areas controlled by armed opposition groups in August 2015.

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On the ground, there was significant change in the balance of power in favor of the Syrian regime, who advanced in a number of positions and regained a number of strategic areas taken by armed opposition factions and ISIS, while Turkey emerged as a new player on the conflict arena when it launched Operation Euphrates Shield on August 24, 2016. There had been indicators of a new foreign policy in Turkey since the middle of the year, as it began to reconsider its positions on Syria, announcing that in the next phase it would focus its efforts on containing the SDF and limiting its influence, especially since the latter was close to its borders.

The map of military control and influence showed Kurdish units controlling areas stretching along the Syrian-Turkish border in Hasakah and Raqqah northern countryside, and eastern and western Aleppo countryside. Opposition-controlled areas were scattered: in the north, center and south of the country, as well as in the Syrian Desert.

The regime controlled areas extending continuously from the west to the south of the country and eastern Aleppo, while ISIS areas of control were Deir ez-Zur and Raqqah and areas of the Syrian Desert connected to Hama, Homs, Damascus countryside and others.





Economically, the year 2016 witnessed an unprecedented crisis, as the exchange rate of the Syrian pound fell dramatically against the dollar, reaching a ceiling of 700 pounds per dollar, after it had been around 47 pounds. The Central Bank intervened, which did not completely resolve the crisis but brought the price back to 500.

In addition to all of the above, the main highlight of 2016 and early 2017 (where this report ends) is the fall of Aleppo city to the regime, and the division of Ghouta after Zahran Alloush was killed with factions in that region fighting amongst themselves, as a whole new chapter began in the life of a peaceful popular uprising that began in March 2011.

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On January 6, regime warplanes targeted Zamalka in Eastern Ghouta, killing between nine and 13 civilians, including a child and a woman.<sup>1</sup>

On January 7, regime warplanes targeted a marketplace in the city of Arbin in Eastern Ghouta, killing 12 civilians, possibly including a child and two women, and injuring 88 others.<sup>2</sup>

On January 8, coalition planes targeted the village of Hazima in Raqqah countryside, killing 11 civilians.<sup>3</sup>

On January 9, joint Syrian-Russian airstrikes (referred to as Syrian/Russian thereafter) bombed the Court building in Maarat al-Numan in Idlib countryside, which had been converted by Jabhat al-Nusra into a Sharia court, also hitting a school in front of the court. The attack killed between 40 and 67 civilians, including a child and three women, and wounded 120 others. Most of the victims were relatives who were visiting family members detained in court.<sup>4</sup>

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1 At least 58 massacres in January 2016: 33 of them by Russian forces, Syrian Network for Human Rights, 05-02-2016.

2 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 96 attacks on vital centers in January 2016, 44 of which at the hands of Russian forces, Syrian Network for Human Rights, 07-02-2016.

3 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee.

4 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; Russia cannot at the same time be a party to the political solution and involved in the killing: Russian forces kill 99 civilians in 72 hours in Maarat al-Numan, 24-01-2016

On January 11, Syrian/Russian warplanes targeted a secondary school in the village of Anjara in Aleppo countryside during exams, killing 11 to 17 civilians, most of them students under the age of 18, as well as male and female teachers and huge destruction to the building.<sup>1</sup>

On January 12, Syrian/Russian warplanes targeted the city of Maarat al-Numan in Idlib countryside, killing between 30 and 32 civilians, including two journalists and three children. Eight residential buildings were also damaged. The planes fired missiles at a residential building in the city and then returned to raid again after civil defense and ambulance teams arrived in the bombarded area, which led to an increase in the number of victims.<sup>2</sup>

On January 16, armed opposition factions in the southern countryside of Hama blew up three high-tension electricity towers in the vicinity of al-Zara town, completely destroying it and cutting off electricity in large areas of Hama and some towns in the northern Homs countryside.<sup>3</sup>

On January 16, Syrian/Russian warplanes targeted Raqqah, killing 33 people.<sup>4</sup>

On January 17, armed opposition factions controlling eastern neighborhoods of Aleppo fired home-made rockets at western neighborhoods, hitting the Armenian Church of Emmanuel in the Minshiya neighborhood, causing severe damage.<sup>5</sup>

On January 23, Syrian/Russian warplanes targeted the town of Khasham in Deir ez-Zur countryside, killing 61 people, including 11 children and two women.<sup>6</sup>

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1 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 96 attacks on vital centers in January 2016, 44 of which at the hands of Russian forces, Syrian Network for Human Rights, 07-02-2016; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic 11 August 2016, United Nations General Assembly Human Rights Council

2 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; Russia cannot at the same time be a party to the political solution and involved in the killing: Russian forces kill 99 civilians in 72 hours in Maarat al-Numan, 24-01-2016; six Media workers killed, seven Cases of arrest and abduction, one Media worker injured, Syrian Network for Human Rights, 04-02-2016  
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3 At least 96 incidents of attacks on vital centers in January 2016, 44 by Russian forces, Syrian Network for Human Rights, 07-02-2016

4 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee, January 2017.

5 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights, January 2017; At least 96 attacks on vital centers in January 2016, 44 of which at the hands of Russian forces, Syrian Network for Human Rights, 07-02-2016.

6 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights, January 2017; At least 96 attacks on vital centers in January 2016, 44 of which at the hands of Russian forces, Syrian Network for Human Rights, 07-02-2016.



The regime-controlled districts of Deir ez-Zur have been under a siege imposed by ISIS since the beginning of 2015. There were approximately 250,000 people living in these neighborhoods without access to food or medical supplies, which led to high prices and many people suffering from malnutrition. The deaths of 21 people, including children, were recorded. Additionally, these neighborhoods had no electricity since March 2015.

ISIS killed 16 people who tried to bring in food and other items by boat crossing the Euphrates. It also prevented residents in areas under its control in Deir ez-Zur from entering neighborhoods controlled by the regime.<sup>1</sup>

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The Geneva 3 conference was scheduled for January 25. It was supposed to begin with indirect sessions, but its launch was delayed because the High Negotiations Committee delegation did not attend in protest of the document of basic principles for political transition known as the “De Mistura document to solve the Syrian crisis.” After international pressure and guarantees from the West and the Gulf, the delegation went to the conference on the third day, headed by defected officer Assad al-Zubi, and with Mohammed Alloush, representative of Jaish al-Islam, as senior negotiator. The conference was attended by representatives of other opposition platforms imposed by the Syrian regime and the Russian side as consultants. However, representatives of the largest Kurdish force in Syria, the PYD and its military wing, the YPG, the backbone of the SDF coalition and the spearhead of the war against ISIS, were not invited.

On February 3, de Mistura announced a temporary freeze on negotiations due to the escalation of the Syrian regime and Russia’s bombing of eastern Aleppo neighborhoods, while ISIS carried out two suicide bombings in the Set Zaynab area of Damascus on January 31. De Mistura said the opposition had asked for a ceasefire to coincide with the talks but the regime had refused.

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Meanwhile, on January 26, ISIS carried out two suicide bombings targeting al-Zahraa neighborhood of Homs, with an Alawite majority and controlled by the regime. A car bomb exploded near a security checkpoint, and when people gathered at the scene, a suicide bomber blew himself up, killing 22 to 25 civilians, possibly including eight women, and wounding 100 others.<sup>1</sup>

On the following day, Syrian/Russian warplanes responded by dropping cluster munitions on the village of Kafarlaha in Homs countryside, killing between five and seven civilians, including a woman and two children, and wounding 30 - 59 civilians, a large number of whom were children, around 27, who were playing in the school yard near the bombing site.

Syrian/Russian warplanes also bombarded an area near a school in Ghanto village in the northern countryside of Homs, killing 10 to 11 civilians, including seven children and two women.<sup>2</sup>

On January 28, Syrian regime warplanes targeted the vicinity of al-Bishr mosque in Kafr Takharim town in Idlib countryside, killing 14 civilians.<sup>3</sup>

On January 30, regime helicopters dropped six explosive barrels on the Civil Defense Center in Darayya, injuring a number of its members and damaging the center.<sup>4</sup> Helicopters also targeted a school in Nawa city in Daraa countryside, partially destroying it.<sup>5</sup>

In early February, regime forces managed to separate Darayya from Moadamiya, tightening the siege on some 8,300 inhabitants. Darayya had been under siege since November 2012 and residents could no longer find anything to eat, other than what they were able to plant. After its water supply was cut off, residents used mostly unsanitary and contaminated wells, at the same time medicines and equipment to treat patients were prevented from being brought in.

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1 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 96 attacks on vital centers in January 2016, 44 of which at the hands of Russian forces, Syrian Network for Human Rights, 07-02-2016; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic 11 August 2016, United Nations General Assembly Human Rights Council

2 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; At least 58 massacres in January 2016: 33 of them by Russian forces, Syrian Network for Human Rights, 05-02-2016.

3 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee.

4 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights, January 2017; At least 96 attacks on vital centers in January 2016, 44 of which at the hands of Russian forces, Syrian Network for Human Rights, 07-02-2016.

5 At least 96 incidents of attacks on vital centers in January 2016, 44 by Russian forces, Syrian Network for Human Rights, 07-02-2016



The Syrian government did not allow any aid into Darayya until June 1, 2016, when it allowed five trucks carrying baby food and vaccines, but no NFIs (Non-Food Items that are part of core relief items in humanitarian aid assistance), into the town; the first time humanitarian aid had entered the area in three and a half years. On June 9, it again permitted the UN and the Syrian Red Crescent to bring food into the town. However, the next day it was heavily bombed (23 barrel-bombs) by government forces, which hampered the distribution of aid.

Previously, on May 12, 2016, the Syrian government had refused to allow a UN, ICRC and Syrian Red Crescent convoy to enter the besieged town. A military checkpoint at the entrance to the town prevented the convoy from crossing, despite government assurances that it would be allowed through.

## **The Set Zaynab (Sayyidah Zaynab) Bombings**

On January 31, ISIS carried out a double suicide attack in the Set Zaynab area of Damascus countryside, a crowded area visited by Shiite pilgrims, particularly from Lebanon and Iraq. The first targeted a bus station while the second targeted a residential area. The two explosions resulted in 40 civilian deaths.<sup>1</sup>

Immediately, the Syrian Foreign Ministry sent letters to both the UN Secretary-General and the President of the Security Council: “On Sunday afternoon, armed terrorist organizations detonated a booby-trapped car at a passenger bus stop in the crowded residential neighborhood of Ku al-Sudan in Set Zaynab area of Damascus countryside, followed by two suicide bombers blowing themselves up with explosive belts among ambulance teams and civilians who had gathered to rescue the victims of the terrorist bombing, resulting in an initial death toll of 50 citizens and wounding over 105, some of them critical [condition], in addition to serious damage to homes and infrastructure in the area.” The Foreign Ministry continued, “These cowardly and condemnable terrorist bombings are part of the attempts by armed terrorist organizations supported by the governments of foreign countries such as Turkey, Saudi Arabia and Qatar to disrupt current efforts to start a Syrian-Syrian dialogue.” “The perpetrators declared in a statement that the bombing is to support the opposition delegation coming from Riyadh in order to negotiate with the government delegation in Geneva under the auspices of Staffan de Mistura.”<sup>2</sup>

In the meantime, the Geneva III conference was taking place amid major hindrances, until de Mistura announced its suspension on February 3.

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 11 August 2016, United Nations General Assembly Human Rights Council

2 Foreign Ministry: The terrorist bombings in al-Sayida Zeinab are an attempt to disrupt the start of the Syrian dialogue, Syrian Arab Republic Ministry of Foreign Affairs & Expatriates, 31-01-2016

On February 8, Syrian/Russian warplanes targeted the al-Salhin neighborhood of Aleppo, killing 16 civilians, including five children and a woman, and injuring 30 others.<sup>1</sup>

On February 12, Syrian/Russian warplanes again targeted al-Ghanto village in the northern countryside of Homs, killing 12 to 16 people, including four children and a woman.<sup>2</sup>

On February 14, regime warplanes targeted the town of Naima in Daraa countryside, killing five people, a father and four children.<sup>3</sup>

On February 15, Syrian/Russian warplanes targeted the MSF hospital in al-Hamidiah village near Maarat al-Numan with two successive air raids, 15 minutes apart, killing 25 or 26 civilians, including nine medical staff and 16 patients, and completely destroyed the hospital. It took 48 hours to rescue those trapped under the rubble.<sup>4</sup>

On February 16, Syrian/Russian warplanes targeted an automated bakery in al-Shadadi in the southern countryside of Hasakah, killing 20 to 28 people, including four children and a woman.<sup>5</sup>

On February 21, a car carrier carrying car bombs exploded in the al-Zahraa neighborhood of Homs, killing 37 people, including a child and 12 women. At least 60 others were wounded.<sup>6</sup>

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1 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; At least 40 massacres in February 2016: 21 of which at the hands of Russian forces, Syrian Network for Human Rights, 05-03-2016.

2 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; At least 40 massacres in February 2016: 21 of which at the hands of Russian forces, Syrian Network for Human Rights, 05-03-2016.

3 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee.

4 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; At least 40 massacres in February 2016: 21 of them by Russian forces, Syrian Network for Human Rights, 05-03-2016; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 11 August 2016, United Nations General Assembly Human Rights Council

5 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; At least 40 massacres in February 2016: 21 of which at the hands of Russian forces, Syrian Network for Human Rights, 05-03-2016.

6 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; At least 40 massacres in February 2016: 21 of which at the hands of Russian forces, Syrian Network for Human Rights, 05-03-2016.



In the first implementation of the Agreement on the Cessation of Hostilities (signed on February 27), the rate of violence and the number of victims decreased significantly in March. As a result of this agreement, for the first time since November 2012, humanitarian assistance reached all 18 besieged areas. An estimated 1.5 million civilians benefited from this assistance.<sup>1</sup> However, the agreement quickly began to crumble at the end of March 2016.

In the first week of March, ISIS killed 12 civilians in areas it controlled, for example:<sup>2</sup>

- Two men executed in front of a crowd of people in the city of Raqqah, shot on charges of working for the “Nusairi regime.”
- The bodies of four men hung in a square in the town of al-Hol in Hasakah eastern countryside on charges of affiliation with the Kurdish YPG.
- Three young men beheaded in Hasakah countryside, one accused of collaborating with the regime and the others of fighting with the YPG.
- One person was thrown from an upper floor in the city of Tabqa on charges of “practicing indecent acts with males” and then stoned.

On March 2, a car bomb exploded in the Finance building belonging to the Syrian Revolutionaries Front, an opposition faction in al-Asha town in the countryside of Quneitra, killing 18 people. No one claimed responsibility for the bombing.<sup>3</sup>

On March 6, Syrian opposition forces in the eastern neighborhoods of Aleppo fired several rockets at the predominantly Kurdish neighborhood of Sheikh Maqsd, killing nine to 12 civilians, including four children.<sup>4</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 11 August 2016, United Nations General Assembly Human Rights Council

2 ISIS carried out 12 executions since the beginning of March, Syrian Observatory for Human Rights, 06-03-2016.

3 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee.

4 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; Indiscriminate attacks continue despite cessation of hostilities, Human Rights Watch, 12-04-2016; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic 11 August 2016, United Nations General Assembly Human Rights Council



On March 7, Syrian/Russian warplanes targeted a fuel sales market in the village of Abu Adh Dhuhur in Idlib countryside, killing 19 civilians, including three women,<sup>1</sup> while ISIS fired mortar shells on the same day at al-Qosoor and al-Jorah neighborhoods in Deir ez-Zur, under regime control, killing six to 14 civilians, including two children and three women.<sup>2</sup>

On March 7, ISIS executed six people in the town of Zebian on charges of contempt for the organization and its leaders.<sup>3</sup>

In a detour, the Russian Federation announced on March 14, that it would withdraw a large part of its military equipment deployed in Syria since September 2015, while maintaining its presence in the air base in Latakia and the naval base in Tartus, and continuing to participate in the measures agreed upon to combat ISIS and Jabhat al-Nusra. However, it was later revealed that there had been no withdrawal.

On March 18, Syrian/Russian warplanes bombed the al-Thakana neighborhood in Raqqah city, killing 17 or 18 people, including five children and three women.<sup>4</sup>

On March 19, opposition forces controlling al-Hullok neighborhood in eastern Aleppo shelled the Sheikh Maqsud neighborhood with homemade rockets, killing four civilians, including two children.<sup>5</sup>

The Syrian regime recaptured the city of Palmyra from ISIS on March 27. March 31 marked the regime's largest attack yet since the signing of the Cessation of Hostilities Agreement, in an explicit breach, when its forces bombed the village of Deir al-Asafir in Damascus countryside. The shelling targeted a mosque, a school, and the only field hospital in the village, causing severe damage. Some children were killed in the hospital after they were injured in the shelling and taken there. The Civil Defense Center was also targeted and destroyed. As a result of these raids, 31 civilians were killed, including three children.<sup>6</sup>

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1 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; At least 21 massacres in January 2016: 11 of which at the hands of government forces, Syrian Network for Human Rights, 05-04-2016.

2 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; At least 21 massacres in January 2016: 11 of which at the hands of government forces, Syrian Network for Human Rights, 05-04-2016.

3 At least 21 massacres in March 2016: 11 of which at the hands of government forces, Syrian Network for Human Rights, 05-04-2016.

4 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; At least 21 massacres in January 2016: 11 of which at the hands of government forces, Syrian Network for Human Rights, 05-04-2016.

5 Indiscriminate attacks continue despite cessation of hostilities, Human Rights Watch, 12-04-2016.

6 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 11 August 2016, United Nations General Assembly Human Rights Council.



In an interview with Russia's Sputnik agency, published on March 31, Syrian President Bashar al-Assad, commenting on the Geneva negotiations, said talk of a transitional governing body was "unconstitutional and illogical," but indicated "the possibility of a new Syrian government that includes opposition figures." On federalism and the Kurdish region's declaration of independence under the name "Rojava," he said: "Syria is not prepared for federalism and there are no natural factors that require it to be federal. If this issue is put to referendum, I think the Syrian people will not agree to it."

On April 5, opposition forces stationed in the eastern neighborhoods of Aleppo targeted Sheikh Maqsoud with mortar shells and homemade rockets, killing eight to 18 civilians, possibly including seven children and four women, and injuring 68 others. The Russian Defense Ministry announced on Twitter that these attacks killed 18 civilians and wounded 36 others in addition to killing 11 fighters from Kurdish units,<sup>1</sup> while the International Commission of Inquiry said that an attack by an "unknown" party was launched on the neighborhood using chlorine gas and missiles, killing six civilians in the same family, including the mother and three children.<sup>2</sup>

On April 16, Syrian/Russian warplanes targeted the town of al-Hamidiya neighborhood in Deir ez-Zur, killing 17 people, possibly including two children and a woman.<sup>3</sup>

On April 18, Syrian/Russian warplanes targeted the town of Taldo in Homs countryside and its field hospital, killing five people, possibly including a child and a woman, injuring 13 others, and destroying the hospital.<sup>4</sup>

On April 19, a Syrian/Russian warplane fired a missile at the main vegetable market in Maarat al-Numan city of Idlib countryside, killing 37 to 41 civilians, including five children and four women, and injuring 73 others. Reports indicate that 40% of the market's shops were destroyed.<sup>5</sup>

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1 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; Indiscriminate attacks continue despite cessation of hostilities, Human Rights Watch, 12-04-2016.

2 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 11 August 2016, United Nations General Assembly Human Rights Council

3 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 27 massacres in April 2016, Syrian Network for Human Rights, 08-05-2016

4 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 27 massacres in April 2016, Syrian Network for Human Rights, 08-05-2016

5 Syrian government forces deliberately target crowded markets: Shelling of Maarat al-Numan and Kafranbel in Idlib as a model, Syrian Network for Human Rights, 24-05-2016; 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 11 August 2016, United Nations General Assembly Human Rights Council.

## The Battles of Aleppo

From April 20, until the end of the month, Aleppo witnessed a massive explosion of violence between its eastern opposition-held districts and the regime-controlled west. During these 10 days, between 144 and 256 civilians on both sides were killed; primarily in aerial bombardments by Syrian/Russian planes and ground bombardment of these neighborhoods, but also in indiscriminate shelling with homemade rockets and gas canisters (popularly called “Hell Cannons”) used by opposition forces to shell the western neighborhoods. Attacks by the regime and its allies killed between 92 and 140 civilians in eastern neighborhoods, including seven to 19 children and 14 to 27 women. Attacks by the opposition killed between 65 and 96 civilians in western neighborhoods, including 21 children and 11 to 13 women.<sup>1</sup>

These incidents include, but are not limited to:

On April 27, opposition forces fired home-made rockets at residences in Aadhamiyye neighborhood of western Aleppo, killing four civilians, including a child;<sup>2</sup> While on the same day, Syrian/Russian warplanes targeted Al-Quds Hospital in al-Sukkari neighborhood in eastern Aleppo, a hospital run by the international organization Médecins Sans Frontières and accredited by the International Committee of the Red Cross. The shelling killed between 36 and 50 civilians, including three to five medical staff, and between 40 and 50 civilians were injured.<sup>3</sup>

According to the Independent International Commission of Inquiry, the shelling targeted a residential building near the hospital, most of whose residents were medical staff. As a result, it was destroyed and six civilians, including two doctors and two nurses, were killed, and the hospital was eventually shut down.<sup>4</sup>

Following this attack, the Security Council passed Resolution 2286, which called for an end to attacks on health-care workers and facilities.<sup>5</sup> (See Resolution below).

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1 Around 250 martyrs, including 70 children and citizens, died within eight days of escalating shelling and bloodshed in Aleppo, Syrian Observatory for Human Rights, 30 August 2016; Press release on Syrian Air Force attacks on Aleppo, Violations Documentation Center, 2016; Syrian armed opposition attacks on neighborhoods in Aleppo city, Syrian Network for Human Rights, 11-05-2016

2 Attacks by Syrian Armed Opposition Factions on Aleppo Neighborhood, Syrian Network for Human Rights, 11-05-2016

3 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; Press Release on Syrian Air Force Attacks on Aleppo, Violations Documentation Center, 2016; Federal Statement on Targeting al-Quds Hospital in al-Sukkari Neighborhood, Aleppo, 29-04-2016; At least 27 Massacres in April 2016, Syrian Network for Human Rights, 08-05-2016.

4 <https://undocs.org/A/HRC/33/55>

5 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 11 August 2016, United Nations General Assembly Human Rights Council



On April 28, opposition forces targeted al-Jamiliya neighborhood of western Aleppo with homemade shells, killing between three and 12 civilians, possibly including two children and two women, and wounding 15 others.<sup>1</sup> Opposition forces also fired homemade rockets at al-Midan neighborhood in western Aleppo, killing six to 10 civilians, possibly including six children and a woman, and injuring 10 others.<sup>2</sup>

On May 3, opposition factions based in Bani Zeid in eastern Aleppo fired homemade rockets at the vicinity of al-Dabit hospital in al-Mohafaza neighborhood in western Aleppo, killing six to 15 civilians and wounding 20 others, including hospital staff.<sup>3</sup>

On May 3, Security Council Resolution 2286 was issued, strongly condemning the acts of violence, attacks and threats against the wounded and sick, and medical and humanitarian workers exclusively engaged in medical missions, and against their means of transport and equipment, as well as against hospitals and all other medical facilities. It deplores the long-term consequences of the attacks on the civilian population and on health-care systems in the countries concerned. It also calls for full compliance by all parties with obligations under international law, including international human rights law, as applicable, and international humanitarian law, and calls for the safe and unimpeded passage of medical and humanitarian personnel and their equipment, means of transport and supplies, including surgical operation supplies, to all who need it.

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1 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 11 August 2016, United Nations General Assembly Human Rights Council; Attacks by factions of the Syrian armed opposition on neighborhoods in Aleppo city, Syrian Network for Human Rights, 11-05-2016

2 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; Attacks by factions of the Syrian armed opposition on neighborhoods in Aleppo city, Syrian Network for Human Rights, 11-05-2016

3 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 11 August 2016, United Nations General Assembly Human Rights Council; Killing of 17 medical and civil defense staff in May 2016, Syrian Network for Human Rights 03-06-2016.

Furthermore, the Security Council calls upon states to ensure that their armed forces and security forces, within their competence under domestic law, make the necessary efforts to integrate practical measures relating to the protection of the wounded and sick, and medical services, stressing the responsibility of states to comply with relevant obligations under international law requiring an end to impunity, and to ensure that those responsible for serious violations of international humanitarian law are brought to justice. In this context, the resolution strongly condemns the widespread phenomenon of impunity for violations and abuses committed against medical personnel. In addition, the Secretary-General is requested to expedite recommendations to the Security Council on measures to avoid incidents of the kind described above, to ensure greater accountability and to strengthen the protection afforded to the wounded and sick, and to medical personnel, and requests a briefing by the Secretary-General to the Security Council every 12 months on the implementation of this resolution.<sup>1</sup>

However, on May 5, the Kamuna IDP camp near Sarmada in Idlib countryside was targeted by regime forces (by air strikes or artillery shells, according to various reports), killing 16 to 20 IDPs residing in the camp, including two to six children. 37 people were injured, including 10 who lost at least one limb, according to Human Rights Watch. One woman interviewed by the international organization described the trauma shortly after the bombing: “When I looked around me, I saw my son decapitated and my daughter with her limbs torn off.” The camp is 5 kilometers from the Turkish border and is home to some 4,500 displaced people.<sup>2</sup>

On May 6, a Syrian military statement was issued denying the bombing of an IDP camp. The official news agency SANA quoted a statement by the army’s general command saying: “There is no truth to the news reported by some malicious media about the Syrian Air Force targeting an IDP camp in Idlib countryside.” The command added in its statement: “There is confirmed information that some terrorist groups have recently begun, under the guidance of well-known foreign third parties, to deliberately hit civilian targets to inflict the greatest number of civilian casualties and to accuse the Syrian Arab Army.” “The targeting of civilians by terrorists is an attempt to divert attention from the crimes committed by terrorist groups against the Syrian people,” the command said.<sup>3</sup>

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1 Security Council Resolution 2286 of 2016

2 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 11 August 2016, United Nations General Assembly Human Rights Council; The United States and Russia Must Investigate Attacks on Civilians in Syria, Human Rights Watch, 16-05-2016; Despite the statement of cessation of hostilities, attacks on 92 vital civilian centers in May, Syrian Network for Human Rights, 09-06-2016; at least 25 massacres in May 2016, Syrian Network for Human Rights, 07-06-2016.

3 General Command of the Army: There is no truth to media reports that the Syrian Air Force targeted an IDP camp in Idlib countryside, SANA, 06-05-2016.



On March 11, Syrian/Russian warplanes bombed al-Shaheil neighborhood in Deir ez-Zur countryside, killing 10 or 11 people, possibly including two children and three women.<sup>1</sup>

On May 12, armed opposition factions, including Ahrar al-Sham, Jabhat al-Nusra and al-Tawhid Brigades, attacked and took control of the Alawite town of al-Zara in the southern countryside of Hama. As a result of the attack, 19 civilians, including four children and six women, were killed, and 17 civilians, including women and eight children, were abducted.<sup>2</sup>

However, the targeting of hospitals and health facilities did not stop. On May 17, Syrian regime helicopters dropped barrel-bombs on Dr. Ziad al-Bakai Hospital in Khan al-Sheih camp, destroying it.<sup>3</sup>

On May 18, Syrian/Russian warplanes targeted the city of Rastan with missiles, killing 13 or 15 civilians from the same family, possibly including nine children and three women.<sup>4</sup>

On May 19, regime helicopters dropped barrel-bombs on the town of Taldo in Homs countryside, killing seven or eight civilians, possibly including five children and a woman.<sup>5</sup>

On May 20, coalition warplanes targeted the village of Arshaf in rural Aleppo, killing eight civilians, possibly including three children and two women, and wounding seven others.<sup>6</sup>

On May 23, ISIS carried out suicide bombings in the Syrian coastal region, killing 90 to 120 civilians and wounding 200.

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1 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 25 massacres in May 2016, Syrian Network for Human Rights, 07-06-2016

2 US and Russia Must Investigate Attacks on Civilians in Syria, Human Rights Watch, 16-05-2016; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, August 11, 2016, UN General Assembly Human Rights Council.

3 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; despite statement of cessation of hostilities, attack on 92 vital civilian centers in May, Syrian Network for Human Rights, 09-06-2016.

4 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 25 massacres in May 2016, Syrian Network for Human Rights, 07-06-2016

5 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 25 massacres in May 2016, Syrian Network for Human Rights, 07-06-2016

6 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 25 massacres in May 2016, Syrian Network for Human Rights, 07-06-2016



The group detonated two car bombs in the new garage area in Jableh, killing 47 civilians, including six children and 11 women, wounding 80 people and burning at least 10 buses and a number of shops. After the wounded were taken to Jableh National Hospital, another ISIS member infiltrated and blew himself up at the ambulance department of the hospital, killing 14 civilians, including 13 women, and injuring 47 people.

Another member of the organization blew himself up in front of a branch of the Electricity Directorate in Jableh, killing 13 civilians, including a woman, and wounding 15. On the same day, ISIS detonated two car bombs inside the Tartous bus station, killing 26 civilians, including five children and four women, and wounding 50 people, in addition to burning 10 buses and seven shops.<sup>1</sup>

On May 27, coalition warplanes targeted residential buildings in the ISIS-controlled village of Kaljabrin in the northern countryside of Aleppo, killing 28 to 33 civilians, including 21 children and four women, and injuring 12 others.<sup>2</sup>

On May 29, the YPG displayed the bodies of what they said were fighters from Jabhat al-Nusra and Ahrar al-Sham who they killed in battle in the town of Ain Daqna. The bodies were placed in a car that toured the city of Afrin in a celebratory manner.<sup>3</sup>

On May 30, Syrian/Russian warplanes targeted a group of medical points in the heart of Idlib: the National Hospital, which was temporarily inoperative as a result of the shelling, and the offices of Sham Ambulance System, which also became inoperative and four of its ambulances were destroyed. They also targeted Ibn Sina Hospital, damaging the dialysis center, and the Department of Publications. Together, these raids killed 26 to 29 civilians, possibly including 10 children and two women.<sup>4</sup>

On June 1, Syrian/Russian warplanes targeted a gathering in front of a fuel distribution center in Sijer town in Idlib countryside, killing 16 civilians, possibly including three children and three women.<sup>5</sup>

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1 Killing of 17 medical and civil defense cadres in May 2016, Syrian Network for Human Rights, 03-06-2016; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 11 August 2016, United Nations General Assembly Human Rights Council; At least 25 massacres in May 2016, Syrian Network for Human Rights, 07-06-2016.

2 At least 204 massacres in the first half of 2016, including 33 in June, Syrian Network for Human Rights, 06-07-2016.

3 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee.

4 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; despite statement of cessation of hostilities, attack on 92 vital civilian centers in May, Syrian Network for Human Rights, 09-06-2016.

5 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 204 massacres in the 1st half of 2016 including 33 massacres in June, Syrian Network for Human Rights, 06-07-2016





On June 3, Syrian/Russian warplanes targeted al-Bu Halahil neighborhood in the Albuleil town of Deir ez-Zur countryside, killing 15 to 17 people, possibly including two children and five women.<sup>1</sup>

On June 3, coalition warplanes targeted residential buildings in a village southeast of Manbij, during clashes between the SDF and ISIS, killing 24 civilians, including 13 children and six women.<sup>2</sup>

On June 4, Syrian opposition forces stationed in the eastern Aleppo neighborhoods shelled the regime controlled Midan neighborhood with home-made rockets, killing six civilians, possibly including two children, and wounding 12 others.<sup>3</sup>

On June 8, Syrian Air Force helicopters dropped an explosive barrel near al-Bayan Hospital in al-Shaar neighborhood in eastern Aleppo, killing 13 to 15 civilians, possibly including a child, and wounding 10 others.<sup>4</sup>

On June 12, Syrian/Russian warplanes targeted a vegetable market and automated bakery in the city of Idlib at the peak hour of 1 pm, killing 22 to 40 civilians, possibly including 13 children and two women, and wounding more than 60 others, in addition to huge destruction of the market and the bakery.<sup>5</sup>

On June 19, the field hospital in the city of Darayya was targeted with incendiary weapons, burning it entirely.<sup>6</sup>

In a return to the horror series ISIS uses to intimidate and subjugate the population, on June 25, it released a long video entitled “The Devil’s Inspiration” in which five media workers from Deir ez-Zur were executed. The five are executed in different ways in their homes, according to the video footage. One was executed by booby-trapping his laptop and blowing it up while he was seated in front of it. Another was strangled with an iron chain in front of his house. A third was killed by booby-trapping his video camera, hanging it on his neck and then blowing it

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1 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 204 massacres in the 1st half of 2016 including 33 massacres in June, Syrian Network for Human Rights, 06-07-2016

2 649 people killed by Coalition forces, including 244 children and 132 women, Syrian Network for Human Rights, 19-10-2016.

3 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 204 massacres in the 1st half of 2016 including 33 massacres in June, Syrian Network for Human Rights, 06-07-2016

4 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 11 August 2016, United Nations General Assembly Human Rights Council.

5 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 204 massacres in the 1st half of 2016 including 33 massacres in June, Syrian Network for Human Rights, 06-07-2016; Massacre in Shelling of Vegetable Market in Idlib City a sample of violating local truce, Syrian Network for Human Rights, 11-10-2016.

6 Increasing attacks with incendiary weapons, Human Rights Watch, 12-12-2016

up while he was chained on his balcony.<sup>1</sup> They said this was their punishment for documenting ISIS violations in their area and to serve as a lesson to others.

On June 29, Security Council Resolution 2294 extended the mandate of the United Nations Disengagement Observer Force in the occupied Syrian Golan Heights (UNDOF) for a period of six months to end on December 31, 2016. The Security Council requested the Secretary-General expedite preparations for UNDOF to return to al-Fawwar camp following the temporary transfer of its personnel in September 2014 and its withdrawal from other points.

It is worth noting that the “disengagement” agreement was signed between Syria and Israel on May 31, 1974 in the presence of representatives of the United Nations and the former Soviet Union and the United States of America. The agreement stipulates that the Syrian and Israeli parties shall strictly observe the cease-fire on land, sea and air and shall refrain from all military actions immediately upon signing the document in implementation of UN Security Council Resolution 338 of October 22, 1973.

To return to the situation on the ground, on June 30, Syrian regime forces targeted Otaya town in Damascus countryside with a surface-to-surface missile, killing 18 people, possibly including seven children and five women, and wounding 30 others.<sup>2</sup>

## The Great Battle of Aleppo

In early July, regime forces and their allies, backed by Syrian-Russian warplanes, began attempts to advance to the Castillo Road, the only outlet linking opposition-held eastern Aleppo to Aleppo countryside. The aim was to impose a blockade, which is “part of the pro-government forces’ strategy of forcing surrender”<sup>3</sup> on eastern Aleppo, and this was achieved at the end of the year. When the Ceasefire Agreement had totally collapsed, Syrian/Russian warplanes intensified their raids on Aleppo and Idlib governorates, and they were able in almost two months, May, and June, to take control of the Castillo Road. Eastern Aleppo fell under siege on July 17.

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1 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee.

2 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 204 massacres in the 1st half of 2016 including 33 massacres in June, Syrian Network for Human Rights, 06-07-2016

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, February 2, 2017, United Nations General Assembly Human Rights Council



Around 5,000 Syrian government forces and loyal militias took part in the operation. The force was made up of the 4th Division of the Syrian Army, the “Baath Brigades,” the “Al-Quds Brigade,” the “Tiger Forces” (special units affiliated with Air Force Intelligence), as well as the Shiite militias, mainly Iranian Quds Legion, Lebanese Hezbollah, Iraqi “Nujaba Movement” and the “Fatimid Brigade.”

On July 1, Syrian/Russian warplanes targeted residential buildings near the Halawaniya roundabout in Tariq al-Bab neighborhood in eastern Aleppo, killing 15 or 16 civilians, possibly including five children, and wounding 15 others.<sup>1</sup>

The next day, regime warplanes launched raids on the city of Jeroud in Damascus countryside, killing 35 to 39 civilians, including three children and four women, in addition to five medical staff, including a doctor, as a result of targeting the medical center in the town.<sup>2</sup>

On July 8, Russian forces targeted the town of Darkoush in Idlib countryside with a ballistic missile that struck residential buildings, killing 27 civilians, possibly including two children and 11 women, and injuring 43 people and destroying 13 houses.<sup>3</sup>

On July 9, a military statement was issued extending the truce for 72 hours. In a statement published by the official news agency SANA, the General Command of the Army and the Armed Forces announced the “extension of the application of the truce in the entire territory of the Syrian Arab Republic for 72 hours from 01:00 on July 9 to 23:59 on July 12.” Three days prior, the General Command of the Army and Armed Forces had announced the implementation of a 72-hour truce throughout the Syrian Arab Republic from 1:00 on July 6, to 23:59 on July 8.<sup>4</sup>

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1 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 56 massacres in July 2016 including 43 massacres by the Syrian regime and Russia, Syrian Network for Human Rights, 07-08-2016

2 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 56 massacres in July 2016 including 43 massacres by the Syrian regime and Russia, Syrian Network for Human Rights, 07-08-2016; 25 medical and civil defense staff members killed in July 2016, 04-08-2016.

3 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; Russian forces kill civilians on the 3rd day of Eid al-Fitr Death on the banks of the Orontes, Syrian Network for Human Rights, 11-09-2016

4 General Command of the Army: Extending effectiveness of the truce for 72 Hours in all the Syrian territories, SANA, 09-07-2016.

On July 12, warplanes believed to be Russian targeted al-Rukban camp on the Jordanian border, killing eight displaced people and wounding about 50 others.<sup>1</sup>

On July 13, Syrian/Russian warplanes targeted a marketplace in al-Rastan, killing 20 or 21 civilians, possibly including two women.<sup>2</sup>

On July 16, Syrian/Russian warplanes bombed al-Almaji neighborhood in Old Aleppo (eastern section), killing 11 or 12 people, possibly including five children and four women.<sup>3</sup>

On July 18 and 19, the village of Toukhar in Manbij countryside was raided by coalition warplanes - in the battles to control Manbij - killing 16 to 24 civilians on the first day, most of them members of one family, by targeting an residential building where they were living. The following day, between 73 and 106 civilians, possibly including 68 children and 29 women, were killed after targeting mud houses and tents.<sup>4</sup>

On July 19, Syrian/Russian warplanes targeted al-Atareb city in Aleppo countryside, killing 17 to 22 civilians, possibly including four children and a woman.<sup>5</sup>

On July 21, Syrian/Russian warplanes targeted Telmens city in Idlib countryside, killing 17 to 19 civilians, possibly including four children, and wounding 15 others.<sup>6</sup>

On July 22, armed opposition forces stationed in eastern Aleppo neighborhoods shelled Saadallah al-Jabri Square in western Aleppo, killing six civilians.<sup>7</sup>

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1 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee.

2 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 56 massacres in July 2016 including 43 massacres by the Syrian regime and Russia, Syrian Network for Human Rights, 07-08-2016

3 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 56 massacres in July 2016 including 43 massacres by the Syrian regime and Russia, Syrian Network for Human Rights, 07-08-2016

4 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 56 massacres in July 2016 including 43 massacres by the Syrian regime and Russia, Syrian Network for Human Rights, 07-08-2016; 649 people killed by Coalition forces, including 244 children and 132 women, Syrian Network for Human Rights, 19-10-2016; Attack on Tukhar village in Manbij city, Violations Documentation Center in Syria; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 11 August 2016, UN General Assembly Human Rights Council

5 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 56 massacres in July 2016 including 43 massacres by the Syrian regime and Russia, Syrian Network for Human Rights, 07-08-2016

6 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 56 massacres in July 2016 including 43 massacres by the Syrian regime and Russia, Syrian Network for Human Rights, 07-08-2016

7 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee.



July 23 saw a peak in the targeting of medical facilities. On that same afternoon, Syrian/Russian warplanes targeted four hospitals in the al-Shaar neighborhood in eastern Aleppo: Hakim Children's Hospital, Dakkak Hospital, Zahra Hospital, and al-Bayan Hospital, in addition to targeting the Central Blood Bank building in the neighborhood. The shelling left al-Zahra hospital permanently inoperable. Syrian/Russian warplanes raided again an area close to al-Hakim hospital at night, killing four children inside the hospital, three of them suffocating from dust and smoke, and the fourth was killed after being hit by shrapnel from his oxygen device.<sup>1</sup>

On July 24, opposition forces stationed in Eastern Ghouta fired mortar shells at al-Qeimaria neighborhood in Old Damascus, killing seven to 10 civilians, possibly including two children and four women, and injuring 26 others.<sup>2</sup>

Meanwhile, Jabhat al-Nusra was under intense pressure of fierce targeting and inflicted losses, and the Front's emir announced in a recording released on July 26, that Jabhat al-Nusra had broken ties with al-Qaeda and established a new group called "Jabhat Fateh al-Sham."

On July 27, an ISIS suicide bomber blew up a car he was driving, targeting the western neighborhood of the Kurdish-controlled city of Qamishli, killing 27 to 50 civilians, possibly including eight children and 14 women, and wounding 50 others.<sup>3</sup>

On the same day, a Syrian military statement was issued announcing the start of a siege of Aleppo.

In the statement issued by the General Command of the Army, disseminated by the official news agency SANA: "As part of the plan to restore security and stability in Aleppo, units of our armed forces, in cooperation with supporting forces, have successfully completed their military missions in areas north of Aleppo and cut off all supply routes and crossings used by terrorists to bring mercenaries, weapons and ammunition into the eastern neighborhoods of Aleppo to carry out their criminal acts against the peaceful civilian population in Aleppo." The General Command of the Army said it "gives everyone who carries weapons in the eastern neighborhoods of Aleppo a real opportunity to settle their situation by handing over their arms and staying in Aleppo if they wish, or to hand over their weapons and leave the city."

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, February 2, 2017, United Nations General Assembly Human Rights Council; Syria: Government airstrikes shut down hospitals, UN must prepare case for trial, Human Rights Watch, 11-08-2016.

2 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 56 massacres in July 2016 including 43 massacres by the Syrian regime and Russia, Syrian Network for Human Rights, 07-08-2016

3 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 56 massacres in July 2016 including 43 massacres by the Syrian regime and Russia, Syrian Network for Human Rights, 07-08-2016

On July 28, ISIS agents infiltrated the village of al-Buwair in Manbij countryside, taken from their control by the SDF, and slaughtered and shot 15 civilians including three women.<sup>1</sup>

On the same day, the international coalition targeted the main commercial street in the village of Ghandoura near Manbij, killing 10 to 22 civilians, possibly including three children and a woman.<sup>2</sup>

On July 29, Syrian/Russian warplanes targeted al-Atareb city in Aleppo countryside, killing 20 civilians, including 15 children and two women.<sup>3</sup>

On July 30, opposition forces in the eastern neighborhoods of Aleppo fired homemade rockets at the Hamdania neighborhood in the regime-controlled western part of the city, killing eight civilians.<sup>4</sup>

On July 31, Syrian/Russian warplanes targeted the field hospital in Jassem city in Daraa countryside, killing a pharmacist and a lab technician, in addition to severe damage to the hospital.<sup>5</sup>

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1 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 56 massacres in July 2016 including 43 massacres by the Syrian regime and Russia, Syrian Network for Human Rights, 07-08-2016

2 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 56 massacres in July 2016 including 43 massacres by the Syrian regime and Russia, Syrian Network for Human Rights, 07-08-2016

3 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 56 massacres in July 2016 including 43 massacres by the Syrian regime and Russia, Syrian Network for Human Rights, 07-08-2016

4 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee.

5 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 56 massacres in July 2016 including 43 massacres by the Syrian regime and Russia, Syrian Network for Human Rights, 07-08-2016





## Bombing Campaign on Saraqib

Between August 1 and 8,<sup>1</sup> the city of Saraqib in Idlib witnessed an intense bombing campaign using cluster bombs and chlorine gas.

On August 1, opposition factions shot down a Russian helicopter in the village of Tal Sultan, east of Saraqib, and took the bodies of the Russian pilots. As a result, Syrian and Russian warplanes launched intensive raids on the city, targeting neighborhoods and civilian facilities, forcing most of the population to flee from the city to agricultural lands to escape the bombardment, which helped keep down the number of victims. The aircraft used cluster munitions and explosive barrels containing chlorine gas. The aim of this campaign was to pressure the factions to hand over the bodies of the Russian pilots in return for the cessation of the bombardment; residents of the city even received text messages via WhatsApp openly announcing it.

The campaign lasted from August 1 to 8, when opposition factions responded to the Russian request. The campaign resulted in the deaths of four civilians, including a child. 70 more were injured. It also resulted in significant destruction of residential buildings and vital facilities.

On August 1, regime planes bombed the town of Khan al-Sheih, killing five civilians in the same family, including a pregnant woman and two children, and wounding six others.<sup>2</sup>

On August 4, regime warplanes targeted al-Marj clinics center in al-Shifounieh town in Damascus countryside, leaving them inoperable.<sup>3</sup>

On August 4, regime planes bombed the town of Madira in Damascus countryside, killing five civilians in the same family, possibly including a woman and three children, and wounding 10 others.<sup>4</sup>

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1 Russian planes destroy dozens of buildings and force hundreds of families to flee as a result of heavy shelling on Saraqib Syrian Observatory for Human Rights, 8 August 2016; Russian and government forces violently retaliate from Saraqib city, Syrian Network for Human Rights, 13-08-2016.

2 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 62 massacres in August 2016 including 53 massacres by the Syrian regime and Russia, Syrian Network for Human Rights, 06-09-2016

3 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 128 incidents of targeting vital civilian centers in August 2016, Syrian Network for Human Rights, 10-09-2016.

4 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 62 massacres in August 2016 including 53 massacres by the Syrian regime and Russia, Syrian Network for Human Rights, 06-09-2016



On August 6, Syrian/Russian warplanes targeted al-Amal Hospital supported by MSF in the village of Meles in Idlib countryside, killing four medical staff, four or five children and two women, and injuring others. The bombing destroyed most of the hospital building.<sup>1</sup>

On August 9, unidentified warplanes targeted the town of Mheimadia neighborhood in Deir ez-Zur, killing 15 to 19 people, possibly including a child and a woman.<sup>2</sup>

On August 10, regime helicopters dropped an explosive barrel containing chlorine gas on the Zaidiya neighborhood of eastern Aleppo, resulting in 60-92 civilians suffocating, and one woman and two children were killed.<sup>3</sup>

On August 10, during the battles between opposition forces and the regime and its allies on the frontline of “1070 apartments project” area southwest of Aleppo, opposition forces fired an unguided missile that hit a bus carrying students to the University of Aleppo, killing 13 passengers and injuring 35 others.<sup>4</sup>

On August 12, Syrian/Russian warplanes raided al-Fardous neighborhood in eastern Aleppo in the afternoon, targeting the vegetable market, targeting it a second time 5 minutes later. These raids killed 20 civilians and wounded dozens more.<sup>5</sup>

On August 16, Syrian/Russian warplanes targeted the Globe Roundabout in Idlib, killing 16 to 19 civilians, including five children, and injuring 30 others and damaging several buildings and shops.<sup>6</sup>

On August 19, Syrian/Russian warplanes bombed al-Ghanto neighborhood in Homs countryside, killing 13 people, possibly including two children and four women.<sup>7</sup>

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1 Syria: Government airstrikes shut down hospitals, UN must prepare case for trial, Human Rights Watch, 11-08-2016; At least 62 massacres in August 2016, including 53 by the Syrian regime and Russia, Syrian Network for Human Rights, 06-09-2016.

2 At least 62 massacres in August 2014 by the Syrian regime and Russia, Syrian Network for Human Rights, 06-09-2016; 15th Annual Report on the Situation of Human Rights in Syria 2016 from January to December 2016, Syrian Committee for Human Rights.

3 Syria: Fresh lethal chemical attacks, Security Council must move decisively, Human Rights Watch, 28-09-2016; At least 12,366 barrel-bombs since the beginning of the Russian intervention; Syrian Network for Human Rights, 06-09-2016; Monthly Statistical Report August 2016, Violations Documentation Center in Syria

4 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, February 2, 2017, United Nations General Assembly Human Rights Council

5 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, February 2, 2017, United Nations General Assembly Human Rights Council

6 15th Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 62 massacres in August 2016 including 53 massacres by the Syrian regime and Russia, Syrian Network for Human Rights, 06-09-2016

7 15th Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 62 massacres in August 2016 including 53 massacres by the Syrian regime and Russia, Syrian Network for Human Rights, 06-09-2016



## Operation “Euphrates Shield”

On August 24, Turkey launched Operation Euphrates Shield, which officially ended on March 29, 2017.

At that time, Turkey was resentful of the unlimited US support for the SDF in its war against ISIS; meanwhile, Turkish/Russian relations were improving. Turkish officials said they were thinking more pragmatically about their “involvement in Syria” and that they would focus more on containing the US-backed expansion of Kurdish “PKK-friendly” militant groups listed on terrorism lists.

Turkey considered that this military operation was directly related to its national security, with Turkish President Recep Tayyip Erdogan tweeting: “We cannot tolerate the failure of some countries to keep their promises, so we have launched Operation Euphrates Shield and will continue with these operations to preserve our national security. Turkey is now a strong country with significant influence in the region and we will not bow to any power, neither from the east nor from the west.”

Through Operation Euphrates Shield, Turkey aimed to present itself as an alternative to the SDF in the face of ISIS in order to prevent Kurdish fighters from encircling it from the south, and to ensure that they would not gain international legitimacy through this confrontation. In addition to this, the Turkish president declared that the goal was to liberate 5,000 square kilometers of land and establish a safe area for displaced Syrians and refugees. On August 24, Turkey sent troops to Syria, and Ankara militarily supported factions of the Syrian armed opposition and the FSA, pushing ISIS away from its borders and preventing the Kurds from establishing a homogeneous area controlled by the PKK north of Aleppo, while avoiding any direct clash with Syrian government forces.

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On September 6, Syrian regime helicopters dropped barrel-bombs containing chlorine gas onto a residential area in al-Sukkari neighborhood in eastern Aleppo, killing one civilian and a child and causing the suffocation and death of 71 to 112 civilians. The injured possibly included 37 children and 10 women.<sup>1</sup>

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1 Syria: Fresh lethal chemical attacks, Security Council must move decisively, Human Rights Watch, 28-09-2016; At least 13,024 barrel-bombs since Russian intervention began, Syrian Network for Human Rights, 06-10-2016; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, February 2, 2017, UN General Assembly Human Rights Council; Syria's volunteer rescue workers, Syrian Civil Defense White Helmets, 2016

The Syrian Foreign Ministry immediately issued a statement denying the use of any chemical weapons in Aleppo. According to the statement published on September 8: "Armed terrorist groups and their operators from Western and Gulf countries, intelligence services, and the media have been for four years promoting anti-Syrian propaganda by fabricating baseless accusations about the use of toxic chemicals such as chlorine gas and others in many areas. After every crime committed by these groups and their supporters, especially Western countries, with the use of toxic gases, as happened in Khan al-Asal in 2013, these organizations and parties commit another crime, as happened in the Ghouta of Damascus in 2013 in order to cover the first crime. This was also the case with the use of toxic gases in al-Sukkari neighborhood in Aleppo city yesterday to cover the use of chemicals in al-Awamid area in Aleppo city on August 2, 2016. The aim has always been clear: to mislead international investigators and divert their attention from the real perpetrator of these crimes." The statement concluded: "The Government of the Syrian Arab Republic categorically denies the use of these toxic gases by any Syrian official body and affirms that the real perpetrator in all cases where the use of these gases in Syria has been recorded is armed terrorist groups."<sup>1</sup>

On the same day, September 9, a cessation of hostilities agreement was reached through the US and Russia, but it quickly collapsed on September 19, when the Syrian Air Force attacked a UN and Syrian Arab Red Crescent convoy in the town of Urim al-Kubra in western Aleppo province. It is worth noting that the General Command of the Syrian Armed Forces issued a statement prior to the bombing announcing the ceasefire which was supposed to have been in effect since September 12.

The shelling of the convoy killed at least 14 civilians and civil defense workers, including the head of the Red Crescent branch in the town, and at least 15 other people, and the attacks continued for three consecutive hours and targeted medical staff rushing to help the injured. 17 trucks were destroyed of the 31 trucks containing food, medicine, clothing, and other supplies for families in the western part of the province, including Atareb and Abyan.

The UN had obtained the Syrian regime's approval to send a convoy of trucks containing food and medicine to the besieged areas of Aleppo and its countryside, but after the attacks it announced the suspension of all aid convoys in Syria.

On September 16, the Syrian Foreign Ministry had refused to let humanitarian aid coming from Turkey be brought into Aleppo without coordinating with the Syrian government and the UN.

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1 Statement by the Ministry of Foreign Affairs and Expatriates on Allegations of the Use of Chemical Weapons in Aleppo, Syrian Arab Republic, Syrian Ministry of Foreign Affairs, 08-09-2016.



The International Independent Investigation Commission concluded that there was a strong indication of Syrian air force involvement in the attack.<sup>1</sup> It is worth mentioning that this attack came after coalition aircraft had launched raids on a Syrian regime military base in the eastern region.<sup>2</sup>

The details are as follows: the 31-truck convoy set out from government-controlled areas with the prior knowledge and permission of the authorities, and arrived in the early afternoon at the Syrian Arab Red Crescent warehouse (which also operates in opposition areas) in Urim al-Kubra on the road between Atareb and Aleppo, about one kilometer from Urim al-Kubra. Since there was not enough space in the warehouse for all the trucks, some had waited along the road. Arriving at the warehouse at around 13:30, Red Crescent staff began unloading and sorting the goods for distribution. At approximately 18:30, humanitarian workers were alerted by walkie talkie to the presence of aircraft in the area. The attack began around 19:10.

On September 22, the Associated Press interviewed Syrian President Bashar al-Assad, who commented on these events, beginning with whether the bombing of the Syrian regime military base by the international coalition might be a mistake. “It was not a one-time accident by one plane. Four planes participated in the attack and continued to attack the Syrian forces position for a little over an hour. You don’t make a mistake for over an hour. Meanwhile, ISIS fighters launched an attack immediately after the US air strike. How did they know that the Americans would attack that site, and then assemble their fighters to directly attack and take it an hour after the strike?”

Asked if the humanitarian convoy was hit in response to the international coalition’s bombing of Syrian military sites, Assad said: “That is merely an allegation. The White House’s allegations, accusing the Syrians or Russians of what happened, and in general everything that US officials have said about the conflict in Syria, have no credibility. All they say is just lies or to convey bubbles which do not exist on the ground.”

The lengthy interview of the Associated Press discussed all the legal, political and humanitarian shortcomings of the Syrian president’s regime, touching on thorny questions about the siege of civilians, targeting medical personnel and chemical weapons, and even the nomination of the “White Helmets” for the Nobel Peace Prize, but denial remained the near-uniform reply to all of these questions. (For the full text of the interview)<sup>3</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, February 2, 2017, United Nations General Assembly Human Rights Council

2 Multiple pieces of evidence indicate that Russian and Syrian forces deliberately bombed the UN convoy in Aleppo, Syrian Network for Human Rights, 23-09-2016.

3 <https://apnews.com/c6cfec4970e44283968baa98c41716bd>

Meanwhile, in the afternoon of September 10, Syrian/Russian warplanes targeted the vegetable market in Idlib city, killing 60 to 64 civilians, including 16 children and 15 women, in addition to dozens of injuries and major damage to buildings and shops.<sup>1</sup>

On the first day of Eid al-Adha that year, on September 12, ISIS released a video titled “The Industry of Illusion,” showing its members slaughtering 15 civilians, including children, in the same way that sheep are slaughtered in slaughterhouses.<sup>2</sup>

On September 15, Syrian/Russian aircraft targeted with cluster munitions the Garage Square in al-Mayadeen town in Deir ez-Zur countryside, where civilian buses gathered. The shelling killed 25 civilians, including nine children and a number of women, and wounded 30 others.<sup>3</sup>

On September 23, a six-story apartment building was targeted in al-Kallasa neighborhood of eastern Aleppo, destroying it completely and killing all 16 civilians, including eight children. Civil Defense continued to work for eight days until it was able to pull the bodies from under the rubble, according to the testimony that two members of the Revolutionary Council in Kallasa and Bustan al-Qasr gave to Human Rights Watch.<sup>4</sup>

On September 28, regime helicopters targeted with barrel-bombs a hospital in the Sakhour neighborhood of eastern Aleppo. On October 1, the hospital was again bombed by two Syrian/Russian warplanes, making it inoperable and killing two or four civilians. Then on October 3, the street in front of the hospital was targeted, further damaging the destroyed hospital. On October 14, the same hospital was targeted again with bunker-buster missiles, causing an oxygen tank depot to explode on the lower floor and completely burning the hospital. The last two bombings caused two craters 4m deep and 15-20m wide.<sup>5</sup>

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1 Russian forces violate truce of Idlib city, Syrian Network for Human Rights, 24-10-2016; 15th Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee.

2 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; Eastern Aleppo neighborhoods torn apart by fire from Russian and Syrian forces, the outcome of one week after the second cessation of hostilities, Syrian Network for Human Rights, 26 Oct 2016.

3 25 Civilians Killed in Government Shelling with Cluster Munitions on Al-Mayadeen City, Syrian Network for Human Rights, 26-10-2016.

4 Russia/Syria: War crimes in one month of Aleppo bombardment, UN General Assembly convenes Emergency Special Session, Human Rights Watch, 01-12-2016.

5 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; Russia/Syria: War crimes in one month of Aleppo bombardment, UN General Assembly convenes Emergency Special Session, Human Rights Watch, 01-12-2016; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, February 2, 2017, United Nations General Assembly Human Rights Council.



On September 30, al-Azizi bakery in al-Haidaria neighborhood of eastern Aleppo was targeted by a Syrian/Russian airstrike, killing 15 civilians.<sup>1</sup>

On October 4, coalition warplanes targeted the village of al-Taltana in ISIS-controlled Aleppo countryside, killing 18 civilians.<sup>2</sup>

On October 6, armed opposition forces stationed in the eastern neighborhoods of Aleppo fired home-made missiles at al-Jamelaiah neighborhood in western Aleppo, killing 11 or 12 civilians, including a child and a woman, and wounding 70 others.<sup>3</sup>

On October 8, Russia vetoed a French draft resolution calling for a ceasefire in Aleppo, a no-fly zone over the city, and access to aid for residents of opposition-controlled areas. The resolution threatened to take “other initiatives” if not respected.

On the other hand, the Syrian Foreign Ministry announced the following day, October 10, it was “fully prepared to ensure the safety of residents in eastern Aleppo wishing to leave it, and to provide them with decent living conditions.”

A source in the ministry announced that the Syrian government also guaranteed the safety of armed men wishing to exit the area and settle their status, or to leave with their individual weapons to other places of their choice, and to evacuate the wounded and provide medical care for them, in order for eastern Aleppo to return to normal life and for state institutions to resume their services meeting all the needs of citizens wishing to remain in eastern Aleppo. Aleppo governorate designated several safe corridors to ensure this, and the Syrian government announced it was ready to consider any initiative that would lead to achieving this goal.<sup>4</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, February 2, 2017, United Nations General Assembly Human Rights Council

2 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee.

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, February 2, 2017, United Nations General Assembly Human Rights Council; 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, January 2016 to December 2016, Syrian Human Rights Committee; at least 34 massacres in October 2016, Syrian Network for Human Rights, 06-10-2016.

4 Official source in Foreign Ministry: Government of Syrian Arab Republic declares it is fully prepared to ensure the safety of those wishing to leave eastern Aleppo and provide them with decent living requirements, Syrian Arab Republic, Ministry of Foreign Affairs and Expatriates, 10-10-2016.



Living conditions in Aleppo had become very poor as a result of the siege and regime force control of the Castillo road, banning the passage of goods, and with the frequent shelling of hospitals. People were trying to flee the city, leaving behind the poor, the elderly, the sick and the disabled, an additional burden to those who stayed. Men and boys over the age of 13 also avoided leaving this area for fear of being arrested, beaten, or forcibly disappeared at regime checkpoints. As a result of the blockade and unavailability of infant formula, children under two years of age suffered from malnutrition. The city also ran out of fuel, disrupting the work of the Civil Defense and the use of heavy machinery. Civil Defense personnel started using basic tools to lift debris, travelling on foot to reach targeted areas.

It is noteworthy that at the beginning of 2013, there had been 2.5 million people living in the eastern part of Aleppo, but at the beginning of 2016, only 300,000 people remained.

On October 11, 2016, Syrian/Russian warplanes targeted residential buildings in Bustan al-Qasr neighborhood of Aleppo, killing 40 to 51 civilians, including 10 children and five women.<sup>1</sup>

On October 19, the Syrian Foreign Ministry announced the evacuation of Aleppo, “and the stability of its situation and the delivery of humanitarian aid to the city’s neighborhoods.” The official news agency SANA quoted a ministry source as saying: “The unrestricted transfer of the civilian population has been arranged, and the transport of the wounded and the exit of fighters without their arms from the eastern parts of the city.” The source added that “in order to improve the situation in the city, Syrian Arab Army units are implementing a cessation of hostilities for specific periods, and vehicles have been equipped to transport the wounded and civilians from the conflict area, in addition to the delivery of humanitarian aid.”

The source pointed out that army units and armed forces had been withdrawn to distances that allowed the fighters to leave the eastern neighborhoods in Aleppo city through two special corridors, with the continuation of “the amnesty law issued by President Bashar al-Assad,” which provides for exemption from the full penalty for anyone who had carried a weapon or possessed it for any reason and was fleeing from justice or in hiding, as soon as he surrendered himself and his weapon to the competent judicial authorities or any of the judicial police authorities.<sup>2</sup>

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1 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 34 massacres in October 2016, Syrian Network for Human Rights, 06-10-2016

2 Foreign Ministry: Syrian government is using all its capabilities to stabilize the situation in Aleppo and transport civilians without restrictions and deliver humanitarian aid, Syrian Arab Republic Ministry of Foreign Affairs and Expatriates, 19-10-2016.





On the same day, Assad held an interview with Swiss television in which he said his forces had to “rid Aleppo of terrorists under its constitutional mandate by civilians.” He continued: “How can we protect them while they are still under the control of terrorists? Is our role to stand still with our hands tied? We must attack the terrorists to protect civilians.”

On October 22, a Syrian military statement issued its “rejection of Turkish presence” in Syrian territory under any pretext, referring to Operation Euphrates Shield, which had been launched shortly before that.

The statement said that this was “a dangerous escalation and flagrant violation of the sovereignty of the territory of the Syrian Arab Republic, and the presence of units of the Turkish army inside the Syrian border is rejected and condemned under any title, and we will deal with it as an occupying force and address it by all means.” The General Command of the Army “held the Turkish leadership fully responsible for serious repercussions that may result on the security and stability of the region.”

At approximately 10 am, on October 26, two Syrian/Russian warplanes launched a 20-minute raid on a compound of primary, preparatory, and secondary schools in the city of Hass in Idlib countryside. The bombing, which also targeted students and parents en route after the first strike, killed between 14 and 22 children, as well as six teachers working in the compound and a number of other civilians (between four and seven). The raid also resulted in huge destruction to the schools.<sup>1</sup>

Returning to Aleppo, on October 27 and 28, opposition forces bombed western neighborhoods of Aleppo with homemade rockets and sometimes with toxic gases, the official Syrian news agency SANA reported, killing 48 civilians, including 17 children.<sup>2</sup> Among these attacks was the bombing of al-Shahba neighborhood with homemade rockets that landed near a school; killing six children.<sup>3</sup> This was considered a breach of the truce.

On October 27, regime forces fired missiles with cluster munitions at the town of Duma in rural Damascus, killing six or seven civilians, possibly including two children.<sup>4</sup>

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1 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; Syrian regime targets children in their schools, 29-10-2016; Syria/Russia: Attack on schools in Hass could constitute war crime, Human Rights Watch, 06-11-2016; Syria’s volunteer rescue workers, Syrian Civil Defense White Helmets, 2016.

2 Syria: Unlawful attacks by armed opposition groups in western Aleppo should end, Amnesty International, 31-10-2016.

3 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 34 massacres in October 2016, Syrian Network for Human Rights, 06-10-2016

4 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 34 massacres in October 2016, Syrian Network for Human Rights, 06-10-2016

In response to the events in Aleppo, on October 28, Syrian Foreign Minister Walid Muallem and his Russian and Iranian counterparts, Sergei Lavrov and Jawad Zarif, held a joint press conference in which Muallem considered that “the US-led international coalition is not fighting ISIS terrorism, but targeting the infrastructure of the Syrian economy, and has recently destroyed a number of important bridges on the Euphrates River.” He added: “They do not want to eliminate the terrorist organization ISIS, but want to draw it from Mosul to Raqqa,” referring to the battle to liberate Mosul from ISIS, which was taking place in parallel with the events in Syria.

Lavrov welcomed the Syrian side’s readiness to arrive (the next day) to Geneva to begin talks with representatives of the UN and the opposition, as required by Security Council resolutions. Lavrov pointed out that the truce in Aleppo had been sabotaged by “the armed groups” and the countries could not prevent them from their operations and using civilians as human shields, pointing out that “Syria and Russia had stopped military operations against terrorists there, and for 10 days Russian and Syrian aircraft had not approached the city Aleppo at a distance of 10 kilometers.”

On October 31, Security Council Resolution 2314 was adopted, deciding to renew the mandate of the Joint Investigation Mechanism, as set out in Resolution 2235, until November 18, 2016, and expressing its intention to consider its extension for a further period before the expiration of the current mandate;<sup>1</sup>

On November 2, a Syrian military statement was issued on crossing points in Aleppo, after attempts were aborted by the armed opposition factions to break the siege on the city and restore what they had lost. The statement said a humanitarian deadline was set for Friday, November 4, from 9 a.m. to 7 p.m. during which all previously declared humanitarian crossings would be open for the exit of militants and civilians. The Castillo and Khair-Masharqa crossing points towards Idlib were specified for fighters to leave the city with their individual arms; while civilians wishing to leave the eastern neighborhoods must use the six pre-designated crossings for the departure of civilians, the wounded and the sick.<sup>2</sup>

On November 6, regime artillery targeted a kindergarten in Harasta, killing eight children and injuring 27 to 30 others.<sup>3</sup>

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1 Security Council Resolution 2314, UN, 10-10-2016

2 Statement by the General Command of the Army and the Armed Forces, Ministry of Defense, Syrian Arab Republic, 02-11-2016.

3 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; Syrian regime bombs kindergarten and kills nine children, Syrian Network for Human Rights, 11-10-2016; Syria’s volunteer rescue workers, Syrian Civil Defense White Helmets, 2016



On November 8, al-Heisha village in Raqqah countryside was targeted with missiles and machine guns by international coalition aircraft, killing 20 to 23 civilians, possibly including six to nine women and two to six children.<sup>1</sup>

On November 8, Syrian/Russian warplanes targeted the village of Baarbo in Idlib countryside, under the joint control of the FSA and Fatah al-Sham factions, killing 17 or 18 civilians, most of them children.<sup>2</sup>

On November 10, Syrian/Russian warplanes targeted the Nusaib border crossing between Daraa and Jordan, where many IDPs are staying in temporary shelters, killing eight to 10 civilians, mostly children and women.<sup>3</sup>

On November 16, Syrian/Russian warplanes targeted al-Bayan Surgical Hospital in al-Shaar neighborhood in eastern Aleppo, killing 12 civilians and causing serious damage to the hospital. The hospital was targeted again on November 18, and then on November 21, with an explosive barrel making it inoperable.<sup>4</sup> On November 16, warplanes bombed al-Hakim Children's Hospital in al-Shaar neighborhood, partially destroying it and killing 26 civilians in the area. The hospital was bombed again twice on November 18, also leaving it inoperable.<sup>5</sup>

On November 16, Syrian/Russian warplanes targeted Batabo village in Aleppo countryside, killing 21 to 25 civilians, possibly including four children and seven women, and the Civil Defense reported that some 15 civilians were buried under the rubble.<sup>6</sup>

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1 Night of the massacre, Horrific account by IDPs from the village of al-Heisha, Syrian Observatory for Human Rights 9 November 2016; 15th Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee

2 15th Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 47 massacres in November 2016, Syrian Network for Human Rights, 07-12-2016; Syria's volunteer rescue workers, Syrian Civil Defense White Helmets, 2016

3 15th Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 47 massacres in November 2016, Syrian Network for Human Rights, 07-12-2016

4 15th Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee.

5 15th Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, February 2, 2017, United Nations General Assembly Human Rights Council.

6 15th Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 47 massacres in November 2016, Syrian Network for Human Rights, 07-12-2016; Syria's volunteer rescue workers, Syrian Civil Defense White Helmets, 2016

On November 17, Security Council Resolution 2319 was adopted, in which the Council decided to renew the mandate of the Joint Investigation Mechanism as set out in Resolution 2235 for a further period of one year from the date of adoption of this resolution, with the possibility of further extending and updating it if the Council deemed it necessary; it also recalls its decision that the Syrian Arab Republic shall not use, develop, produce or otherwise acquire, store, retain or transfer chemical weapons directly or indirectly to other States or non-State actors;<sup>1</sup>

On November 18, Syrian/Russian warplanes targeted Jisreen town in Damascus countryside, killing seven civilians, possibly including five children and a woman, and injuring 20 others.<sup>2</sup>

On November 20, opposition forces stationed in the town of Mansoura in Aleppo countryside fired several rockets at al-Furqan school in al-Furqan neighborhood in western Aleppo, killing seven or eight children.<sup>3</sup>

On November 22, Syrian/Russian warplanes targeted the industrial area of Latamna town in Hama countryside, killing eight or nine civilians and wounding 10 others.<sup>4</sup>

On November 24, 62 people were killed as a result of heavy regime shelling in eastern Aleppo neighborhoods. Explosive barrels containing chlorine gas were also used in the shelling of Ard al-Hamra and al-Jazmati, killing an elderly woman and injuring at least 10 civilians, most of them children, by suffocation.<sup>5</sup>

On November 29, Syrian/Russian warplanes targeted a gathering of IDPs from eastern Aleppo in Bab an-Nayrab, killing 17 to 25 civilians.<sup>6</sup>

On November 30, regime artillery shelled a gathering of IDPs in the Jib al-Qubba neighborhood of eastern Aleppo, killing 45 civilians, possibly including five children.<sup>7</sup>

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1 Security Council Resolution 2319, UN, 17-10-2016

2 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 47 massacres in November 2016, Syrian Network for Human Rights, 07-12-2016

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, February 2, 2017, UN General Assembly Human Rights Council; at least 47 massacres in November 2016, Syrian Network for Human Rights, 07-12-2016.

4 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 47 massacres in November 2016, Syrian Network for Human Rights, 07-12-2016

5 Syria's volunteer rescue workers, Syrian Civil Defense White Helmets, 2016

6 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 47 massacres in November 2016, Syrian Network for Human Rights, 07-12-2016

7 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 47 massacres in November 2016, Syrian Network for Human Rights, 07-12-2016



In late November, Fatah al-Sham forces prevented the civilian population from leaving the Hanano neighborhood before the regime and its allies took control. They even arbitrarily arrested two civilians who were negotiating the exit of the civilians from the neighborhood, and their fate remained unknown until February 2017. As a result, no civilian left the neighborhood until regime forces and their allies took control of it on November 26.<sup>1</sup>

Then, for the sixth time since 2011, Russia vetoed a UN resolution imposing a seven-day truce in Aleppo. This time, on December 5, it was a double veto, Russian/Chinese, the fifth time for China. Russia had expressed strong reservations about the text, which was the object of weeks of negotiations. It tried at the last minute to get the vote postponed but after consultations, the countries that presented the text decided with the support of Washington, London and Paris to move ahead with it, and were quickly met with the veto.

On December 9, Syrian/Russian warplanes targeted with missiles or helicopters with barrel-bombs a gathering of IDPs in the Jalloum neighborhood of eastern Aleppo, killing 25 civilians, mostly children and women.

On the same day, coalition air forces targeted the village of al-Mazila in Raqqah countryside, killing 22 to 28 civilians, possibly including six children and six women.<sup>2</sup>

On December 10, opposition forces stationed in eastern Aleppo targeted Seif al-Dawla, al-Furqan, and the Faculty of Civil Engineering in western Aleppo, killing 11 civilians.<sup>3</sup>

In a remarkable turning-point on December 11, ISIS retook control of the city of Palmyra for the second time, eight months after its expulsion the first time, when government forces withdrew at the start of the battle, retaining Russian air strikes.

On December 12, Syrian/Russian warplanes targeted the town of Uqayribat, east of Hama, with missiles believed to contain toxic gases, killing 21 to 35 civilians, possibly including 16 children and six women.<sup>4</sup>

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1 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, February 2, 2017, United Nations General Assembly Human Rights Council

2 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 486 massacres in April 2016, Syrian Network for Human Rights, 06-01-2017

3 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Human Rights Committee.

4 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 486 massacres in April 2016, Syrian Network for Human Rights, 06-01-2017

In flagrant violation of international agreements and Security Council resolutions, regime forces and their allies blocked the first convoy of IDPs from eastern Aleppo on December 15. The convoy of 1,000 civilians was stopped and directly shot at, injuring several people.<sup>1</sup>

Then, the following day, another convoy of at least 750 people was detained before it arrived at the Oqdat Raqqah area. On December 16, regime forces and their militia, stationed in the Dahiya area where the convoy would pass, detained the convoy. A regime tank intercepted the road and checkpoint guards forced the IDPs to lie on the ground and undress. They were humiliated and insulted, and their money, belongings and identity papers were stolen, and some were shot, killing three people, including an opposition fighter.<sup>2</sup>

On December 19, UN Security Council Resolution 2328 was issued, condemning the continuing deterioration of the humanitarian situation in Aleppo. Recalling the need for all parties to respect the relevant provisions of international humanitarian law and the UN Guidelines for Humanitarian Assistance in Emergencies. It stressed that evacuations must be conducted in accordance with international humanitarian law and principles. It stressed that the evacuation of civilians must be voluntary, their passage voluntary and safe, and their dignity preserved, towards their destination of choice, and that protection must be provided and include all civilians who choose to or have been forced to evacuate and those who have chosen to remain in their homes; it also requested the UN and other institutions monitor the situation adequately and impartially, to undertake direct monitoring of evacuations from the eastern neighborhoods of Aleppo and other parts of the city, and to report thereon as appropriate, and to ensure that more personnel are deployed for these purposes as needed, and demanded that all parties give observers access to these neighborhoods in a safe, immediate and unimpeded manner.

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1 Special Report on the Evacuation of Civilians in Eastern Aleppo January 2017, Center for Documentation of Violations in Syria, 04-01-2017; Several Violations of the Aleppo Agreement by the Syrian Regime and Shia Militias, Syrian Network for Human Rights, 18-12-2016; Syria's volunteer rescue workers, Syrian Civil Defense White Helmets, 2016.

2 Special Report on the Evacuation of Civilians in Eastern Aleppo January 2017, Center for Documentation of Violations in Syria, 04-01-2017; Several Violations of the Aleppo Agreement by the Syrian Regime and Shia Militias, Syrian Network for Human Rights, 18-12-2016.





On December 20, Russia, Turkey and Iran announced they had reached an understanding on a roadmap to resolve the Syrian crisis with a written document signed by the three countries' foreign and defense ministers, entitled "Moscow Declaration," after a tripartite meeting in the Russian capital. Russian Foreign Minister Sergei Lavrov said at a joint press conference with his Turkish and Iranian counterparts, Mevlüt Çavuşoğlu and Mohammad Javad Zarif that the three countries agreed priority in Syria is for "fighting terrorism" and not overthrowing the regime of Syrian President Bashar al-Assad. Lavrov stressed the three countries were ready to help an agreement be reached between the Syrian government and the opposition, and that they would be guarantors of joint efforts for a settlement, pointing out that the United States "does not have any real impact" on the Syrian field.

On December 21, another Security Council resolution 2332 was adopted, reaffirming its call on all parties, in particular the Syrian authorities, to comply immediately with their obligations under international law, including international humanitarian and human rights law. It also stressed that deterioration of the situation would continue and worsen unless a political solution to the Syrian conflict was reached, noting its call for the full and immediate implementation of resolution 2254 (2015) to facilitate a Syrian-led political transition under a Syrian-controlled process, in accordance with the Geneva Declaration. It reaffirmed that the future of Syria would be decided by the Syrian people.

On December 23, Syrian regime helicopters dropped barrel-bombs on the Roman archaeological site of the goddess Tika inside Ein al-Fejeh Spring facility in Wadi Barada area of Damascus countryside, controlled by armed opposition factions with some members of the Fatah al-Sham Front; this resulted in damages to the temple and the spring facility becoming inoperable; additionally, seven or eight civilians were killed and 30 others were injured.<sup>1</sup>

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With Aleppo's return to regime control at the end of December, the presence of opposition factions became concentrated in Idlib and other areas in some governorates such as Aleppo countryside, Hama, Homs, and areas in Daraa (south) and Damascus countryside, where the factions had also retreated with the loss of two of their strongholds, Darayya and Moadamiya.

Idlib, controlled by Jaish al-Fatah, had in the meantime become a human warehouse, where civilians and military members included in settlements and reconciliation agreements had been transferred, increasing fears of it being targeted even more aggressively.

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1 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, from January 2016 to December 2016, Syrian Committee for Human Rights; At least 486 massacres in 2016, Syrian Network for Human Rights, 06-01-2017; Despite Ankara Ceasefire Agreement, 79 Vital Civilian Centers Attacked in January 2017, Syrian Network for Human Rights, 10-02-2017; 1373 Attacks on Vital Civilian Centers in 2016, Syrian Network for Human Rights, 08-01 -2017.



On December 28, regime artillery targeted Daraa al-Balad area, killing five or six civilians, possibly including a child and three women.<sup>1</sup>

On December 29, Syrian/Russian warplanes targeted a school in Duma city and other civilian areas, killing 12 to 14 civilians, possibly including six children and two women, and injuring dozens of others.<sup>2</sup>

On December 31, 2016, Security Council resolution No. 2336 was issued, stating: "As pro-government forces re-captured the eastern part of Aleppo in December 2016, some have executed outside the battlefield former combatants and presumed supporters of the armed groups. Hundreds of men and boys have been separated from their families and forcibly recruited into the Syrian army's ranks, and the fate of others remains unknown."<sup>3</sup>

On January 5, 2017, regime planes bombed the Ein al-Fejeh facility again, causing further damage<sup>4</sup> and causing water to be cut off from the capital Damascus.

A statement issued by the Foreign Ministry immediately accused so-called "terrorist groups" of cutting off the water supply to civilians. "Armed terrorist groups, which some describe as "moderate," refused to let the year end without a horrific new crime. Jabhat al-Nusra terrorist organization and its criminal gangs spread over Wadi Barada and Ein al-Fejeh areas of Damascus countryside, on December 24, 2016 exploded the main water supply line to the city of Damascus through al-Fejeh spring. This was not enough for the terrorists, and they contaminated the water and its transfer line with diesel and other harmful substances, causing this line to become inoperable, and depriving the city of Damascus of 80% of its water sources, especially drinking water. This has also caused great harm and great suffering, the continuation of which could lead to catastrophic consequences for the population of more than seven million people, especially children, women and other vulnerable groups, and a significant decline in the level of nutrition and health of the population of Damascus."

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1 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 486 massacres in April 2016, Syrian Network for Human Rights, 06-01-2017

2 15<sup>th</sup> Annual Report on the Situation of Human Rights in Syria 2016, (from January 2016 to December 2016), Syrian Commission for Human Rights; At least 486 massacres in April 2016, Syrian Network for Human Rights, 06-01-2017

3 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, February 2, 2017, United Nations General Assembly Human Rights Council

4 Despite Ankara ceasefire agreement, 79 vital civilian centers attacked in January 2017, Syrian Network for Human Rights, 10-02-2017.



In both messages, the ministry stressed that the Syrian government affirms that cutting off water supplies to civilians constitutes a war crime and a crime against humanity; only for the UN Commission of Inquiry report in March 2017 to prove that the Syrian regime deliberately bombed the Ein al-Fejeh spring in Wadi Barada and cut off the water supply to the capital Damascus.<sup>1</sup> The committee explained in a meeting in Geneva that the Syrian regime had bombed the Ein al-Fejeh spring and demolished it and cut water off from 5.5 million Syrians in the capital and its suburbs, adding it did not have evidence of the opposition demolishing or poisoning water sources as the regime had previously claimed.

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As a preliminary result of the Moscow Declaration at the end of 2016 and the evacuation of eastern Aleppo neighborhoods, a parallel negotiating track to the one that started in Geneva on January 23, 2017 took place in the Kazakh capital of Astana including representatives of the regime and of some prominent opposition military factions.<sup>2</sup> The first round of Astana talks were held on January 23 and 24, under the auspices of Turkey, Russia and Iran, and its final statement included the need to establish a mechanism to monitor the ceasefire in Aleppo city above mentioned, which excluded ISIS and Jabhat al-Nusra, and support for UN-sponsored political talks in Geneva.<sup>3</sup> But the fighting continued at varying frequencies on various fronts in Syria. Nevertheless, the countries involved in the Syrian file still considered the ceasefire to be in effect until the Astana 2 and Astana 3 rounds on February 16, and March 15, respectively, the latter painfully coinciding with the anniversary of the revolution that had begun six years prior.

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On January 24, Russian warplanes bombarded the village of al-Salhiya, southeast of Deir ez-Zur, killing 16 civilians and wounding 20 others.<sup>4</sup>

On February 7, Russian warplanes raided the city of Idlib, targeting a residential building in the Officers' Residences area, where families of fighters from Uzbekistan were living, and a residential area in Hai al-Qusour. These raids killed 29 civilians, including 15 children and 11 women, and wounded 30 others.<sup>5</sup>

On February 8, regime forces fired FIL missiles at al-Waer, killing 11 people,

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1 Reuters, [Syria Committed War Crime by Bombing Damascus Water Supply: U.N.](#), March 14, 2017

2 Reuters, [Kazakhstan Says Ready for Syria Talks in Astana on January 23: RIA](#), January 17, 2017

3 BBC, Syria Conflict: Ceasefire Agreed, Backed by Russia and Turkey, December

4 At least 28 massacres in February 2017, including 19 by the Syrian-Russian regime, Syrian Network for Human Rights, 06-03-2017.

5 At least 28 massacres in February 2017, including 19 by the Syrian-Russian regime, Syrian Network for Human Rights, 06-03-2017.

including four children and two women.<sup>1</sup>

The al-Waer neighborhood in Homs had been under a siege imposed by government forces since 2012; the first time the government allowed medical aid to enter the neighborhood was in December 2015 based on a ceasefire agreement reached. Then, on July 14, 16 and 18, 2016, teams from the UN, the International Committee of the Red Cross, and the Syrian Red Crescent were able to deliver shipments containing food and health items.

Residents suffered from a ban on the entry of fuel in 2016, exacerbating their hardships during the winter. As a result of the harsh weather in that area, a number of elderly people died. In the spring, residents resorted to eating weeds.

On February 13, Syrian/Russian warplanes bombed a residential building in Tareeq al-Sad neighborhood of Daraa al-Mahatta, killing 12 civilians, including five children and two women.<sup>2</sup>

On February 18, regime forces shelled the al-Jdaida cemetery in Harasta during a funeral for victims of an earlier bombing, killing 18 people and wounding 15.<sup>3</sup>

Meanwhile, a fourth round of the Geneva talks was held on February 23, and lasted until March 3, with the regime delegation headed by Syria's Permanent Representative to the United Nations, Bashar Jaafari, while Nasr al-Hariri headed the Syrian Negotiation Commission delegation and Muhammad Sabra was the chief negotiator. Representatives from Cairo and Moscow platforms were supposed to be included in the Commission's delegation, but both platforms objected to the imbalance of representation, prompting de Mistura to invite their representatives independently. Indirect negotiations began and resulted in a document that included an agenda for future negotiations. The opposition agreed to discuss the war on terror, while the Syrian regime agreed for the first time to discuss the issue of a political transition.

On the ground, on February 24, an ISIS suicide bomber targeted a large gathering in the area of the security establishment and the military council of armed opposition factions in the town of Sousian in the northwestern countryside of al-Bab, killing 73 to 77 people, including many civilians.<sup>4</sup>

#### On February 25, regime warplanes bombarded al-Dalla roundabout in the city of

1 At least 28 massacres in February 2017, including 19 by the Syrian-Russian regime, Syrian Network for Human Rights, 06-03-2017.

2 At least 28 massacres in February 2017, including 19 by the Syrian-Russian regime, Syrian Network for Human Rights, 06-03-2017.

3 At least 28 massacres in February 2017, including 19 by the Syrian-Russian regime, Syrian Network for Human Rights, 06-03-2017.

4 Around 80 people killed and martyred in ISIS car bombing in Sousian near al-Bab, Syrian Observatory for Human Rights, February 25, 2017; At least 28 massacres in February 2017, including 19 by the Syrian regime and Russia, Syrian Network for Human Rights, 06-03 -2017.



Ariha, south of Idlib, and other areas, killing 16 civilians, including three children, and wounding 20 others.<sup>1</sup>

On February 27, Russian planes bombed residential buildings in Ariha near a gas station, killing 19 civilians, including nine children and four women, and wounding 20 others.<sup>2</sup>

On February 28, Russia and China once again vetoed a Western draft resolution demanding new sanctions against the Assad regime for using chemical weapons.

Then, on March 2, 2017, government forces recaptured Palmyra from ISIS for the second time.

On March 8, 2017, coalition warplanes bombed the village of Matab al-Burashid in the east of Deir ez-Zur, killing 19 civilians, including 13 children and three women.<sup>3</sup>

On March 9, coalition forces killed 24 civilians in the village of Matab al-Burashid in the eastern countryside of Deir ez-Zur, including eight children and six women; while six ISIS operatives were killed.<sup>4</sup>

On March 12, regime rocket launchers shelled al-Hamidiya east of Deir ez-Zur, killing 19 civilians, including seven children and three women.<sup>5</sup>

On March 15, 2017, Russian warplanes bombed a residential building in Hay al-Qusour south of Idlib, killing 25 civilians, including 16 children and six women.<sup>6</sup>

On March 15, 2017, a suicide bomber blew himself up with an explosive belt inside the Justice Court building in Damascus, killing 33 civilians, including two children and two women, and injuring 100 people.<sup>7</sup>

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1 At least 28 massacres in February 2017, including 19 by the Syrian-Russian regime, Syrian Network for Human Rights, 06-03-2017.

2 At least 28 massacres in February 2017, including 19 by the Syrian-Russian regime, Syrian Network for Human Rights, 06-03-2017.

3 At least 35 massacres in March 2017, for the first time, Coalition forces surpass all parties in committing massacres, Syrian Network for Human Rights, 07-04-2017.

4 More casualties, bringing their number to 30 martyrs in al-Matab massacre in eastern Raqqah, Syrian Observatory for Human Rights, 10-03-2017

5 At least 35 massacres in March 2017, for the first time, Coalition forces surpass all parties in committing massacres, Syrian Network for Human Rights, 07-04-2017.

6 At least 35 massacres in March 2017, for the first time, Coalition forces surpass all parties in committing massacres, Syrian Network for Human Rights, 07-04-2017.

7 At least 35 massacres in March 2017, for the first time, Coalition forces surpassed all parties in committing massacres, Syrian Network for Human Rights, 07-04-2017.

## Conclusion

At the end of the sixth year of the Syrian revolution, this report is perhaps helpless to provide numerous answers; however, we are confident our careful documentation and attempt to recount grave violations, placing them in their complex political and social contexts, will endure as a historical record of all the victims and their many executioners.

Diplomatic negotiations between the parties to the conflict are under way. Meanwhile, the perpetrators attempt to escape accountability either by way of these negotiations, or by explicitly manipulating the terms of agreements. Although it is common to pardon perpetrators and forgive their crimes for the sake of pursuing reconciliation after war, this report will make sure they are not forgotten. Acknowledging violations is the first step, to be followed with uncovering evidence, seeking accountability, and finding pathways to effective justice. This is the only way towards reconciliation or, at least, a sustainable co-existence.



# Legal Chapter

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## Introduction to the Legal Chapter: Legal Regimes and Violations

Substantial violations of international law have occurred throughout the conflict in Syria. Parties to the conflict have disregarded human rights and ignored protections for civilians in armed conflict. Many of the violations committed in Syria amount to criminal acts under international criminal law. This legal chapter serves as a companion to the preceding narrative chapter of the Report by providing a comprehensive account of the international law applicable to the Syrian conflict.

The conflict in Syria is governed by several bodies of international law, including international human rights law, international humanitarian law, customary international law and international criminal law. International human rights law protects and promotes rights inherent in all human beings and generally applies at all times. International humanitarian law is the body of law that applies to the conduct of warfare. International criminal law establishes individual liability for serious violations of international law.

This chapter also discusses customary international law. Customary international law encompasses obligations rooted in established international practice, as compared to obligations set out in treaties or other binding legal documents. The formal definition of customary international law is “international custom, as evidence of a general practice accepted as law.”<sup>1</sup>

Customary international law sometimes—but not always—overlaps with obligations arising from international treaties.<sup>2</sup> Where treaty law has crystallized into customary international law, a state need not be bound by the treaty for the rule of customary international law to apply. In other words, rules of customary international law bind states and relevant non-state actors regardless of whether or not a formal treaty obligation exists. Thus, the customary international law referenced in this chapter binds all parties to the conflict in Syria.

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1 Statute of the International Court of Justice, art. 38(1)(b), 24 October 1945, Can TS 7; SATS 6 (1945), available at [https://legal.un.org/avl/pdf/ha/sicj/icj\\_statute\\_e.pdf](https://legal.un.org/avl/pdf/ha/sicj/icj_statute_e.pdf).

2 See the North Sea Continental Shelf Cases, which establish that customary international law derives from sources including state practice and *opinio juris*. *Opinio juris* is the belief that an act was undertaken out of legal obligation. The ICJ has held that, to constitute *opinio juris*, “not only must the acts concerned amount to a settled practice, but they must also be such, or be carried out in such a way, as to be evidence of a belief that this practice is rendered obligatory by the existence of a rule of law requiring it.” *North Sea Continental Shelf Cases (Germany v. Denmark and the Netherlands)*, 1969 I.C.J. 45 (20 Feb.), available at <https://www.icj-cij.org/files/case-related/52/052-19690220-JUD-01-00-EN.pdf>.





The boundaries of customary international law are sometimes contested. States often disagree about what rules are—and are not—established as customary international law. No official international body is responsible for determining what rules become customary international law. Despite disagreement among states over the scope of customary international law, many rules are uncontroversial. This chapter will only rely on those rules of customary international law that are broadly recognized by the international community.

Part I of this chapter sets out the relevant legal obligations under each body of law. Part II uses these legal frameworks to analyze categories of violations committed by both state and non-state parties to the conflict in Syria.

## **PART I: APPLICABLE SOURCES OF INTERNATIONAL LAW**

### **A. International Human Rights Law**

International human rights law imposes limits on conduct and provides affirmative obligations that bind state and non-state parties to the conflict. International human rights obligations can be contained in treaties, found in customary international law, or both. International human rights law protects and promotes rights inherent in all human beings. The following section sets out the sources of international human rights law applicable to the conflict in Syria.

#### **- Sources of International Human Rights Law:**

Human rights obligations may be derived from many sources of international law. Article 38(1) of the Statute of the International Court of Justice sets out the primary sources of international law, including: international conventions, international custom as evidence of a general practice, general principles of law accepted by civilized nations, and judicial decisions and teachings of highly qualified publicists as a “subsidiary means” for the determination of rules.<sup>1</sup> This section focuses primarily on the international human rights obligations contained in treaties.

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Statute of the International Court of Justice, art. 38(1), 24 October 1945, Can TS 7; SATS 6 (1945).



Treaties are the principal source of international human rights law. State parties involved in the Syrian conflict have ratified a number of core human rights treaties, and ratification indicates a state's consent to be bound by the treaty.<sup>1</sup> For example, the Syrian government acceded to both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and is obligated to uphold the rights guaranteed in those treaties.<sup>2</sup> Each of these treaties has a "body" of experts that interprets its provisions and monitors its implementation.<sup>3</sup> Comments from these treaty bodies are not binding legal authority but are authoritative and persuasive.<sup>4</sup> A state party that ratifies a treaty may nonetheless limit the legal effect of specified treaty provisions with respect to itself by stating a reservation, which is "a unilateral statement, however phrased or named," although some reservations might not be valid.<sup>5</sup>

This report will also reference the Universal Declaration of Human Rights (UDHR), a foundational document adopted by the General Assembly of the United Nations in 1948. Although non-binding, the UDHR has had significant influence over the development of international human rights law. The UDHR defines the terms "human rights" and "fundamental freedoms" articulated in the U.N. Charter. The UDHR, along with the ICCPR and the ICESCR, both described below, are considered part of the International Bill of Human Rights.<sup>6</sup> In addition, many provisions of the UDHR are widely considered by states, scholars and judges to constitute customary international law, with some elements amounting

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1 Vienna Convention on the Law of Treaties, arts. 2(1)(b), 14(1), 23 May 1969, 1155 U.N.T.S. 331, 8 I.L.M. 679 (1969), available at [https://legal.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf).

2 See generally United Nations Office of the High Commissioner for Human Rights (OHCHR), *Human Rights by Country: Syrian Arab Republic*, <http://www.ohchr.org/EN/Countries/MENARegion/Pages/SYIndex.aspx>.

3 There are ten human rights treaty bodies that monitor implementation of the core international human rights treaties. United Nations Office of the High Commissioner for Human Rights (OHCHR), *Human Rights Bodies*, available at <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>.

4 International Law Association, *International Human Rights Law and Practice*, para. 18 (2004), available at <https://www.ila-hq.org/index.php/committees> ("None of the human rights treaties explicitly confers on the relevant treaty bodies the power to adopt binding interpretations of the treaties, and the practice of at least some States suggest that this power has not been conferred implicitly [...]"); see also Philip Alston, *The Historical Origins of the Concept of 'General Comments' in Human Rights Law*, in *The International Legal System in Quest of Equity and Universality* 763 (Laurence Boisson de Chazournes and Vera Gowland-Debbas, eds., 2001).

5 Vienna Convention on the Law of Treaties, art. 2(1)(d), 23 May 1969, 1155 U.N.T.S. 331, 8 I.L.M. 679 (1969).

6 The International Bill of Human Rights consists of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and its two Optional Protocols, and the International Covenant on Economic, Social and Cultural Rights.

to jus cogens norms.<sup>1</sup> Jus cogens norms are composed of the peremptory norms of international law; a jus cogens norm is “accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.”<sup>2</sup>

## **1. International Covenant on Civil and Political Rights**

Syria acceded to the International Covenant on Civil and Political Rights (ICCPR) on 21 April 1969.<sup>3</sup> Syria has not made any reservations to particular rights set out in the ICCPR.<sup>4</sup> Articles 1 to 27 of the ICCPR set out civil and political rights guaranteed to individuals. The rights in the ICCPR most relevant to this Report include:

- Protection of the individual’s physical integrity, as in provisions on torture, arbitrary arrest and arbitrary deprivation of life;
- procedural fairness when government deprives an individual of liberty, as in provisions on arrest, trial procedure and conditions of imprisonment;
- equal protection norms defined in racial, religious, gender and other terms;
- freedoms of belief, speech and association, such as provisions on political advocacy, the practice of religion, press freedom, and the right to hold an assembly and form associations; and
- the right to political participation.<sup>5</sup>

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1 Some norms in the UDHR rise to the level of *jus cogens*. For example, the UDHR Article 4 prohibition on slavery is a *jus cogens* norm, as is the Article 5 prohibition on torture. International Law Commission, *Fourth report on peremptory norms of general international law (jus cogens) by Dire Tladi, Special Rapporteur*, paras. 74, 103, delivered to the General Assembly, U.N. Doc. A/N.4/727 (31 January 2019), available at <https://legal.un.org/docs/?symbol=A/CN.4/727>.

2 Vienna Convention on the Law of Treaties, art. 53, 23 May 1969, 1155 U.N.T.S. 331, 8 I.L.M. 679 (1969).

3 International Covenant on Civil and Political Rights, *acceded on* 21 April 1969, 999 U.N.T.S. 171 (1966), available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=en).

4 Although Syria has not made reservations to particular articles in the ICCPR, it has made general reservations to the Covenant. Syria’s reservation to the ICCPR and the second core international human rights law treaty, the ICESCR (treated in the next section) states:

1. The accession of the Syrian Arab Republic to these two Covenants shall in no way signify recognition of Israel or entry into a relationship with it regarding any matter regulated by the said two Covenants.
2. The Syrian Arab Republic considers that paragraph 1 of article 26 of the Covenant on Economic, Social and Cultural Rights and paragraph 1 of article 48 of the Covenant on Civil and Political Rights are incompatible with the purposes and objectives of the said Covenants, inasmuch as they do not allow all States, without distinction or discrimination, the opportunity to become parties to the said Covenants.

International Covenant on Economic, Social and Cultural Rights, *acceded on* 21 April 1969, 993 U.N.T.S. 3 (1966), available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-3&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=en).

5 Phillip Alston and Ryan Goodman, *International Human Rights*, p. 160 (2013).



The ICCPR established a treaty body, the Human Rights Committee, tasked with interpreting the treaty and monitoring state compliance.<sup>1</sup> Syria is required to submit periodic reports to the Human Rights Committee on its implementation of the Convention, but it has not submitted a report since 2005.<sup>2</sup>

## **2. International Covenant on Economic, Social and Cultural Rights**

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is the second bedrock human rights treaty.<sup>3</sup> Syria acceded to the ICESCR on 21 April 1969 and made the same non-substantive reservation to the ICESCR as it did to the ICCPR.<sup>4</sup> The ICESCR has a treaty body, the Committee on Economic, Social and Cultural Rights, which interprets its provisions and monitors the treaty's implementation by states parties.<sup>5</sup> Syria is required to submit periodic reports to the Committee on Economic, Social and Cultural Rights on its implementation of the Convention but has not done so since 1999.<sup>6</sup>

The ICESCR specifies that some obligations are of immediate effect, while others are to be realized “progressively,” using “the maximum of [a state’s] available resources” and “all appropriate means.”<sup>7</sup> This chapter notes where a state is not required to immediately realize rights delineated by the ICESCR.

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1 International Covenant on Civil and Political Rights, art. 28, 19 December 1966, 999 U.N.T.S. 171 (1966). The Human Rights Committee, a treaty body, is not to be confused with the “charter-based” U.N. Human Rights Council or the Human Rights Commission that the Council replaced. Treaty bodies are composed of experts. The Council is an intergovernmental body created by the U.N. General Assembly. For more on the Human Rights Council, see United Nations Office of the High Commissioner for Human Rights (OHCHR), *United Nations Human Rights Council*, available at <http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>.

2 United Nations Office of the High Commissioner for Human Rights (OHCHR), *Reporting Status for Syrian Arab Republic*, [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN).

3 Phillip Alston and Ryan Goodman, *International Human Rights*, p. 277 (2013).

4 International Covenant on Economic, Social, and Cultural Rights, *acceded on* 21 April 1969, 993 U.N.T.S. 3 (1966), available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-3&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=en).

5 For more on the Committee on Economic, Social and Cultural Rights, see United Nations Office of the High Commissioner for Human Rights (OHCHR), *Committee on Economic, Social and Cultural Rights*, <http://www.ohchr.org/EN/HRBodies/CESCR/pages/cescrindex.aspx>.

6 United Nations Office of the High Commissioner for Human Rights (OHCHR), *Reporting Status for Syrian Arab Republic*, available at [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN).

7 International Covenant on Economic, Social and Cultural Rights, art. 2, 16 December 1966, 993 U.N.T.S. 3 (1966).

### 3. Convention on the Rights of the Child

The Convention on the Rights of the Child protects children's rights broadly. Syria ratified the treaty on 15 July 1993 but entered reservations to Article 2, Article 14, and Article 21.<sup>1</sup> Syria has acceded to two optional protocols to the Convention: one on the involvement of children in armed conflict (17 Oct. 2003) and another on the sale of children, child prostitution, and child pornography (15 May 2003).<sup>2</sup> The Committee on the Rights of the Child is the treaty body that monitors the Convention's implementation. Syria's last party report was due on 13 August 2015, but was not submitted until April 2017.<sup>3</sup> The Committee on the Rights of the Child issued its most recent concluding observations—the observations and recommendations issued by a treaty body after consideration of a state party's report—on Syria in March 2019.<sup>4</sup>

The Office of the Special Representative of the Secretary-General for Children and Armed Conflict categorized the six most “grave violations” of the Convention in times of armed conflict: killing and maiming of children, child recruitment and use, sexual violence against children, abduction of children, attacks on schools and hospitals, and denial of humanitarian access.<sup>5</sup>

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1 Syria has made the following reservation to the Convention on the Rights of the Child: “The Syrian Arab Republic has reservations on the Convention's provisions which are not in conformity with the Syrian Arab legislations and with the Islamic Sharia's principles,” in particular the content of article 14 related to the right of the child to the freedom of religion and Articles 2 and 21 concerning adoption. Convention on the Rights of the Child, *ratified on* 15 July 1993, 1577 U.N.T.S. 3 (1989), *available at* [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-11&chapter=4&lang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en).

2 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, *acceded on* 17 October 2003, 2173 U.N.T.S. 222 (2000), *available at* [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11-b&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&clang=en); Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, *acceded on* 15 May 2003, 2171 U.N.T.S. 227 (2000), *available at* [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11-c&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-c&chapter=4&clang=en).

3 United Nations Office of the High Commissioner for Human Rights (OHCHR), *Reporting Status for Syrian Arab Republic*, *available at* [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN).

4 Committee on the Rights of the Child, Concluding Observations: Syrian Arab Republic, U.N. Doc. CRC/C/SYR/CO/5 (2019).

5 Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Working Paper No. 1: The Six Grave Violations Against Children During Armed Conflict: The Legal Foundation*, 9 (November 2013), *available at* [https://childrenandarmedconflict.un.org/publications/WorkingPaper-1\\_SixGraveViolationsLegalFoundation.pdf](https://childrenandarmedconflict.un.org/publications/WorkingPaper-1_SixGraveViolationsLegalFoundation.pdf).



#### **4. International Convention on the Elimination of All Forms of Racial Discrimination**

Syria acceded to the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) on 21 April 1969 and made two procedural reservations to the treaty.<sup>1</sup> CERD requires, in Article 2(1)(d), that states prohibit racial discrimination “by any persons, group, or organization.”<sup>2</sup> Article 1(1) defines racial discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on equal footing, of human rights.”<sup>3</sup> Syria’s last report to the Convention’s treaty body, the Committee on the Elimination of Racial Discrimination, was due in 2000 but was never submitted.<sup>4</sup>

#### **5. International Convention for the Protection of all Persons from Enforced Disappearance**

The International Convention for the Protection of all Persons from Enforced Disappearance (CED) recognizes the non-derogable right not to be subjected to enforced disappearance.<sup>5</sup> Article 2 of the Convention defines “enforced disappearance” as “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside

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1 Syria included this reservation to CERD:

1. The accession of the Syrian Arab Republic to this Convention shall in no way signify recognition of Israel or entry into a relationship with it regarding any matter regulated by the said Convention.

2. The Syrian Arab Republic does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States Parties with respect to the interpretation or application of the Convention is, at the request of any of the Parties to the dispute, to be referred to the International Court of Justice for decision. The Syrian Arab Republic states that, in each individual case, the consent of all parties to such a dispute is necessary for referring the dispute to the International Court of Justice.

International Convention on the Elimination of All Forms of Racial Discrimination, *ratified on* 21 April 1969, 660 U.N.T.S. 195 (1966), available at [https://treaties.un.org/PAGES/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-2&chapter=4&clang=\\_en](https://treaties.un.org/PAGES/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&clang=_en).

2 International Convention on the Elimination of All Forms of Racial Discrimination, art. 2(1)(d), 7 March 1966, 660 U.N.T.S. 195 (1966).

3 *Ibid.*, art. 1.

4 United Nations Office of the High Commissioner for Human Rights (OHCHR), *Reporting Status for Syrian Arab Republic*, available at [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN).

5 International Convention for the Protection of All Persons from Enforced Disappearance, art. 1, 20 December 2006, 2716 U.N.T.S. 3 (2006), available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-16&chapter=4&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-16&chapter=4&clang=_en).



the protection of the law.”<sup>1</sup> Article 5 provides that “the widespread or systematic practice of enforced disappearance constitutes a crime against humanity.”<sup>2</sup> To prevent the practice of enforced disappearance, Article 17 states explicitly, “No one shall be held in secret detention.”<sup>3</sup>

The Convention defines a “victim” as both “the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance”; it also provides that victims have “the right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person” and the right to obtain reparation and compensation.<sup>4</sup>

The Committee on Enforced Disappearances is the treaty body that monitors the Convention’s implementation. The Convention entered into force on 23 December 2010 and has 62 states parties. Syria is not a party to the CED.<sup>5</sup>

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1 *Ibid.*, art. 2.

2 *Ibid.*, art. 5.

3 *Ibid.*, art. 17.

4 *Ibid.*, art. 24.

5 International Convention for the Protection of All Persons from Enforced Disappearance, 20 December 2006, 2716 U.N.T.S. 3 (2006), available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-16&chapter=4&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-16&chapter=4&clang=_en).



## 6. Convention on the Elimination of All Forms of Discrimination Against Women

Syria acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on 28 March 2003, with reservations to Article 2, Article 9, Article 15, Article 16, and Article 29.<sup>1</sup> Syria submitted a report and a follow-up report to the treaty's monitoring body, the Committee on the Elimination of Discrimination against Women (CEDAW Committee), between 2012 to 2014; during this time period, a number of civil society organizations also submitted information to the Committee about Syria's compliance with the Convention.<sup>2</sup>

The Convention not only prohibits discrimination on grounds of sex, but also protects women in a variety of contexts.<sup>3</sup> Article 24 requires state parties to "adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized" in the Convention.<sup>4</sup> Specifically, Article 2 requires that state parties adopt appropriate legislative measures, refrain from acts or practices of discrimination against women, repeal penal provisions that constitute discrimination against women, and ensure that competent national tribunals and other institutions protect women against discrimination.<sup>5</sup> Additional provisions require the state to take "all appropriate means" to fulfil the rights enshrined in CEDAW."<sup>6</sup>

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1 Syria submitted the following reservations to CEDAW: reservations to article 2; article 9, paragraph 2, concerning the grant of a woman's nationality to her children; article 15, paragraph 4, concerning freedom of movement and of residence and domicile; article 16, paragraph 1 (c), (d), (f) and (g), concerning equal rights and responsibilities during marriage and at its dissolution with regard to guardianship, the right to choose a family name, maintenance and adoption; article 16, paragraph 2, concerning the legal effect of the betrothal and the marriage of a child, inasmuch as this provision is incompatible with the provisions of the Islamic Shariah; and article 29, paragraph 1, concerning arbitration between states in the event of a dispute. The accession of the Syrian Arab Republic to this Convention shall in no way signify recognition of Israel or entail entry into any dealings with Israel in the context of the provisions of the Convention.

Convention on the Elimination of All Forms of Discrimination against Women, *acceded on* 28 March 2003, 1249 U.N.T.S. 13 (1979), available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtldsg\\_no=IV-8&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtldsg_no=IV-8&chapter=4&clang=en).

2 United Nations Office of the High Commissioner for Human Rights (OHCHR), *Reporting Status for Syrian Arab Republic*, available at [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN).

3 Olivier De Schutter, *International Human Rights Law: Cases, Materials, Commentary*, pp. 746-747 (3d. edition 2019).

4 Convention on the Elimination of All Forms of Discrimination against Women, art. 24, 18 December 1979, 1249 U.N.T.S. 13 (1979).

5 *Ibid.*, art. 2.

6 *Ibid.*

## **7. Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

Syria acceded to the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment on 19 August 2004, but has not acceded to the Convention's Optional Protocol.<sup>1</sup> In June 2012, Syria failed to issue the special report requested by the Committee Against Torture, the Convention's treaty body. Nonetheless, the Committee received many submissions from civil society organizations documenting Syria's violations of the Convention<sup>2</sup> and subsequently issued concluding observations on Syria in early June 2012.<sup>3</sup>

Article 1 of the Convention defines torture as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for achieving any of the specified purposes.<sup>4</sup> Under the Convention, for conduct to constitute torture, it must be "inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."<sup>5</sup> The Committee Against Torture has interpreted this provision to include non-state actors as well.<sup>6</sup> The Convention does not provide for state immunity for heads of state, ambassadors, or other high-level officials. The prohibition against torture is a non-derogable obligation.

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1 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *acceded on 19 August 2004*, 1465 U.N.T.S. 85 (1984), *available at* [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-9&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9&chapter=4&clang=en); United Nations Office of the High Commissioner for Human Rights (OHCHR), *Status of Ratification Interactive Dashboard: Syrian Arab Republic*, *available at* <http://indicators.ohchr.org>.

2 See United Nations Office of the High Commissioner for Human Rights (OHCHR), *Reporting Status for Syrian Arab Republic*, *available at* [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN) (including submissions from Alkarama, the Damascus Center for Human Rights Studies and several Syrian human rights organizations, the International Commission of Jurists, and UNHCR).

3 Committee against Torture, *Concluding Observations: Syrian Arab Republic*, U.N. Doc. CAT/C/SYR/CO/1/Add.2 (2012).

4 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art.1, 10 December 1984, 1465 U.N.T.S. 85 (1984), *available at* [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-9&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9&chapter=4&clang=en). Article 1 states:

for the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

5 *Ibid.*

6 See, for example, Committee against Torture, *Sadiq Shek Elmi v. Australia*, para. 6.5, U.N. Doc. CAT/C/22/D/120/1998 (25 May 1999), *available at* <https://www.refworld.org/cases,CAT,3f588eda0.html>.



Article 2(1) of the Convention requires each state party to prohibit torture, and Article 4 mandates the criminalization of “all acts of torture.”<sup>1</sup> Article 5(1) requires a state party to establish jurisdiction over these offenses when they are committed within its territory, on board its ships or aircraft, or where the alleged offender is its own national.<sup>2</sup> Article 5(2) further compels states to establish jurisdiction in cases where “the alleged offender is present in any territory under its jurisdiction and it does not extradite him.”<sup>3</sup>

Article 16 of the Convention requires state parties to prevent cruel, inhuman or degrading treatment or punishment. Although the treaty itself does not define these terms explicitly, the Committee Against Torture, in addition to the jurisprudence of international tribunals (including the International Criminal Tribunal for the Former Yugoslavia) and other treaty bodies (including the Human Rights Committee and the European Committee for the Prevention of Torture, a committee established under the Council of Europe’s European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment) have given further content to the term “cruel, inhuman or degrading treatment.”<sup>4</sup>

## 8. Convention on the Rights of Persons with Disabilities

Syria ratified the Convention on the Rights of Persons with Disabilities (CRPD) on 10 July 2009.<sup>5</sup> Although it made no reservations, Syria formally entered an understanding on its interpretation of the term “legal capacity” in Article 12.<sup>6</sup> The Committee on the Rights of Persons with Disabilities (CRPD Committee) is the treaty body that monitors the Convention’s implementation. Syria is required to report periodically to the Committee on its implementation of the Convention. Syria never submitted its first state party report, which was due on 10 August 2011.<sup>7</sup>

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1 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, arts. 2(1), 4, 10 December 1984, 1465 U.N.T.S. 85 (1984).

2 *Ibid.*, art. 5(1).

3 *Ibid.*, art. 5.

4 David Weissbrodt, *Defining Torture and Cruel, Inhuman, and Degrading Treatment*, 29 *Law & Inequality* 343, 370 (2011).

5 Convention on the Rights of Persons with Disabilities, *ratified on* 10 July 2009, 2515 U.N.T.S. 3 (2006), available at [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-15&chapter=4](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4).

6 Syria ratified the CRPD with this “Understanding”:  
We signed today on the basis of the understanding contained in the letter dated 5 December 2006 from the Permanent Representative of Iraq to the United Nations addressed, in his capacity as Chairman of the Group of Arab States for that month, to the Chairman of the Committee, which contains the interpretation of the Arab Group concerning article 12 relating to the interpretation of the concept of “legal capacity”.

*Ibid.*

7 United Nations Office of the High Commissioner for Human Rights (OHCHR), *Reporting Status for Syrian Arab Republic*, available at [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN).

Syria has also ratified the Optional Protocol to the CRPD, which permits the CRPD Committee to examine complaints from individuals who claim to be victims of a violation of the Convention.<sup>1</sup> Syria made a reservation to Articles 6 and 7 of the Optional Protocol, declaring that it does not recognize the competence of the Committee to undertake inquiries into grave or systematic violations of the Convention.<sup>2</sup> The Committee has not yet examined an individual complaint against Syria.

The CRPD promotes, protects and ensures the rights of persons with disabilities.<sup>3</sup> Article 11 explicitly addresses situations of risk and humanitarian emergencies and requires states to “take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.”<sup>4</sup>

## **- Derogable and Non-Derogable Rights in International Human Rights Law:**

There are both derogable and non-derogable obligations under international human rights law. Some human rights treaties include explicit provisions permitting states to derogate from specified human rights obligations in times of national emergency. For example, the ICCPR permits states to derogate from certain obligations in the Covenant “in times of public emergency which threaten the life of the nation,” provided that they limit their derogation to “the extent strictly required by the exigencies of the situation” and that any measures taken are “not inconsistent with their other obligations under international law.”<sup>5</sup> The discussion of violations in Part II of this chapter will make clear where derogation from human rights obligations is permitted under international human rights law.

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1 Optional Protocol to the Convention on the Rights of Persons with Disabilities, *acceded on* 10 July 2009, 2518 U.N.T.S. 283 (2006), *available at* [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-15-a&chapter=4&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15-a&chapter=4&clang=en).

2 *Ibid.*

3 Convention on the Rights of Persons with Disabilities, art. 1, 13 December 2006, 2515 U.N.T.S. 3 (2006).

4 *Ibid.*, art. 11.

5 International Covenant on Civil and Political Rights, art. 4, 16 December 1966, 999 U.N.T.S. 171 (1966).



Certain human rights are so fundamental that international law prohibits their derogation in all circumstances.<sup>1</sup> For example, Article 4 of the ICCPR states explicitly that particular rights, including the right to life and the freedom from torture and cruel, inhuman or degrading treatment or punishment, are non-derogable.<sup>2</sup> Further, in its General Comment No. 29 on States of Emergency, the Human Rights Committee notes that additional non-derogable rights can be derived from norms of general international law.<sup>3</sup> Therefore, even in times of public emergency short of armed conflict, essential international human rights law obligations continue to bind states.<sup>4</sup>

Under international law, states may not simply suspend certain rights. In order to derogate lawfully from international human rights obligations, States must officially declare a state of emergency and follow procedures outlined in the respective human rights treaties. The procedure for derogation from the ICCPR is illustrative. Article 4(3) of the ICCPR requires that the derogating state inform the Secretary General of the United Nations of its intent to derogate from the treaty. The derogating state must indicate the rights suspended, the reasons for the suspension, and an end date for the state of emergency. Other treaty parties can challenge the derogation before the Human Rights Committee.<sup>5</sup>

The Syrian government has never reported its intent to derogate from its international human rights law obligations. Consequently, the Syrian government was and continues to be fully bound by all of its human rights obligations from prior to the beginning of armed hostilities. Even if it had communicated its intent to derogate from certain human rights obligations, many of the violations discussed in this chapter have been of rights from which no derogation is permissible.

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1 Derogation means the suspension of certain civil and political liberties in response to crises. Emilie M. Hafner-Burton, Laurence R. Helfer & Christopher J. Fariss, *Emergency and Escape: Explaining Derogations from Human Rights Treaties*, 65 Int'l Org. 673 (2011).

2 International Covenant on Civil and Political Rights, art. 4(2), 16 December 1966, 999 U.N.T.S. 171 (1966).

3 Human Rights Committee, General Comment No. 29, Article 4: Derogations during a State of Emergency, para.13, U.N. Doc. CCPR/C/21/Rev.1/Add.11 (31 August 2001). General Comment 29 did not address non-state groups, but certain rights or elements of the ICCPR form a part of customary international law and apply to non-state groups.

4 For more information on international human rights law protections during states of emergency, see Tilman Rodenhäuser, *Fundamental Standards of Humanity: How International Law Regulates Internal Strife*, J. Int'l L. Peace & Armed Conflict 121, 123-124 (March 2013).

5 Emilie M. Hafner-Burton, Laurence R. Helfer & Christopher J. Fariss, *Emergency and Escape: Explaining Derogations from Human Rights Treaties*, 65 Int'l Org. 673, 677 (2011); International Covenant on Civil and Political Rights, art. 4(3), 16 December 1966, 999 U.N.T.S. 171 (1966).



## B. International Humanitarian Law

International humanitarian law is the body of law that applies to the conduct of warfare. International humanitarian law seeks to limit the effects of armed conflict by, among other things, prohibiting the use of inhumane weapons, regulating the conduct of armed parties, and protecting individuals who do not participate in hostilities.<sup>1</sup>

Although many of the sources of international humanitarian law are found in the text of various treaties, much of international humanitarian law is recognized to be part of customary international law,<sup>2</sup> which binds all state and non-state parties to a conflict.<sup>3</sup> Thus, in any armed conflict, international humanitarian law requires all parties to adhere to its binding requirements at all times.<sup>4</sup> Certain states disagree over which elements of international humanitarian law are binding as customary international law. This chapter notes and applies only rules of customary international humanitarian law recognized by the International Committee of the Red Cross (ICRC), an independent international organization that has catalogued an authoritative list of customary rules of international humanitarian law and provided accompanying commentary to the rules.<sup>5</sup>

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1 International Committee of the Red Cross (ICRC), *What is International Humanitarian Law?* (July 2004), available at [https://www.icrc.org/eng/assets/files/other/what\\_is\\_ihl.pdf](https://www.icrc.org/eng/assets/files/other/what_is_ihl.pdf).

2 The International Court of Justice Statute defines customary international law in Article 38(1)(b) as “evidence of a general practice accepted as law.” Statute of the International Court of Justice, art. 38(1)(b), 24 October 1945, Can TS 7; SATS 6 (1945).

3 International Committee of the Red Cross (ICRC), *What is International Humanitarian Law?* (July 2004), available at [https://www.icrc.org/eng/assets/files/other/what\\_is\\_ihl.pdf](https://www.icrc.org/eng/assets/files/other/what_is_ihl.pdf).

4 International humanitarian law is sometimes referred to as the “laws of war.”

5 The International Committee of the Red Cross undertook its study of customary international law in 1996 in an attempt to “identify customary law in [international humanitarian law] and thereby clarify the legal protection it offered victims of war. The study identified 161 rules of customary IHL that constitute the common core of humanitarian law binding on all parties to all armed conflicts.” International Committee of the Red Cross, *Customary International Humanitarian Law* (29 Oct. 2010), available at <https://www.icrc.org/en/document/customary-international-humanitarian-law-0>. Throughout the organization’s history, the ICRC has been essential to the development and promotion of compliance with international law. In fact, the Preliminary Remarks to the Geneva Conventions of 1949 state, “The International Committee of the Red Cross has, from the outset, been the sponsor of the Geneva Convention for the protection of wounded military personnel, and of the humanitarian Conventions which supplement it . . . . Throughout the years, the International Committee has laboured unremittingly for the greater protection in International Law of the individual against the hardships of war; it successively elaborated the humanitarian Conventions and adapted them to current needs, or instituted new ones.” International Committee of the Red Cross, *The Geneva Conventions of 12 August 1949*, p.19, available at <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf>. Moreover, the Geneva Conventions of 1949 conferred an explicit mandate on the ICRC to engage in “humanitarian activities” in conflict. *Ibid.*; see also International Committee of the Red Cross, *The ICRC’s Mandate and Mission*, available at <https://www.icrc.org/en/mandate-and-mission>. In 1990, the United Nations granted the ICRC official UN observer status. General Assembly Resolution 45/6, Observer Status for the International Committee of the Red Cross, in Consideration of the Special Role and Mandates Conferred Upon It by the Geneva Conventions of 12 August 1949, U.N. Doc. A/RES/45/6 (16 October 1990). This chapter relies on the extensive expertise of this organization and its determination of customary international law. Although some states may disagree with specific rules, the ICRC’s rigorous study and extensive expertise provides the international community with a respected and largely uncontroversial set of rules within customary international law.





As noted above, some elements of international humanitarian law remain codified only in treaties and thus are applicable only to state parties to those treaties. This chapter makes reference to such rules where applicable to state parties to this conflict. Finally, the obligation to abide by international humanitarian law is not subject to the principle of reciprocity; all parties to a conflict must adhere to the legal requirements whether or not the other side does so.

International humanitarian law has a narrow scope of application: The body of law applies only during armed conflict. Thus, international humanitarian law does not apply during mere “internal disturbances and tensions, such as riots, [or] isolated and sporadic acts of violence.”<sup>1</sup> However, the exact moment when “internal disturbances and tensions” evolve into a non-international armed conflict remains controversial. Standards for assessing what constitutes the beginning of an armed conflict are also imprecise. Nonetheless, once an armed conflict does commence, international humanitarian law applies to all armed parties.

Finally, different laws apply to the conduct of parties engaged in international armed conflicts and non-international armed conflicts. (The distinction between non-international armed conflicts and international armed conflicts is discussed below in Section 2, “Types of Armed Conflict”).

## • Sources of International Humanitarian Law

International humanitarian law derives from both customary law and treaty law. These rules of armed conflict have origins in many documents, including religious texts and the records of the practices of past civilizations.<sup>2</sup> However, international humanitarian law, as understood today, was largely codified in the late nineteenth and the twentieth centuries with the adoption of the Hague Conventions of 1899 and 1907 and the four Geneva Conventions of 1949 and their two additional protocols (Additional Protocol I and Additional Protocol II).<sup>3</sup>

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1 See the ICRC's Commentary on Protocol II. International Committee of the Red Cross, *Commentary of 1987: Material Field of Application* (1987), available at <https://ihl-databases.icrc.org/ihl/COM/475-760004?OpenDocument>.

2 International Committee of the Red Cross (ICRC), *What is International Humanitarian Law?* (July 2004), available at [https://www.icrc.org/eng/assets/files/other/what\\_is\\_ihl.pdf](https://www.icrc.org/eng/assets/files/other/what_is_ihl.pdf).

3 Hague Convention (II) with Respect to the Laws and Customs of War on Land and its Annex: Regulations concerning the Laws and Customs of War on Land, 29 July 1899 (1899); Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land, 18 October 1907 (1907). Today, nearly every country in the world has ratified the 1949 Geneva Conventions and its two Additional Protocols. See Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, 8 June 1977, 1125 U.N.T.S. 3 (1977); Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, 8 June 1977, 1125 U.N.T.S. 609 (1977); International Committee of the Red Cross (ICRC), *What is International Humanitarian Law?* (July 2004).

In addition to the Geneva Conventions and the Hague Conventions, international humanitarian law includes other treaties that regulate the conduct of armed parties. For example, treaties such as the 1972 Biological Weapons Convention, to which Syria is a signatory,<sup>1</sup> and the 1993 Chemical Weapons Convention, to which Syria acceded in 2013, are, among others, considered part of international humanitarian law.<sup>2</sup>

## • Types of Armed Conflict

International humanitarian law differentiates between two types of armed conflict: international armed conflict and non-international armed conflict. Put simply, international armed conflict is a conflict in which the armed forces of at least two states are engaged in hostilities with one another.<sup>3</sup> It is also possible that intervention by a third-party state through a proxy armed group may transform a non-international armed conflict into an international armed conflict.<sup>4</sup>

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1 Syria has signed but not ratified the 1972 Biological Weapons Convention and therefore is not legally bound by the Convention. A signature does not establish a state's consent to be bound by the treaty. Instead, it "expresses the willingness of the signatory state to continue the treaty-making process." See United Nations, *Treaty Collection: Glossary*, available at [https://treaties.un.org/pages/Overview.aspx?path=overview/glossary/page1\\_en.xml#signaturesubject](https://treaties.un.org/pages/Overview.aspx?path=overview/glossary/page1_en.xml#signaturesubject).

2 Other treaties that contribute to international humanitarian law include: the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict; the 1980 Conventional Weapons Convention; the 1993 Chemical Weapons Convention; and the 1997 Ottawa Convention on Anti-Personnel Mines.

3 International Committee of the Red Cross (ICRC), *What is International Humanitarian Law?* (July 2004), available at [https://www.icrc.org/eng/assets/files/other/what\\_is\\_ihl.pdf](https://www.icrc.org/eng/assets/files/other/what_is_ihl.pdf); International Committee of the Red Cross (ICRC), *How is the Term "Armed Conflict" Defined in International Humanitarian Law?* (Opinion Paper March 2008), available at <https://www.icrc.org/eng/assets/files/other/opinion-paper-armed-conflict.pdf> (referencing the ICTY's proposed definition); Common Article 2 of the 1949 Geneva Conventions, provides, "[t]he present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties even if the state of war is not recognized by one of them. The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance." International Committee of the Red Cross, *The Geneva Conventions of 12 August 1949*, available at <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf>.

4 The International Criminal Tribunal for the Former Yugoslavia developed a test in *Tadić* for the transformation of a non-international armed conflict into an international armed conflict by the participation of third-states. *The Prosecutor v. Dusko Tadić*, Case No. IT-94-1-A, Appeals Chamber Judgment, paras. 131–140, 145 (15 July 1999), available at <https://www.icty.org/x/cases/tadic/acjug/en/tad-aj990715e.pdf>; see also Sylvain Vit , *Typology of Armed Conflicts in International Humanitarian Law: Legal Concepts and Actual Situations*, 91 Int'l Rev. Red Cross 69 (2009), available at <https://www.icrc.org/eng/assets/files/other/irrc-873-vite.pdf>; Dustin Lewis, *Briefing Note: Does IHL Apply to the Humanitarian Situation in Syria?*, Harv. Prog. Hum. Policy & Conflict Research (12 March 2012), available at <http://hpcrresearch.org/blog/dustin-lewis/2012-03-12/briefing-note-does-ihl-apply-humanitarian-situation-syria>.



Non-international armed conflicts are typically those fought within the territory of a single state, often between a single state's armed forces and at least one non-state armed group. Often, but not always, non-international armed conflicts occur within the territory of only one state. Common examples of non-international armed conflicts include civil wars, internal armed conflicts, or conflicts in which third states or multinational forces intervene alongside the government. Classifying the type of armed conflict, like determining when hostilities rise to the level of armed conflict, can be problematic.

International armed conflicts are often easy to identify, as this type of conflict usually involves two (or more) state militaries. For example, some commentators believe that the U.S. air strikes on Syrian military convoys in May 2017 triggered an international armed conflict between the United States and Syria.<sup>1</sup> Non-international armed conflicts are often more difficult to identify. For armed hostilities to rise to the level of a non-international armed conflict, two conditions must be satisfied. First, the non-state armed group must be a "party to the conflict," defined as an organized armed group with a clear command and control structure and the capacity to engage in sustained military operations.<sup>2</sup> Second, hostilities must reach a minimum level of intensity exceeding merely sporadic violence or internal disturbance.<sup>3</sup>

The conflict in Syria has been particularly difficult to characterize, due to the multitude of armed actors, foreign involvement (both covert and overt), the several concurrent ongoing and inter-related conflicts, and unresolved questions of international law.<sup>4</sup> Thus, international legal scholars are divided on the types of armed conflict underway in Syria. Yet, distinguishing between these two types of armed conflict is essential because the laws applying to non-international armed conflict and international armed conflict differ.

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1 Other scholars contest that an international armed conflict between the United States and Syria was previously established by U.S.-led coalition strikes against the Islamic State in Syrian sovereign territory. See, for example, Ryan Goodman, *Is the United States Already in an International Armed Conflict with Syria?*, Just Security, 11 October 2016, available at <http://www.justsecurity.org/33477/united-states-international-armed-conflict-syria/>.

2 International Committee of the Red Cross, *Non-International Armed Conflict*, available at <https://casebook.icrc.org/glossary/non-international-armed-conflict>.

3 *Ibid.*

4 The facts of the Syrian conflict raise unanswered questions in international law, including whether international armed conflict and a non-international armed conflict can co-exist in a single territory. In other words, the question of whether the character of the entire armed conflict becomes international if one region (i.e., al-Raqqa) or sub-conflict (i.e., the U.S. armed conflict with the Islamic State) is internationalized is fact dependent and susceptible of divergent interpretations.

The laws applicable to international armed conflicts are both more expansive and more specific than those applicable to non-international armed conflict. Although all four Geneva Conventions and Additional Protocol I apply to international armed conflict,<sup>1</sup> a narrower subset of law applies to non-international armed conflict. Only Common Article 3 of the 1949 Geneva Conventions and Additional Protocol II govern non-international armed conflict. As its name implies, Common Article 3 of the Geneva Conventions is an Article included in all four Geneva Conventions adopted in 1949.

Common Article 3, which is codified in customary international law, sets forth fundamental rules of armed conflict from which no derogation is permitted in either non-international or international armed conflicts. For example, the Common Article requires humane treatment of all persons under enemy control and the collection and care of the wounded and sick.<sup>2</sup>

## • Defining the Armed Conflict in Syria

Classifying the Syrian conflict is a complex undertaking. Conflicts are not static in their character, sometimes changing from non-international armed conflicts to international armed conflicts over time, and it has been argued that these two types of conflicts may even coexist within the same geographical area. This is likely the case in Syria.

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1 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, 8 June 1977, 1125 U.N.T.S. 3 (1977); International Committee of the Red Cross (ICRC), *What is International Humanitarian Law?* (July 2004), available at [https://www.icrc.org/eng/assets/files/other/what\\_is\\_ihl.pdf](https://www.icrc.org/eng/assets/files/other/what_is_ihl.pdf).

2 See, for example, Geneva Convention Relative to the Treatment of Prisoners of War. Geneva, art. 3, 12 August 1949, 75 U.N.T.S. 135 (1949) (Common Article 3). Article 3 states:

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions: (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples. (2) The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. The Parties to the conflict should further endeavor to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict;



It is undisputed that the Syrian conflict began as a non-international armed conflict between the Syrian government and the Free Syrian Army, a military group founded by officers of the Syrian Armed Forces with the stated goal of overthrowing Bashar al-Assad's government.<sup>1</sup> In a national address on 27 June 2012, Syria's president Bashar al Assad recognized that the country was at war.<sup>2</sup> The Independent International Commission of Inquiry on the Syrian Arab Republic (IICIS) marks February 2012 as the beginning of the conflict, identifying this as the point at which the intensity and duration of fighting between the Assad government and anti-government armed groups passed the threshold for non-international armed conflict.<sup>3</sup> It was around this point, in late 2011 and early 2012, that the Free Syrian Army clarified its command and control structure and was beginning to control Syrian territory.<sup>4</sup> Experts agree that the Syrian crisis likely evolved into a non-international armed conflict sometime in the period between February 2012 and June 2012.<sup>5</sup>

Although it is clear that the Syrian conflict began as a non-international armed conflict, scholars disagree about when the conflict became an international armed conflict (and whether certain parts of the conflict were ever transformed into an international armed conflict). Some scholars contend that the entry into the conflict of state sponsors of non-state armed groups (including Turkey, the United States, and the Gulf countries) had the potential to transform the conflict into an international armed conflict, but only if these countries established "overall control" of the non-state armed groups.<sup>6</sup> However, legal experts generally agree that no state established a sufficient level of control over armed groups operating in Syria to internationalize the conflict, despite the fact that some states may

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1 Joshua Landis, *Free Syrian Army Founded by Seven Officers to Fight the Syrian Army*, Syria Comment, 29 July 2011.

2 The BBC, *Syria in State of War, says Bashar al Assad*, 27 June 2012, available at <http://www.bbc.com/news/world-middle-east-18598533>.

3 Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, delivered to the Human Rights Council*, U.N. Doc. A/HRC/21/50 (16 August 2012), available at [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50_en.pdf).

4 Elizabeth O'Bagy, *The Free Syrian Army*, Middle East Security Report, March 2013, available at <http://www.understandingwar.org/sites/default/files/The-Free-Syrian-Army-24MAR.pdf>; Alexandra Zavis and Rima Marrouch, *Syria Opposition Groups Agree to Coordinate Efforts*, Los Angeles Times, 1 December 2011, available at <https://www.latimes.com/world/la-xpm-2011-dec-01-la-fg-syria-accord-20111202-story.html>.

5 Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, delivered to the Human Rights Council*, U.N. Doc. A/HRC/21/50 (16 August 2012); Louise Arimatsu and Mohbuba Choudhury, *The Legal Classification of the Armed Conflicts in Syria, Yemen, and Libya*, Chatham House (March 2014), available at [https://www.chathamhouse.org/sites/default/files/home/chatham/public\\_html/sites/default/files/20140300ClassificationConflictsArimatsuChoudhury1.pdf](https://www.chathamhouse.org/sites/default/files/home/chatham/public_html/sites/default/files/20140300ClassificationConflictsArimatsuChoudhury1.pdf).

6 Louise Arimatsu and Mohbuba Choudhury, *The Legal Classification of the Armed Conflicts in Syria, Yemen, and Libya*, Chatham House, 16-18 (March 2014), available at [https://www.chathamhouse.org/sites/default/files/home/chatham/public\\_html/sites/default/files/20140300ClassificationConflictsArimatsuChoudhury1.pdf](https://www.chathamhouse.org/sites/default/files/home/chatham/public_html/sites/default/files/20140300ClassificationConflictsArimatsuChoudhury1.pdf).

have sent their own militias into the conflict.<sup>1</sup> The ICRC and other scholars argue that the use of force by the United States against the Syrian military in April 2017 transformed the conflict into an international armed conflict.<sup>2</sup> Yet another view is that there are multiple conflicts co-existing in Syria: some non-international armed conflicts and some international armed conflicts.<sup>3</sup> The opaque facts of the conflict and varying conflict dynamics across different regions of the country have made classifying the nature of the conflict challenging and controversial. This has led to disagreement across the scholarly community about what type of armed conflict—or conflicts—have existed in Syria since 2012.

### • General Principles of International Humanitarian Law

Part II of this chapter, which discusses the violations occurring in Syria, will explore the rules relating to both international and non-international armed conflicts. Some principles of international humanitarian law apply in both international and non-international armed conflicts. The following section explores these general principles of international humanitarian law to which states must adhere in all armed conflicts.

In both international and non-international armed conflicts, civilians enjoy protection from direct attack and unlawful imprisonment. Two key principles—the principle of distinction and the principle of proportionality—provide the backbone of international humanitarian law governing the protection of civilians in times of armed conflict. However, in both international and non-international armed conflict, civilians may temporarily or permanently forfeit their civilian status and associated protections if they participate directly in the armed conflict or become combatants.

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1 *Ibid.*

2 For example, Andrew Clapham, an international law professor at the Graduate Institute of International and Development Studies in Geneva, has been reported to have agreed with the ICRC determination that “according to available information – the U.S. attack on Syrian infrastructure – the situation amounts to an international armed conflict.” Stephanie Nebehay, *Exclusive: Situation in Syria constitutes international armed conflict*, Reuters, 7 April 2017, available at <https://www.reuters.com/article/us-mideast-crisis-syria-redcross-idUSKBN17924T>.

3 See, for example, Louise Arimatsu and Mohbuba Choudhury, *The Legal Classification of the Armed Conflicts in Syria, Yemen, and Libya*, Chatham House, 16 (March 2014).





## **The Principles of Proportionality and Distinction**

Under customary international humanitarian law, the principles of proportionality and distinction are complementary. The principle of distinction defines who or what is a legitimate target in war, and proportionality determines the degree of force appropriate during armed attack.<sup>1</sup> In other words, the principle of distinction protects civilians from unjust targeting, while the principle of proportionality protects, to an extent, civilian populations where a military objective that may be a legitimate target under international humanitarian law entails a risk of harm to civilians.

According to the legal principle of distinction, parties to a conflict must always distinguish between civilians and combatants.<sup>2</sup> Article 48 of the Additional Protocol I to the Geneva Conventions codified this principle, stating, “Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives.”<sup>3</sup> Article 51 adds that “individual civilians shall not be the object of attack,” and Article 52 specifies that “attacks shall be limited strictly to military objectives.”<sup>4</sup> In practical effect, international humanitarian law renders any attacks targeting civilians impermissible; attacks may target only combatants.

The principle of distinction is also part of customary international law and applies in both international and non-international armed conflicts.<sup>5</sup> In practice, the principle is more easily applied in international armed conflicts, where combatants generally wear uniforms and are therefore clearly designated. The principle becomes more difficult to apply in non-international armed conflict, where no clear legal definition of “combatant” exists, as explored in greater detail below, and combatants often do not wear uniforms that would facilitate their distinction from civilians.

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1 Alexander Moseley, *Just War Theory*, Internet Encyclopedia of Philosophy (2016), available at <http://www.iep.utm.edu/justwar/#H3>.

2 International Committee of the Red Cross, *Customary IHL: Rule 1 The Principle of Distinction Between Civilians and Combatants* (2016), available at [https://www.icrc.org/customary-ihl/eng/docs/v1\\_cha\\_chapter1\\_rule1](https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter1_rule1).

3 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, art. 48, 8 June 1977, 1125 U.N.T.S. 3 (1977).

4 *Ibid.*, arts. 51, 52.

5 International Committee of the Red Cross, *Customary IHL: Rule 1 The Principle of Distinction Between Civilians and Combatants* (2016), available at [https://www.icrc.org/customary-ihl/eng/docs/v1\\_cha\\_chapter1\\_rule1](https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter1_rule1).



According to the principle of proportionality, states must ensure that the force exerted in war does not exceed what is necessary to achieve a legitimate military objective. The principle of proportionality prohibits any attack that might result in “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.”<sup>1</sup> Thus, parties must restrict the degree of force used in order to minimize civilian casualties and destruction to civilian objects.

The principle of proportionality finds expression explicitly in Additional Protocol I (applicable to international armed conflicts); Additional Protocol II (applicable to non-international armed conflicts) does not refer to the principle of proportionality.<sup>2</sup> However, customary international law recognizes the principle equally in all armed conflict.<sup>3</sup> Thus, all state and non-state actors engaged in armed conflict must respect the principle of proportionality at all times. Furthermore, according to the Statute of the International Criminal Court, violating the principle of proportionality constitutes a war crime in international conflicts.<sup>4</sup>

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1 International Committee of the Red Cross, *Customary IHL: Rule 14 Proportionality in Attack* (2016), available at [https://www.icrc.org/customary-ihl/eng/docs/v1\\_cha\\_chapter4\\_rule14](https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter4_rule14).

2 Article 57(2) of the Additional Protocol I states that parties shall “take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects” and shall “refrain from deciding to launch any attack which 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.” Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, art. 57(2)(a), 8 June 1977, 1125 U.N.T.S. 3 (1977); see also *ibid.*, arts. 51(4), 51(5)(b).

3 International Committee of the Red Cross, *Customary IHL: Rule 14 Proportionality in Attack* (2016), available at [https://www.icrc.org/customary-ihl/eng/docs/v1\\_cha\\_chapter4\\_rule14](https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter4_rule14).

4 Rome Statute of the International Criminal Court, art. 8(2)(b)(iv), 17 July 1998, 2187 U.N.T.S. 3 (1998), available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-10&chapter=18&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10&chapter=18&clang=en) (The Statute declares that “intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects . . . which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated” constitutes a war crime.).



## The Protected Status of Civilians

Civilians enjoy immunity from direct attack “unless and for such time as they take a direct part in hostilities.”<sup>1</sup> International humanitarian law treaties do not define direct participation in hostilities. However, the ICRC has defined the concept of “direct participation in hostilities” under customary international law as “specific acts carried out by individuals as part of the conduct of hostilities between parties to an armed conflict” where the specific act meets three criteria relating to the nature of the harm, the cause of the harm, and the intent of the relevant party to bring about the harm in support of one party to the conflict.<sup>2</sup>

Civilians lose their protected status for as long as they directly participate in hostilities.<sup>3</sup> Upon ceasing participation in hostilities, a civilian’s protected status is restored.<sup>4</sup> For example, a civilian may be targeted for the duration of the time that he is engaged in placing an IED on the side of the road, but it becomes impermissible to target him when he returns to engaging in civilian life, such as his regular work as a farmer or taxi driver or caring for his family.

Distinguishing between civilians and combatants in armed conflicts is a bedrock principle of international humanitarian law. This distinction provides an essential basis for the application of legal protections and immunities in armed conflict.

However, determining who counts as a civilian and, accordingly, who benefits from certain legal protections in armed conflict, can be difficult. For example, armed groups sometimes integrate into civilian populations in ways that make it difficult to determine who is a civilian. Also, civilians might engage in discrete acts of hostility and temporarily lose their protected status.

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1 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, art. 51(3), 8 June 1977, 1125 U.N.T.S. 3 (1977); Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), art. 13(3), 8 June 1977, 1125 U.N.T.S. 609 (1977).

2 Specifically, (1) “the act must be likely to adversely affect the military operations or military capacity of a party to an armed conflict or, alternatively, to inflict death, injury, or destruction on persons or objects protected against direct attack (threshold of harm), and (2) there must be a direct causal link between the act and the harm likely to result either from that act, or from a coordinated military operation of which that act constitutes an integral part (direct causation), and (3) the act must be specifically designed to directly cause the required threshold of harm in support of a party to the conflict and to the detriment of another (belligerent nexus).” Nils Melzer, *Interpretive Guidance on the Notion of Direct Participation in Hostilities Under International Humanitarian Law*, International Committee of the Red Cross, 46 (May 2009).

3 International Committee of the Red Cross, *Rule 6: Civilians’ Loss of Protection from Attack*, IHL Database: Customary IHL, available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rule6](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rule6).

4 Nils Melzer, *Interpretive Guidance on the Notion of Direct Participation in Hostilities Under International Humanitarian Law*, International Committee of the Red Cross, 85 (May 2009).

For the purposes of the principle of distinction, international humanitarian law provides rules for determining who is and who is not a civilian in armed conflict. Additional Protocol I, which applies to international armed conflicts, specifies that civilians are those people who are not members of the armed forces of a party to the conflict or participants in a *levée en masse*.<sup>1</sup> The armed forces of a party to the conflict “consist of all organized armed forces, groups and units which are under a command responsible to that Party for the conduct of its subordinates,”<sup>2</sup> including irregular militias and volunteer corps.<sup>3</sup> In other words, in international armed conflict, “the concept of civilian is negatively delimited by the definitions of armed forces and of *levée en masse*”; one cannot simultaneously be a combatant and a civilian.<sup>4</sup>

Unlike in international armed conflict, where the distinction between combatants and civilians is well defined, in non-international armed conflict, these two conceptual categories are less clearly delineated in international law. In fact, Additional Protocol II, which governs non-international armed conflict, does not use or define the term “combatant” at all; nor does it define the term “civilian.” Instead, both Common Article 3 and Additional Protocol II refer to “armed forces” and “dissident armed forces and other armed groups,” respectively,

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1 Nils Melzer, *Interpretive Guidance on the Notion of Direct Participation in Hostilities Under International Humanitarian Law*, International Committee of the Red Cross, 20-21 (May 2009), available at <https://www.icrc.org/eng/assets/files/other/icrc-002-0990.pdf>. The Third Geneva Convention defines a *levée en masse* as the “inhabitants of a non-occupied territory, who on the approach of the enemy, spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.” Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), art. 4(A)(6), 75 U.N.T.S. 135 (1949); see also Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, art. 50(1), 8 June 1977, 1125 U.N.T.S. 3 (1977).

2 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, art. 43, 8 June 1977, 1125 U.N.T.S. 3 (1977).

3 *Ibid.*, art. 13(2); Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), art. 13(2), 8 June 1977, 1125 U.N.T.S. 609 (1977). According to the ICRC: “In practice, in order for an organized armed group to belong to a party to the conflict, it appears essential that it conduct hostilities on behalf and with the agreement of that party.” Nils Melzer, *Interpretive Guidance on the Notion of Direct Participation in Hostilities Under International Humanitarian Law*, International Committee of the Red Cross, 23 (May 2009).

4 *Ibid.*, p. 21. Further, under international law, “[c]ombatant privilege, namely the right to directly participate in hostilities with immunity from domestic prosecution for lawful acts of war, is afforded only to members of the armed forces of parties to an international armed conflict (except medical and religious personnel), as well as to participants in a *levée en masse*.” *Ibid.*, p. 33, fn 52 (May 2009) (citing to arts. 1-2 of the Hague Regulations and art. 43 (1) of Additional Protocol I).



without defining these concepts.<sup>1</sup> Specifically, these treaty clauses do not provide criteria for determining membership in irregular armed groups.<sup>2</sup> The result of this lack of definitional clarity is that the distinction between civilians and members of non-state armed groups in non-international armed conflict is unclear under international treaty law. In other words, in non-international armed conflict, whether armed forces of a non-State party to a conflict are combatants and, thus, can be targeted at any time remains subject to debate.<sup>3</sup>

### • **Concurrent Application of International Humanitarian Law and International Human Rights Law during Armed Conflict**

International humanitarian law and international human rights law constitute different bodies of law. Although the two bodies of law sometimes overlap, conceptual distinctions can complicate their concurrent application.<sup>4</sup> For example, some of the rules prescribed by international human rights law—like the protection of the right to life—conflict with international humanitarian law, which permits targeted killings in certain circumstances. These conflicts raise questions about how these bodies of law are concurrently applied in armed conflict.

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1 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), art. 1(1), 8 June 1977, 1125 U.N.T.S. 609 (1977) (“This Protocol, which develops and supplements Article 3 common to the Geneva Conventions of 12 August 1949 without modifying its existing conditions of application, shall apply to all armed conflicts which are not covered by Article 1 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and which take place in the territory of a High Contracting Party between its *armed forces and dissident armed forces or other organized armed groups* which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol.” (emphasis added)). See also Nils Melzer, *Interpretive Guidance on the Notion of Direct Participation in Hostilities Under International Humanitarian Law*, International Committee of the Red Cross, 27-30 (May 2009).

2 Nils Melzer, *Interpretive Guidance on the Notion of Direct Participation in Hostilities Under International Humanitarian Law*, International Committee of the Red Cross, 32-33 (May 2009).

3 *Ibid.*, p. 27; see also Geoffrey Corn and Chris Jenks, *Two Sides of the Combatant Coin: Untangling Direct Participation in Hostilities from Belligerent Status in Non-International Armed Conflicts*, 33 U. Pa. J. Int’l L. 313 (30 November 2011), available at [https://www.law.upenn.edu/journals/jil/articles/volume33/issue2/CornJenks33U.Pa.J.Int’lL.313\(2011\).pdf](https://www.law.upenn.edu/journals/jil/articles/volume33/issue2/CornJenks33U.Pa.J.Int’lL.313(2011).pdf).

4 United Nations Office of the High Commissioner for Human Rights (OHCHR), *International Legal Protection of Human Rights in Armed Conflict*, 15 (2011), available at [https://www.ohchr.org/Documents/Publications/HR\\_in\\_armed\\_conflict.pdf](https://www.ohchr.org/Documents/Publications/HR_in_armed_conflict.pdf).

Where international human rights law and international humanitarian law conflict with one another, the principle of *lex specialis* applies.<sup>1</sup> *Lex specialis* governs the concurrent application of two conflicting legal doctrines. It instructs that where two bodies of law are applicable but cannot be applied consistently with each other, the more specialized body of law applies. Thus, in the context of armed conflict, where international humanitarian law and international human rights law are both applicable but cannot be applied consistently with each other, generally international humanitarian law applies.<sup>2</sup>

Some states and scholars once claimed that international human rights law was inapplicable during times of armed conflict.<sup>3</sup> However, this position has largely been rejected today. Instead, it is widely understood that international human rights law and international humanitarian law apply concurrently—and only when the two legal regimes conflict during times of armed conflict does international humanitarian law displace international human rights law.<sup>4</sup>

Some organizations have even taken the position that international human rights law might displace international humanitarian law in certain circumstances, even during armed conflict. For example, the IICIS argues that such legal analysis should be “fact specific” and, therefore, “each regime may apply, exclusive of the other” in specific circumstances.<sup>5</sup> For example, protests that take place in the context of war may still be governed exclusively by international human rights law, not international humanitarian law.

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1 Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, Annex II, para. 5, delivered to the Human Rights Council, U.N. Doc. A/HRC/21/50, (16 August 2012).

2 *Ibid.*, para. 5, fn. 4 (citing Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, 1996 I.C.J. Rep. 226 (8 July)).

3 See, for example, Oona Hathaway et al., *Which Law Governs During Armed Conflict? The Relationship Between International Humanitarian Law and Human Rights Law*, 96 Minn. L. Rev. 1883, 1884 (2012) (“In 1984, however, the United States made clear its view that the Convention Against Torture—a core human rights treaty—was inapplicable during armed conflict.” (citing to Rep. of the Working Grp. on a Draft Convention Against Torture & Other Cruel, Inhuman or Degrading Treatment or Punishment, Comm’n on Human Rights, 40th Sess., para. 5, U.N. Doc. E/CN.4/1984/72 (9 March 1984)).

4 See, for example, United Nations Office of the High Commissioner for Human Rights (OHCHR), *International Legal Protection of Human Rights in Armed Conflict*, 15 (2011).

5 Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, Annex II, para. 5, fn.4, delivered to the Human Rights Council, U.N. Doc. A/HRC/21/50, (16 August 2012) (citing Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, 1996 I.C.J. Rep. 226 (8 July) and Human Rights Committee, General Comment 31 on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant, para. 11, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (26 May 2004)).



Where the two bodies of law do not conflict and can be applied together, neither body of law displaces the other. The Human Rights Committee's General Comment 31, on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant, supports this perspective. The General Comment explains that with respect to specific ICCPR rights, while "more specific rules of international humanitarian law may be specially relevant for the purposes of the interpretation of Covenant rights, both spheres of law are complementary, not mutually exclusive."<sup>1</sup> The ICJ,<sup>2</sup> OHCHR,<sup>3</sup> IICIS<sup>4</sup> and international law scholars<sup>5</sup> have all recognized the concurrent application of international human rights and international humanitarian law. This chapter will note the interactions of

1 Human Rights Committee, General Comment No. 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, para. 11, U.N. Doc. CCPR/C/21/Rev.1/Add. 13 (29 March 2004) ("As implied in General Comment 29, the Covenant applies also in situations of armed conflict to which the rules of international humanitarian law are applicable. While, in respect of certain Covenant rights, more specific rules of international humanitarian law may be specially relevant for the purposes of the interpretation of Covenant rights, both spheres of law are complementary, not mutually exclusive.").

2 In the *Palestine Wall* case, the Court firmly held that the protections of human rights do not cease in armed conflict but rather apply concurrently with international humanitarian law. See *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion*, 2004 I.C.J. Rep 136, para. 106 (9 July) (Treating IHL as a "*lex specialis*" but noting that, as a general matter, "the Court considers that the protection offered by human rights conventions does not cease in case of armed conflict, save through the effect of provisions for derogation of the kind to be found in Article 4 of the International Covenant on Civil and Political Rights" and that, "[a]s regards the relationship between international humanitarian law and human rights law, there are thus three possible situations: some rights may be exclusively matters of international humanitarian law; others may be exclusively matters of human rights law; yet others may be matters of both these branches of international law."). The ICJ found similarly in the *Congo-Uganda* case, where "the Congo claimed that serious and widespread human rights and humanitarian law violations were committed by the Ugandan forces in the occupied parts of the Congo, against the lives and property of the Congolese population." Alexander Orakhelashvili, *The Interaction between Human Rights and Humanitarian Law: Fragmentation, Conflict, Parallelism, or Convergence?*, 19 EJIL 161, 163 (2008) (citing to *Case Concerning the Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, 2005 I.C.J. Rep 168, paras. 181-195 (19 December). The Court held, "Uganda was responsible for violations of human rights law and humanitarian law," embracing the position that the two bodies of law were applicable at the same time. *Ibid.*, para. 220.).

3 The Office of the High Commissioner for Human Rights has written, "Since human rights obligations derive from the recognition of inherent rights of all human beings and . . . these rights could be affected both in times of peace and in times of war, international human rights law continues to apply in situations of armed conflict." United Nations Office of the High Commissioner for Human Rights (OHCHR), *International Legal Protection of Human Rights in Armed Conflict*, 5-6 (2011).

4 The IICIS recognizes that the Syrian Government's international human rights law obligations "remained in effect throughout the conflict, irrespective of the applicability of other legal regimes" such as international humanitarian law. See Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, Annex II, para. 8, delivered to the Human Rights Council, U.N. Doc. A/HRC/21/50 (16 August 2012). The IICIS recognizes that international human rights law and international humanitarian law were "generally considered as complementary and mutually reinforcing." *Ibid.*, Annex II, para. 5. The IICIS, since 2012, has "applied both international humanitarian law and international human rights law in its assessment of the actions of the parties to the hostilities" in Syria. *Ibid.*, Summary.

5 See, for example, Oona Hathaway et al., *Which Law Governs During Armed Conflict? The Relationship Between International Humanitarian Law and Human Rights Law*, 96 Minn. L. Rev. 1883 (2012).



international humanitarian law and international human rights law with regard to each violation in Part II below.

### **C. International Criminal Law**

International criminal law establishes individual liability for conduct recognized as a serious violation of international law. International criminal law also “regulates procedures governing investigation, prosecution and punishment of those categories of conduct, and holds perpetrators individually accountable for their commission.”<sup>1</sup> International criminal law, including the Rome Statute of the International Court, establishes particularly egregious violations, including genocide, war crimes, and crimes against humanity, as crimes under international law.

International criminal law seeks to hold perpetrators individually accountable for the commission of international crimes. However, the relevance of international criminal law to any specific context depends on the jurisdiction of international criminal tribunals to adjudicate alleged violations. In the case of Syria, the International Criminal Court (ICC) is the only court available to adjudicate violations of international criminal law. However, because Syria is not a party to the Rome Statute (the treaty establishing the ICC), the ICC’s jurisdiction over crimes committed in Syria can be established only through the U.N. Security Council’s referral of these crimes to the Prosecutor of the Court. This section explores the consequences of this barrier to the ICC’s exercise of jurisdiction and sets out other potential avenues for prosecution.

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<sup>1</sup> International Committee of the Red Cross, *General Principles of International Criminal Law* (March 2014), available at <https://www.icrc.org/en/download/file/1070/general-principles-of-criminal-law-icrc-eng.pdf>.





Under international criminal law, there are various forms of criminal liability, including individual criminal liability. Under individual criminal liability, individuals can be held responsible for committing violations of international criminal law, as well as participating in those violations as an accomplice (e.g., by participating in a conspiracy or aiding and abetting violations of international criminal law.)<sup>1</sup> Under command responsibility, liability under international criminal law can arise from both acts and failures to act. Individuals with command control can be held criminally responsible for offences committed by their subordinates.<sup>2</sup> For example, customary international law recognizes that a commander may be prosecuted under international criminal law for violations committed by subordinates “if he or she is aware of the crimes, or should have been aware of them, and fails to prevent or punish them.”<sup>3</sup>

Even where there might not be a tribunal with jurisdiction to prosecute perpetrators of serious crimes, the existence of international criminal law can promote international accountability. First, the development of international criminal law facilitates the development of customary international law. Second, international criminal law may provide the basis for eventually establishing a tribunal to adjudicate violations in states, including Syria, that are experiencing severe violations or give rise to prosecution under “universal jurisdiction” in third-party nations. This section will explore these possible mechanisms for accountability.

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1 *Ibid.*

2 International Committee of the Red Cross, *Rule 153. Command Responsibility for the Failure to Prevent, Repress or Report War Crimes*, IHL Database: Customary IHL, available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_cha\\_chapter43\\_rule153](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_cha_chapter43_rule153).

3 Amnesty International, *Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prisons, Syria*, 42 (2016), available at [http://www.amnestyusa.org/sites/default/files/human\\_slaughterhouse.pdf](http://www.amnestyusa.org/sites/default/files/human_slaughterhouse.pdf) (citing to the Statute of the International Criminal Tribunal for the Former Yugoslavia (Article 7(3)) and the Rome Statute of the International Criminal Court).

## • Sources of International Criminal Law and Major Crimes

As with international human rights and international humanitarian law, international criminal law derives from several categories of sources, enumerated in Article 38(1) of the Statute of the International Court of Justice: treaties, customary international law, general principles of law, judicial decisions, and the writings of preeminent legal scholars.<sup>1</sup> The Rome Statute of the International Criminal Court—the only permanent court available to try international crimes—sets out severe crimes, the prohibition of which is widely acknowledged to constitute customary international law.

## • Genocide

The prohibition against genocide is well established as a norm of customary international law and as a *jus cogens* norm. Article 6 of the Rome Statute defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) [k]illing members of the group; (b) [c]ausing serious bodily or mental harm to members of the group; (c) [d]eliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) [i]mposing measures intended to prevent births within the group; and (e) [f]orcibly transferring children of the group to another group.”<sup>2</sup> Article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention) also prohibits the commission of genocide.<sup>3</sup> Because the prohibition on genocide is a rule of customary international law, it binds all states whether or not they have ratified the Genocide Convention or the Rome Statute.<sup>4</sup>

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1 Statute of the International Court of Justice, art. 38(1), 24 October 1945, Can TS 7; SATS 6 (1945).

2 Rome Statute of the International Criminal Court, art. 6, 17 July 1998, 2187 U.N.T.S. 3 (1998).

3 Convention on the Prevention and Punishment of the Crime of Genocide, arts. 1, 2, 9 December 1948, 78 U.N.T.S. 277 (1948), available at <https://treaties.un.org/doc/publication/unts/volume%2078/volume-78-i-1021-english.pdf>.

4 Amnesty International, *Terms in International Justice*, available at [https://www.amnestyusa.org/files/pdfs/ij\\_intllawdefinitions.pdf](https://www.amnestyusa.org/files/pdfs/ij_intllawdefinitions.pdf).



## • Crimes Against Humanity

Crimes against humanity are deliberate acts that contribute to a widespread or systematic attack committed against any civilian population. Such crimes can take place in times of peace or armed conflict.<sup>1</sup> Article 7 of the Rome Statute defines eleven categories of conduct that may amount to crimes against humanity, including: murder; extermination; enslavement; deportation or forcible transfer of population; imprisonment; torture; rape, sexual slavery and other forms of sexual violence; persecution against an identifiable group on political, racial, national, ethnic, cultural, religious or gender grounds; enforced disappearance of persons; the crime of apartheid; and other inhumane acts of a similar character.<sup>2</sup>

## • War Crimes

War crimes are acts undertaken during the course of international or non-international armed conflict that amount to certain specific breaches of international humanitarian law. Article 8 of the Rome Statute defines a wide range of acts as war crimes, whether committed during international or non-international armed conflict.<sup>3</sup> An act, to qualify as a war crime, unlike the acts that constitute crimes against humanity, does not need to be widespread and systematic—it can be a single, isolated act.<sup>4</sup>

War crimes within an international armed conflict fall into two main categories. The first category constitutes grave breaches of the four Geneva Conventions of 1949; these include willful killing, torture, unlawful deportation, and the taking of hostages.<sup>5</sup> The second category covers other violations of international humanitarian law, including attacks on civilians, prohibited methods of warfare, and pillaging—violations that are prohibited by Additional Protocol I to the Geneva Conventions, the 1907 Hague Convention, the 1899 Hague Declaration, and the Geneva Gas Protocol.<sup>6</sup>

War crimes within a non-international armed conflict also fall into two main

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1 Rome Statute of the International Criminal Court, art. 7, 17 July 1998, 2187 U.N.T.S. 3 (1998).

2 *Ibid.*

3 *Ibid.*, art. 8; see also Amnesty International, *Terms in International Justice*, available at [https://www.amnestyusa.org/files/pdfs/ij\\_intllawdefinitions.pdf](https://www.amnestyusa.org/files/pdfs/ij_intllawdefinitions.pdf). See International Humanitarian Law, Part I.B of this chapter, above, for an explanation of the distinction between international and internal armed conflicts.

4 Amnesty International, *Terms in International Justice*, available at [https://www.amnestyusa.org/files/pdfs/ij\\_intllawdefinitions.pdf](https://www.amnestyusa.org/files/pdfs/ij_intllawdefinitions.pdf).

5 Rome Statute of the International Criminal Court, art. 8(2)(a), 17 July 1998, 2187 U.N.T.S. 3 (1998). See International Humanitarian Law, Part I.B of this chapter, above, for further information.

6 *Ibid.*, art. 8(2)(b). See International Humanitarian Law, Part I.B of this chapter, above, for further information.

categories. The first category covers, under Common Article 3 to the four Geneva Conventions, violations against civilians, detainees, and the wounded, such as violence to life and person, taking of hostages, and unlawful execution.<sup>1</sup> The second category covers violations of international humanitarian law recognized in Additional Protocol II to the Geneva Conventions, including intentional attacks against civilians, humanitarian personnel, and medical units.<sup>2</sup>

## • The Jurisdiction of the International Criminal Court

The International Criminal Court (ICC), established by the Rome Statute, which entered into force in 2002, has the authority to bring to justice certain perpetrators of severe violations of international law. Prosecutions at the ICC have ranged from high-profile leaders to a number of low-level soldiers who committed genocide, war crimes, or crimes against humanity during armed conflicts.<sup>3</sup> As previously noted, the Rome Statute limits the jurisdiction of the Court. There are three ways in which the ICC could exercise jurisdiction over Syria for crimes committed during the conflict.

First, it remains possible, although unlikely, that the Syrian government could accept “the jurisdiction of the ICC with respect to crimes committed in its territory or by one of its nationals and request the Office of the Prosecutor to carry out an investigation.”<sup>4</sup> Regardless of who controls the Syrian government at the end of the armed conflict, it remains unlikely that the Syrian government will acquiesce to ICC jurisdiction. Almost all parties to the conflict have committed atrocities and would, therefore, have reason to avoid ICC jurisdiction.

Other major states involved in the Syrian conflict are also not covered by ICC jurisdiction, as they are not parties to the Rome Statute. The United States is not a party to the Rome Statute. Russia, although formerly a party to the Rome Statute, withdrew in 2016 amid accusations of war crimes for its military intervention in Syria.<sup>5</sup> Thus, ICC prosecution cannot reach nationals from either Russia or the United States.

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1 *Ibid.*, art. 8(2)(c).

2 *Ibid.*, art. 8(2)(e).

3 See generally Mirjan R. Damaska, *The International Criminal Court Between Aspiration and Achievement*, 14 UCLA J. of Int'l L. & Foreign Aff. 19 (2009); Mirjan R. Damaska, *What is the Point of International Criminal Justice?*, 83 Chi.-Kent L. Rev. 329 (2008).

4 International Criminal Court, *Understanding The International Criminal Court*, 17, available at <https://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf>.

5 Robbie Gramer, *Why Russia Just Withdrew from the ICC*, Foreign Policy (16 November 2016), available at <http://foreignpolicy.com/2016/11/16/why-russia-just-withdrew-from-icc-putin-treaty-ukraine-law/>.



Second, the U.N. Security Council could refer Syria to the ICC.<sup>1</sup> The Security Council has the power to make an “ICC referral,” which gives the ICC jurisdiction over all events occurring after the date on which the Rome Statute entered into force—1 July 2002.<sup>2</sup> To date, there have been two such ICC referrals—for the Darfur region of Sudan in 2005 and for Libya in 2011.<sup>3</sup>

Although a referral for Syria was proposed in 2014, Russia and China (both allies of the Syrian government) blocked the Security Council resolution proposing to bring Syria and its nationals before the ICC.<sup>4</sup> Both countries, as permanent Security Council members, have the power to veto any resolution to refer to the ICC.<sup>5</sup> By March 2018, six current Security Council members had expressed their support for an ICC referral on Syria: Argentina, Australia, France, Luxembourg, South Korea, and the United Kingdom. Furthermore, Switzerland, on behalf of 58 countries, called on the Security Council to refer the Syrian situation to the ICC.<sup>6</sup> Given the position of Russia and China in regard to Syria, it remains unlikely that individual perpetrators from the Syrian conflict will be brought to justice through a Security Council referral to the ICC.<sup>7</sup>

Third, the ICC may “exercise its jurisdiction in situations where the alleged perpetrator is a national of a State Party or where the crime was committed in the territory of a State Party.”<sup>8</sup> In other words, if members of Syrian non-state groups, or even the Syrian government, committed extraterritorial violations of the Rome Statute on the territory of a state party to the Rome Statute (i.e., in neighboring countries like Jordan, which is a party to the Rome Statute), they could be brought before the ICC if they are detained by authorities in those states.

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1 International Criminal Court, *Understanding The International Criminal Court*, 4, available at <https://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf>.

2 Human Rights Watch, Q&A: Syria and the International Criminal Court (17 September 2013), available at <https://www.hrw.org/news/2013/09/17/qa-syria-and-international-criminal-court#1>.

3 *Ibid.*; Human Rights Watch, U.N. Security Council: Address Inconsistency in ICC Referrals (16 October, 2012), available at <https://www.hrw.org/news/2012/10/16/un-security-council-address-inconsistency-icc-referrals>.

4 Russia, China Block Security Council Referral of Syria to International Criminal Court, U.N. News, 22 May 2018, <https://news.un.org/en/story/2014/05/468962-russia-china-block-security-council-referral-syria-international-criminal-court>

5 Human Rights Watch, Q&A: Syria and the International Criminal Court (17 September 2017), available at <https://www.hrw.org/news/2013/09/17/qa-syria-and-international-criminal-court#1>.

6 Letter from Thomas Güber, Chargé d'affaires, to Mohammad Masoud Khan, President of Security Council (14 January 2018), available at <http://www.news.admin.ch/NSBSubscriber/message/attachments/29293.pdf>.

7 See Ian Black, *Russia and China Veto U.N. Move to Refer Syria to International Criminal Court*, The Guardian, 22 May, 2014, available at <https://www.theguardian.com/world/2014/may/22/russia-china-veto-un-draft-resolution-refer-syria-international-criminal-court>.

8 International Criminal Court, *Understanding The International Criminal Court*, 4, available at <https://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf>.

Also, if an alleged perpetrator is a national of a state that is a party to the ICC, the ICC will have jurisdiction over that individual. This is particularly important in the Syrian context, given that foreign fighters have dominated the leadership of some non-state armed groups, notably the Islamic State.<sup>1</sup> In short, if a high-ranking member of a non-state group operating in Syria is a national of a state party to the Rome Statute, that individual can be brought to justice before the ICC. This could include, for example, leaders of Afghan Shi'ite militias accused of participating in the armed conflict.<sup>2</sup>

### • **Other Possible Approaches to Enforcement of International Criminal Law**

Although pursuing justice through the ICC appears unlikely, there are other possible enforcement mechanisms to consider. Such alternatives include regional or hybrid courts or the domestic courts of states with laws that provide for bringing to justice those that have committed atrocities even if they occurred in other states.

## **D. Domestic Courts in Other States**

Universal jurisdiction is a doctrine whereby domestic courts of a state assert jurisdiction over severe criminal offenses without regard for whether the offenses were committed within the state's territory and regardless of the nationality of victims or perpetrators. In other words, universal jurisdiction allows the courts of one country to adjudicate severe crimes that have taken place anywhere in the world.<sup>3</sup> It allows a state to prosecute individual perpetrators for offenses amounting to international crimes no matter where they were committed. For example, asylum seekers in Germany have filed a criminal complaint in German courts against six senior Syrian government officials, alleging the war crime of torture. The asylum seekers have argued that allegations of war crimes can be heard in any court, regardless of typical constraints on jurisdiction.<sup>4</sup>

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1        *Guide to Syrian Rebels*, BBC, 12 December, 2013, available at <http://www.bbc.co.uk/news/world-middle-east-24403003>.

2        See Ali Alfoneh, *Shia Afghan Fighters in Syria*, Atlantic Council, 19 April 2017, available at <http://www.atlanticcouncil.org/blogs/syriasource/shia-afghan-fighters-in-syria>.

3        Xavier Philippe, *The Principles of Universal Jurisdiction and Complementarity: How do the Two Principles Intermesh?* 88 *International Review of the Red Cross* 375, 377 (June 2006).

4        Anthony Faiola & Rick Noack, *For Syrian Victims, the Path to Justice Runs through Europe*, Washington Post, 2 March 2016, available at <https://www.washingtonpost.com/world/europe/for-syrian-victims-the-path-to-justice-runs-througheurope/2017/03/01/1b947f4c-fe8e-11e6-9b78-824ccab94435>.



Claims that a state should prosecute a case based on a theory of universal jurisdiction often depend on the severity of the crime, as universal jurisdiction is more appropriate for grave international crimes, including war crimes, crimes against humanity, and genocide. Indeed, under a theory of universal jurisdiction, “a case cannot proceed unless prosecutors deem it worthy of being brought to court.”<sup>1</sup>

The exercise of universal jurisdiction presents several challenges. First, to adjudicate a case under universal jurisdiction, many states’ legal systems require the actual presence of the alleged perpetrator on the adjudicating state’s territory.<sup>2</sup> Second, states must have sufficient resources to carry out the investigation, prosecution, and trial and have access to crime scenes in order to gather and present the requisite evidence.<sup>3</sup> Third, multiple states might claim the right to exercise universal jurisdiction over the same criminal conduct. As one organization has stated, “[T]here are no international customary rules designed to resolve the question of concurrent jurisdiction of two or more states.”<sup>4</sup> Concurrent jurisdiction can undermine international accountability by presenting different interpretations of the same crimes, thereby creating confusion around international legal standards and norms. All of these factors might present barriers to the exercise of universal jurisdiction.

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1 *Ibid.*

2 *Ibid.*

3 Cedric Ryngaert, *The International Criminal Court and Universal Jurisdiction: A Fraught Relationship?* 12 New Crim. L. Rev.: An Int’l and Interdisciplinary J. 498, 505-506 (Fall, 2009).

4 Diakonia, *International Crimes and Accountability: A Beginner’s Introduction to the Duty to Investigate, Prosecute and Punish*, 11 (October 2013), available at <https://www.diakonia.se/globalassets/documents/ihl/ihl-resources-center/international-crimes-and-accountability-a-beginners-introduction-to-the-duty-to-investigate-prosecute-and-punish.pdf>.



Nevertheless, universal jurisdiction continues to be exercised in many states' domestic courts, and more states than ever are incorporating universal jurisdiction in their jurisdictional law.<sup>1</sup> In 2016, "authorities in Austria, Finland, France, Germany, and Sweden brought charges for alleged [international] crimes in Syria."<sup>2</sup> In Sweden, there have been at least three convictions of Syrian nationals for war crimes committed in Syria.<sup>3</sup> Investigations that could lead to charges for crimes committed in Syria, based on universal jurisdiction theories, are also ongoing in Norway, Switzerland, and the Netherlands.<sup>4</sup>

## **E. Ad Hoc Tribunals and Hybrid Courts**

There are two other principal types of international courts that might be used to bring perpetrators of international crimes in Syria to justice. The first type of court is called an "ad hoc tribunal." Ad hoc tribunals have been established by the U.N. Security Council to prosecute criminal violations committed in specific territories and during specific periods. The Security Council has established two ad hoc tribunals: The International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda.

Hybrid courts are generally established under U.N. administration, by bilateral agreement, or by U.N. resolution and base their jurisdiction on territorial claims. Hybrid courts typically rely on a combination of international and domestic law to prosecute individuals accused of committing severe crimes. Examples of hybrid courts include the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and the Special Panels for Serious Crimes in Timor Leste. A hybrid international criminal tribunal (hybrid court) may also be an option for prosecuting violations of international criminal law in Syria.

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1 Maximo Langer, *Universal Jurisdiction is Not Disappearing: The Shift from "Global Enforcer" to "No Safe Haven" Universal Jurisdiction*, 13 J. of Int'l Crim. Justice 245 (2015).

2 Trial International, *Make Way for Justice #3: Universal Jurisdiction Annual Review 2017*, 3 (2017).

3 *Ibid.*; see also Anne Barnard, *Syrian Soldier Is Guilty of War Crime, a First in the 6-Year Conflict*, New York Times, 3 October 2017, available at <https://www.nytimes.com/2017/10/03/world/middleeast/syria-war-crime.html> ("The perpetrator: a low-level soldier who is now in Sweden as a refugee. The crime: violating human dignity by posing with his boot on a corpse. The sentence: eight months in a Swedish prison."); BBC, *Sweden Sentences Syrian Rebel to Five Years for War Crime*, BBC, 26 February 2015 ("A former Syrian rebel fighter has been given five years in prison in Sweden for a 'torture-like' assault in Syria. Mouhannad Droubi, 28, was convicted of attacking an enemy who is defenceless, a war crime in Sweden."); Radio Sweden, "Swedish Resident Found Guilty of War Crimes in Syria," Radio Sweden, 16 February 2017 ("A 46 year old man living in Sweden was found guilty of war crimes and sentenced to life in prison for the murder of Syrian government soldiers on Thursday. In 2012, the man was part of an armed rebel group in Syria which captured and killed seven government soldiers in the Idlib province.").

4 Trial International, *Make way for Justice #3: Universal Jurisdiction Annual Review 2017*, 3 (2017), available at [https://trialinternational.org/wp-content/uploads/2017/03/UJAR-MEP\\_A4\\_012.pdf](https://trialinternational.org/wp-content/uploads/2017/03/UJAR-MEP_A4_012.pdf).



Establishing an ad hoc tribunal for Syria presents the same challenge as obtaining an ICC referral for Syrian war crimes. In order to establish an ad hoc tribunal, the Security Council must pass a resolution. For the same reasons discussed above, this is unlikely to happen, given the veto power held by Russia and China on the Security Council.

The Kurdistan Regional Government (KRG) in Iraq has called for an independent international tribunal with jurisdiction over the core international crimes in Iraq, and similar tribunals were suggested with respect to northern Syria.<sup>1</sup> The status of these efforts is unclear after the United States' withdrawal from areas in northern Syria controlled by U.S.-backed Kurds.

Although it has not yet been possible to establish traditional institutions of enforcement for Syria, international criminal law nevertheless provides a crucial potential system for accountability for individual participation in egregious violations of international law. Due largely to the obstacles to efforts to create an international tribunal, several countries have begun investigation and prosecution efforts that rely, in part, on international criminal law. International criminal law thus provides an important framework to investigators who gather and preserve evidence of violations committed in Syria.

## **F. Scope of State and Non-State Armed Groups' Legal Responsibility for Violations of International Human Rights and Humanitarian Law**

State and non-state actors may be held legally responsible for violations of international human rights and humanitarian law. This section addresses the ways in which each of the following parties to the armed conflict may be responsible for such violations: the Syrian government, other states that have intervened in the conflict, and non-state actors, including rebel and non-state armed groups.

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<sup>1</sup> *Islamic State group: Syria's Kurds Call for International Tribunal*, BBC, 26 March, 2019, available at <https://www.bbc.com/news/world-middle-east-47704464>; Benjamin Duerr, *Could Kurdish Tribunal Succeed Where International Law Has Failed?* IPI Global Observatory, 13 December, 2016, available at <https://theglobalobservatory.org/2016/12/kurdistan-regional-government-iraq-war-crimes-icc>.

## • Legal Responsibility of the Syrian Government

The Syrian government is legally bound to uphold its obligations under the following core human rights treaties, subject to the reservations that Syria made upon ratification: the ICCPR, ICESCR, CRC, CERD, CEDAW, CAT, and CRPD. The Syrian government did not formally report its intent to derogate from its international human rights law obligations, as required under the treaties' derogation provisions. Therefore, Syria was and continues to be fully bound by all of its human rights obligations that were in place prior to the beginning of armed hostilities. The Syrian government is also bound by customary international human rights law.

The Syrian government is legally bound by its ratification of the Geneva Conventions and Additional Protocol I.<sup>1</sup> Although Syria has neither signed nor ratified Additional Protocol II, and has signed but not ratified<sup>2</sup> the Statute of the International Criminal Court (the Rome Statute), it is nevertheless bound by the customary international humanitarian law that has been codified in these treaties, including the elements of customary law codified in Additional Protocol II.<sup>3</sup>

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1 See Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention), *ratified on* 11 February 1953, 75 U.N.T.S. 31 (1949), *available at* <https://treaties.un.org/Pages/showDetails.aspx?objid=080000028015847c>; Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention), *ratified on* 2 November 1953, 75 U.N.T.S. 85 (1949); Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), *ratified on* 2 November 1953, 75 U.N.T.S. 135 (1949); Geneva Convention Relative to the Protection of Civilian Persons in Times of War (Fourth Geneva Convention), *ratified on* 2 November 1953, 75 U.N.T.S. 287 (1949); Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), *ratified on* 14 November 1983, 17512 U.N.T.S. 3 (1977), *available at*, <https://treaties.un.org/doc/Publication/UNTS/Volume%201125/volume-1125-I-17512-English.pdf>.

2 A signature does not establish a state's consent to be bound by the treaty. Instead, it "expresses the willingness of the signatory state to continue the treaty-making process." United Nations, *Treaty Collection: Glossary*, *available at* [https://treaties.un.org/pages/Overview.aspx?path=overview/glossary/page1\\_en.xml#signaturesubject](https://treaties.un.org/pages/Overview.aspx?path=overview/glossary/page1_en.xml#signaturesubject).

3 International Committee of the Red Cross, *Increasing Respect for International Humanitarian Law in Non-International Armed Conflicts*, 9 (February 2008), *available at* [https://www.icrc.org/eng/assets/files/other/icrc\\_002\\_0923.pdf](https://www.icrc.org/eng/assets/files/other/icrc_002_0923.pdf) ("[M]any of the provisions of Additional Protocol II are now considered to be part of customary international law and, thus, binding on all parties to non-international armed conflicts. These rules include the prohibition of attacks on civilians, the obligation to respect and protect medical and religious personnel, medical units and transports, the prohibition of starvation, the prohibition of attacks on objects indispensable to the survival of the civilian population, the obligation to respect the fundamental guarantees of persons who are not taking a direct part, or who have ceased to take a direct part, in hostilities, the obligation to search for and respect and protect the wounded, sick and shipwrecked, the obligation to search for and collect the dead, the obligation to protect persons deprived of their liberty, the prohibition of the forced movement of civilians, and specific protection for women and children."). For a more detailed discussion of applicable customary law rules, see generally Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law*, Volume I: Rules (Cambridge University Press, 2005), *available at* <https://www.icrc.org/en/doc/assets/files/other/customary-international-humanitarian-law-i-icrc-eng.pdf>. The International Committee of the Red Cross—an organization that ensures humanitarian protection and assistance and that has privileged status under the Geneva Conventions as the origin of the Conventions and of the Red Cross and Red Crescent Movement—has identified 161 distinct customary rules of IHL, and 148 of those apply in non-international armed conflict. *Ibid.*



## • Legal Responsibility of States That Have Intervened in Syria

States operating in Syria have extraterritorial human rights obligations that govern their conduct in Syria.<sup>1</sup> Although scholars and states debate the degree to which human rights obligations apply extraterritorially under international human rights law,<sup>2</sup> many important international bodies have embraced the presumption that human rights treaties apply extraterritorially. For example, the Human Rights Committee has commented that Article 2 of the ICCPR requires state parties to ensure that rights are respected by those “within the power or effective control of the forces of a State Party acting outside its territory, regardless of the circumstances in which such power or effective control was obtained.”<sup>3</sup> Other treaty-monitoring bodies have likewise embraced the extraterritorial application of human rights obligations.<sup>4</sup>

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1 For a generalized introduction to this area, see Olivier De Schutter, *International Human Rights Law: Cases, Materials, Commentary* 161 (3d. ed., 2019).

2 For more on the debate regarding the extraterritorial application of human rights treaties, see, for example, Marko Milanovic, *Extraterritorial Application of Human Rights Treaties: Law, Principles, and Policy* (2011); Fons Coomans and Menno T. Kamminga, *Extraterritorial Application of Human Rights Treaties* (2004); Oona Hathaway, *Human Rights Abroad*, 43 *Arizona State Law Journal* 389 (2011).

3 Human Rights Committee, General Comment No. 31, *The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, para. 10, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (29 March 2004).

4 The CEDAW Committee, in its concluding observations on one state's periodic report, recommended that the “State Party uphold its due diligence obligations to ensure that companies under the its [sic] jurisdiction or control respect, protect, and fulfill women's human rights when operating abroad.” CEDAW Committee, *Concluding Observations on the Combined Eight and Ninth Periodic Reports of Sweden*, U.N. Doc. CEDAW/C/SWE/CO/8-9 (7 March 2016) available at [http://www.etoconsortium.org/nc/en/main-navigation/library/documents/?tx\\_drblob\\_pi1%5BdownloadUid%5D=178](http://www.etoconsortium.org/nc/en/main-navigation/library/documents/?tx_drblob_pi1%5BdownloadUid%5D=178). The Committee on Economic, Social and Cultural Rights has stated in its General Comment No. 19 on the right to social security, “State Parties should extraterritorially protect the right to social security by preventing their own citizens and national entities from violating this right in other countries.” Committee on Economic, Social and Cultural Rights, General Comment No. 19, *The Right to Social Security* (Article 9 of the Covenant), U.N. Doc. E/C.12/GC/19 (4 February 2008), available at <http://www.refworld.org/docid/47b17b5b39c.html>. For additional support, see collection of UN Treaty Bodies' General Comments on the Extraterritorial Application of Human Rights in Tamar Ben-Artzi, *The Extraterritorial Application of Human Rights*, Global Trust (2015), available at <http://globaltrust.tau.ac.il/the-extraterritorial-application-of-human-rights-a-digest-of-sources>.

The United States has argued that obligations under human rights treaties that explicitly limit the scope of their application to “any territory under [the State’s] jurisdiction” do not extend to all territories under the effective control of the state.<sup>1</sup> In an appearance before the Committee Against Torture in 2006, the United States expressed the position that Article 16’s requirement that a state party undertake to prevent cruel, inhuman or degrading treatment “in any territory under its jurisdiction”<sup>2</sup> might not apply to regions where it maintains “effective control” if they are outside of the formally recognized territory of the United States.<sup>3</sup> However, Executive Order 13491 issued by the Obama Administration “mandated compliance with the treatment standards of the Convention Against Torture for all persons under the effective control of the United States in situations of armed conflict, wherever located.”<sup>4</sup> This executive order recognized no geographic limits to the application of the Convention, thus bolstering the international consensus that human rights obligations apply extraterritorially.

States that have intervened in the conflict in Syria, including Russia, members of the U.S.-led Coalition, Turkey, and Iran, all have obligations to respect and adhere to international humanitarian law. In this case, it remains a question whether these states are bound by requirements under international humanitarian law that apply to non-international armed conflicts or to international armed conflicts. As previously discussed,<sup>5</sup> the status of the conflict in Syria is contested. Nevertheless, at a minimum, all of these states must comply with the requirements of Common Article 3 of the Geneva Conventions, which applies in both non-international and international armed conflict. These states would also have relevant obligations under the other international treaties to which they are parties.

## • Legal Responsibility of States for Actions of Non-State Armed Groups

In general, a state incurs legal liability for a violation of international law only

1 See Harold Hongju Koh, *Memorandum Opinion on the Geographic Scope of the Convention Against Torture and Its Application to Situations of Armed Conflict*, United States Department of State, 45-50 (21 January 2013), available at <https://www.documentcloud.org/documents/1053901-state-department-cat-memo.html>.

2 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 16, 10 December 1984, 1465 U.N.T.S. 85 (1984).

3 John Bellinger, *The Convention Against Torture: Extraterritorial Application and Application to Military Operations*, Lawfare, 26 October 2014, available at <https://www.lawfareblog.com/convention-against-torture-extraterritorial-application-and-application-military-operations>.

4 Harold Hongju Koh, *Memorandum Opinion on the Geographic Scope of the Convention Against Torture and Its Application to Situations of Armed Conflict*, United States Department of State (21 January 2013), available at <https://www.documentcloud.org/documents/1053901-state-department-cat-memo.html>.

5 See International Humanitarian Law, Part I.B of this chapter, above.



when that state commits the violating act.<sup>1</sup> However, states may incur liability for the actions of private individuals or groups when those actions can be attributed to the state. The law of “state responsibility” addresses government liability for the conduct of private actors.

Article 2 of the Draft Articles of State Responsibility, a document drafted by the International Law Commission to specify “the basic rules of international law concerning the responsibility of States for their internationally wrongful acts,”<sup>2</sup> states: “There is an internationally wrongful act of a State when conduct consisting of an action or omission: (a) is attributable to the State under international law; and (b) constitutes a breach of an international obligation of the State.”<sup>3</sup> The Draft Articles distinguish attribution for *de jure* and *de facto* organs of the state. *De jure* organs of the state are legal branches of the government. For example, the Syrian Armed Forces are *de jure* organs of the Syrian State.<sup>4</sup> On the other hand, *de facto* organs of the state are not officially part of the state but are nonetheless under the state’s control.<sup>5</sup> For example, the pro-government Shabiha militias might, in some, but not all, circumstances, be classified as a *de facto* organ of the Syrian State.<sup>6</sup>

The International Court of Justice (ICJ) and the International Criminal Tribunal for the Former Yugoslavia (ICTY) have introduced divergent standards for determining the level of control necessary to establish state responsibility for *de*

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1 Alexander Kees, *Responsibility of States for Private Actors*, Max Planck Encyclopedia of Public International Law, March 2011, available at <https://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e1092>.

2 International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts*, in Report of the International Law Commission on the Work of Its Fifty-third Session, UN GAOR, 56th Sess., Supp. No. 10, 31, 43, U.N. Doc. A/56/10 (2001), available at <https://legal.un.org/docs/?path=../ilc/reports/2001/english/chp4.pdf&lang=EFSRAC>.

3 *Ibid.*, p. 34.

4 Djemila Carron, *When is a Conflict International? Time For New Control Tests in IHL*, 98 International Review of the Red Cross 1019, 1023 (2016) (“According to Article 4, paragraph 2 of the Draft Articles, *de jure* organs of a State are mainly defined by domestic law, with some limitations posed in international law . . . . In the Nicaragua judgment of 1986 and the Genocide judgment of 2007, Article 4 of the Draft Articles was also interpreted by the International Court of Justice (ICJ) to encompass a person or a group of persons under “complete dependence” of a State.”)

5 *Ibid.* (“According to Article 8 of the Draft Articles, a *de facto* organ of a State is a ‘person or group of persons . . . acting on the instructions of, or under the direction or control of, that State in carrying out the conduct.’ The Commentaries to Article 8 of the Draft Articles explain that the decisive element is the existence of ‘a real link between the person or group performing the act and the State machinery.’”)

6 For more on the Shabiha militias, see *Syria Unrest: Who are the Shabiha*, BBC News, 29 May 2012, <https://www.bbc.com/news/world-middle-east-14482968>.



facto actors. The ICJ established that to hold a state liable for conduct outside its territory, it must be found to have exercised “effective control” over the non-state actor.<sup>1</sup> In the seminal Nicaragua case, the ICJ held that in order to establish state responsibility, “it would in principle have to be proved that that State had effective control of the military or paramilitary operations in the course of which the alleged violations were committed.”<sup>2</sup> For a state to be responsible for a violation by a non-state actor, it must exercise significant control “in respect of each operation in which the alleged violations occurred.”<sup>3</sup> In other words, the state must specifically instruct or direct a non-state actor’s conduct.<sup>4</sup> According to the ICJ, the state must exert exacting control over a “specific operation” in order to establish state responsibility for non-state actor conduct.<sup>5</sup>

On the other hand, the ICTY adopted a more relaxed standard, holding that state responsibility required “overall control” over an organized, non-state military group’s conduct.<sup>6</sup> In Tadić, the ICTY distinguished the “overall control” test from the ICJ’s “effective control” test, stating that “[t]he degree of control [required for attribution] may . . . vary according to the factual circumstances of each case.”<sup>7</sup> The tribunal held that for organized groups, “it is sufficient to require that the group as a whole be under the overall control of the State.”<sup>8</sup> The ICTY found that a state meets the “overall control” test where it “equip[s] and financ[es]” an armed group and also “coordinat[es] or help[s] in the general planning of its military activity.”<sup>9</sup>

Inconsistencies between these two standards persist in international law. The International Law Commission embraced the ICJ’s “effective control” standard

1 *Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States of America)*, 1986 I.C.J. Rep. 14, 16, paras. 109–117 (27 June 1986); *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, 2007 I.C.J. Rep. 43, paras. 398–415 (26 February 2007).

2 *Military and Paramilitary Activities In and Against Nicaragua (Nicaragua v. United States of America)*, 1986 I.C.J. Rep. 14, 16, para. 115 (27 June 1986).

3 *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, 2007 I.C.J. Rep. 43, para. 400 (26 February 2007).

4 Oona Hathaway et al., *Ensuring Responsibility: Common Article 1 and State Responsibility for Non-State Actors*, 95 Texas Law Review 539, 549 (2017).

5 *Ibid.*, p. 550; *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, 2007 I.C.J. Rep. 43, para. 400 (26 February 2007) (“It must . . . be shown that this ‘effective control’ was exercised, or that the State’s instructions were given, in respect of each operation in which the alleged violations occurred, not generally in respect of the overall actions taken by the persons or groups of persons having committed the violations.”).

6 *The Prosecutor v. Dusko Tadić*, Case No. IT-94-1-A, Appeals Chamber Judgment (15 July 1999).

7 *Ibid.*, para. 117.

8 *Ibid.*, para. 120.

9 *Ibid.*, para. 131.





in its updated Draft Articles of State Responsibility.<sup>1</sup> On the other hand, “[t]he ICRC has expressly endorsed the overall control test as the appropriate standard in armed conflict, not only for purposes of classifying the conflict, but also for attributing state responsibility for the conduct of non-state actors.”<sup>2</sup> Academics fall on both sides of the debate over the state attribution of non-state actors’ conduct.<sup>3</sup>

Although ambiguity persists with regard to state responsibility for the actions of non-state actors, prosecutors can look to the case law from both the ICJ and ICTY for guidance. Moreover, a judgment of the European Court of Human Rights suggests that jurisdiction is not an all-or-nothing concept and that a state could have a positive obligation to take measures in its power to ensure non-state actors’ compliance with international human rights law obligations, even absent “effective control.” The European Court has held that where states do not exercise such control, they are nonetheless bound by international human rights law to protect all human rights against violations by non-state actors.<sup>4</sup>

International human rights bodies have similarly clarified that states’ human rights obligations extend to regulating the conduct of non-state actors. For example, the Human Rights Committee has stated:

[T]he positive obligations on States Parties to ensure Covenant rights will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities . . . . There may be circumstances in which a failure to ensure Covenant rights as required by article 2 would give rise to violations by States Parties of those rights, as a result of States Parties’ permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.<sup>5</sup>

The CEDAW Committee has affirmed that in conflict and post-conflict contexts, “there may be simultaneous and complementary sets of obligations under the

1 International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts*, in Report of the International Law Commission on the Work of Its Fifty-third Session, UN GAOR, 56th Sess., Supp. No. 10, art. 8 cmts. 3–5, 47–48, U.N. Doc. A/56/10 (2001).

2 Oona Hathaway et al., *Ensuring Responsibility: Common Article 1 and State Responsibility for Non-State Actors*, 95 Texas Law Review 539, 557 (2017).

3 For a summary of the scholarly opinions, see *ibid.*, pp. 557–562.

4 *Ilascu and others v. Moldova and Russia*, Appl. No. 48787/99, 2004 Eur. Ct. H.R. 318, para. 333 (8 July 2004).

5 Human Rights Committee, General Comment 31 on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant, para. 8, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (26 May 2004), available at <https://www.refworld.org/docid/478b26ae2.html>.

Convention for a range of involved actors.”<sup>1</sup> In particular, the CEDAW Committee “has also repeatedly stressed that the Convention requires States parties to regulate non-State actors under the duty to protect, such that States must exercise due diligence to prevent, investigate, punish and ensure redress for the acts of private individuals or entities that impair the rights enshrined in the Convention.”<sup>2</sup> The Committee on the Rights of the Child has similarly underscored states’ responsibility for non-state actors’ violations of the Convention,<sup>3</sup> recently calling on Syria to “[p]romptly investigate, prosecute and sanction members of security forces and of non-State armed groups for committing acts of rape and sexual violence against children and for forced marriage of girls.”<sup>4</sup>

### • Legal Responsibility of Non-States Actors: Rebels and Non-State Armed Groups

Non-state actors include international organizations, private corporations, criminal organizations, and rebels or other armed groups. When this chapter addresses the international human rights law obligations of non-state actors, it is referring only to rebels and non-state armed groups. Several prominent legal institutions, including a number of treaty bodies, have determined that certain human rights obligations apply to non-state actors. Despite this, the extent to which human rights obligations extend to non-state actors remains unsettled.

Although human rights law initially applied exclusively to states’ obligations,<sup>5</sup> commentators and courts increasingly acknowledge that international human

1 CEDAW Committee, General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations, para. 13, U.N. Doc. CEDAW/C/GC/30 (1 November 2013), available at <https://www.refworld.org/docid/5268d2064.html>.

2 *Ibid.*, para. 15; see also CEDAW Committee, General Recommendation No. 28, On the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of all Forms of Discrimination against Women, para. 13, U.N. Doc. CEDAW/C/GC/28 (16 December 2010), available at <https://www.refworld.org/docid/4d467ea72.html>.

3 See, for example, CRC and CEDAW, Joint General Comment 31 & 18 on Harmful Practices, para. 11, U.N. Doc. CEDAW/C/GC/31/CRC/C/GC/1 (14 November 2014).

4 Committee on the Rights of the Child, Concluding Observations: Syria, para. 31(b), U.N. Doc. CRC/C/SYR/CO/5 (2019).

5 Nigel S. Rodley, *Can Armed Opposition Groups Violate Human Rights?*, in Human Rights in the Twenty-First Century: A Global Challenge 299 (Kathleen E. Mahoney and Paul Mahoney eds., 1993); see also C. Ryngaert & M. Noortmann, *New Actors in Global Governance and International Human Rights Law*, 4 Human Rights & Int’l Legal Discourse 4, 12 (2010).



rights law binds both state and non-state actors, “albeit in different conditions and to differing degrees.”<sup>1</sup> Legal experts have concluded that non-state actors must abide by jus cogens norms.<sup>2</sup>

The Independent International Commission of Inquiry on the Syrian Arab Republic (IICIS), established by the Human Rights Council through resolution S-17/1,<sup>3</sup> recognizes that “human rights obligations constituting peremptory international law ([j]us cogens) bind States, individuals and non-State collective entities, including armed groups.”<sup>4</sup> This perspective has been adopted by the International Law Association’s Hague Conference on Non-State Actors, which has also asserted that non-state actors are bound by jus cogens norms.<sup>5</sup> Thus, non-state armed groups must, at a minimum, respect jus cogens norms. Acts that violate peremptory norms, such as torture, for example, are never lawful.

The obligations of non-state armed actors increase where those groups exercise de facto control over territory. For example, the IICIS states that although non-state actors do not become parties to international human rights law treaties, they “must nevertheless respect the fundamental human rights of persons forming customary international law [CIL], in areas where such actors exercise

1 United Nations Office of the High Commissioner for Human Rights (OHCHR), *International Legal Protection of Human Rights in Armed Conflict*, 21 (2011).

2 See International Human Rights Law, Part I.A of this chapter, above, for a discussion of *jus cogens* norms.

3 See Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, paras. 4-6, delivered to the Human Rights Council, U.N. Doc. A/HRC/S-17/2/Add.1 (24 November 2011) (outlining the Commission’s original mandate and terms of reference, including as a fact-finding body with a mandate to identify, using a standard of proof of “reasonable suspicion,” those responsible for violations).

4 Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, delivered to the Human Rights Council, para. 106, U.N. Doc. A/HRC/19/69 (22 February 2012), available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-69\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-69_en.pdf)

5 International Law Association, The Hague Conference 2010, *Non-State Actors, First Report of the Committee (Non-state Actors in International Law: Aims, Approach and Scope of Project and Legal Issues)*, para. 3.2 (2010) (emphasis original).

de facto control.”<sup>1</sup> It remains difficult, however, to determine at what threshold such de facto control is established.<sup>2</sup>

Some human rights treaties expressly include obligations of non-state groups. For example, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict states that non-state armed groups should not, under any circumstances, “recruit or use in hostilities persons under the age of 18 years.”<sup>3</sup>

Human rights treaty bodies have also clarified that the treaties’ obligations extend to non-state armed groups. For example, the CEDAW Committee has stated that “although non-State actors cannot become parties to the Convention, . . . where an armed group with an identifiable political structure exercises significant control over territory and population, non-State actors are obliged to respect international human rights.”<sup>4</sup> In addition, the Committee against Torture has concluded that non-state armed groups that “exercise certain prerogatives that are comparable to those normally exercised by legitimate governments” may be considered “public officials or other persons acting in official capacity” for the purposes of the Convention against Torture.<sup>5</sup> These treaty-body findings are relevant for the Syrian conflict because some of the non-state armed groups involved, notably the Islamic State, have controlled territory and governed civilians to such an extent that they have been described as “proto-states” or “quasi-states.”<sup>6</sup>

Furthermore, the Security Council, in resolutions concerning various armed conflicts, has “condemn[ed] the grave and systematic violations and human rights abuses” committed by non-state actors<sup>7</sup> and, at other times, demanded

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1 Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, Annex II para. 10, delivered to the Human Rights Council, U.N. Doc. A/HRC/21/50 (16 August 2012).

2 Nigel S. Rodley, *Can Armed Opposition Groups Violate Human Rights?*, in Human Rights in the Twenty-First Century: A Global Challenge 313 (Kathleen E. Mahoney and Paul Mahoney eds., 1993).

3 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, art. 4(l), 25 May 2000, 2173 U.N.T.S. 222 (2000), available at <https://www.ohchr.org/Documents/ProfessionalInterest/crc-conflict.pdf>.

4 CEDAW Committee, General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations, para. 16, U.N. Doc. CEDAW/C/GC/30 (18 October 2013).

5 Committee against Torture, *Sadiq Shek Elmi v. Australia*, para. 6.5, U.N. Doc. CAT/C/22/D/120/1998 (25 May 1999).

6 Will McCants, *How the Islamic State Declared War on the World*, Foreign Policy, 16 November 2015, available at <https://foreignpolicy.com/2015/11/16/how-the-islamic-state-declared-war-on-the-world-actual-state>.

7 Security Council Resolution 2067, para. 18, U.N. Doc. S/RES/2067 (18 September 2012).



that armed groups “cease all abuses of human rights.”<sup>1</sup> Similarly, General Assembly resolutions have called on non-state armed actors to respect human rights obligations.<sup>2</sup>

In addition, although the specific rules of international humanitarian law that bind state and non-state actors are slightly different, “it is well-settled that all parties to an armed conflict, whether states or non-state actors, are bound by international humanitarian law.”<sup>3</sup> Non-state actors have obligations under international humanitarian law once an armed conflict exists. All non-state armed groups are bound by Common Article 3, which applies to “each Party to the conflict.”<sup>4</sup> Non-state armed groups are equally bound by customary international law, the relevant parts of which will be discussed in Part II of this chapter, which addresses specific violations.

## Part II: Characterizing Conduct: Assessing Potential Violations of International Law

This Part applies the four legal regimes outlined above—customary international

1 Security Council Resolution 2071, para. 5, U.N. Doc. S/RES/2071 (12 October 2012).

2 See, for example, General Assembly Resolution 62/6, para. 22, U.N. Doc. A/RES/62/6 (13 December 2007); General Assembly Resolution 70/77, para. 42, U.N. Doc. A/RES/70/77 (4 February 2016).

3 *Prosecutor v. Sam Hinga Norman, Decision on Preliminary Motion Based on Lack of Jurisdiction (Child Recruitment)*, SCSL-2004-14-AR72(E), para. 22 (31 May 2004). For more discussion of the applicability of IHL to nonstate actors, see International Committee of the Red Cross, *The Law of Armed Conflict – Non-International Armed Conflict*, 4 (2002), available at [https://www.icrc.org/eng/assets/files/other/law10\\_final.pdf](https://www.icrc.org/eng/assets/files/other/law10_final.pdf).

4 Geneva Convention Relative to the Treatment of Prisoners of War, art. 3, 12 August 1949, 75 U.N.T.S. 135 (1949) (Common Article 3).

law, international human rights law, international humanitarian law, and international criminal law—to the conduct of state and non-state actors in the Syrian conflict. The following analysis assesses fourteen categories of possible violations of international law that have occurred in the conflict. Each subsection defines a category of violation and discusses the relevant provisions of international law applicable to that violation.

## A. Arbitrary Detention and Enforced Disappearance

### 1. Arbitrary Detention:

Arbitrary detention is defined as the detention of an individual when there is no likelihood or evidence that the individual violated recognized laws or international standards or detention without due process of law.<sup>1</sup> Arbitrary detention “refers to the inappropriate, unjust, unforeseeable or disproportionate nature of the detention.”<sup>2</sup> Individuals who are arbitrarily detained are vulnerable to additional human rights violations such as “extrajudicial execution, enforced disappearances, torture and other cruel, inhuman or degrading treatment, etc.”<sup>3</sup>

International human rights law and international humanitarian law both prohibit arbitrary detention. Determining whether a detention is arbitrary depends on which body of law applies. Where rules about permissible detention differ, international humanitarian law will apply during armed conflict. Part I of this chapter discusses in greater detail how to determine which body of law applies.

International criminal law also regulates detention practices. According to the Rome Statute of the International Criminal Court, the systematic practice of arbitrary detention can, under certain circumstances, amount to a crime against humanity.<sup>4</sup> In addition, the Rome Statute makes “[w]ilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial” a war crime.<sup>5</sup>

Arbitrary detention violates international human rights law. The International Covenant on Civil and Political Rights (ICCPR), to which Syria is a party, prohibits arbitrary detention.<sup>6</sup> Article 9 of the ICCPR states, “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and

1 Trial International, *Arbitrary Detention*, available at <https://trialinternational.org/topics-post/arbitrary-detention>.

2 *Ibid.*

3 *Ibid.*

4 Rome Statute of the International Criminal Court, art. 7(1)(e), 17 July 1998, 2187 U.N.T.S. 3 (1998).

5 *Ibid.*, art. 8(2)(a)(vi)

6 International Covenant on Civil and Political Rights, art. 9, 16 December 1966, 999 U.N.T.S. 171 (1966).



in accordance with such procedure as are established by law.”<sup>1</sup> In addition, the ICCPR guarantees several associated rights that support the prohibition on arbitrary detention, including the right to life and the right to be free of torture, other ill-treatment, and enforced disappearance.<sup>2</sup>

The U.N. Human Rights Committee, the body established by the ICCPR to monitor state-party compliance with the treaty’s obligations, clarified that even justified detention may become “arbitrary” if prolonged or “not subject to periodic re-evaluation.”<sup>3</sup> The Human Rights Committee found that continued arbitrary detention may amount to torture, particularly if the detainee does not know how long the detention will last.<sup>4</sup> The Committee has, therefore, stated that the psychological effects of indefinite arbitrary detention “may also entail violations of the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.”<sup>5</sup> Some scholars and authoritative legal sources have also recognized prolonged arbitrary detention as a violation of customary international law.<sup>6</sup>

International customary law also prohibits arbitrary detention. The Universal Declaration of Human Rights prohibits arbitrary arrest, detention or exile in

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1 *Ibid.*, art. 9(1).

2 *Ibid.*, arts. 6, 7, 9, 10, 14.

3 Human Rights Committee, General Comment No. 35, Article 9 (Liberty and security of person), U.N. Doc. CCPR/C/GC/35 (16 December 2014).

4 *Ibid.*, para. 56.

5 Alfred de Zayas, *Human Rights and Indefinite Detention*, 87 International Review of the Red Cross 15, 20 and n.18 (March 2005).

6 Hurst Hannum, The Status of The Universal Declaration of Human Rights in National and International Law, 25 Ga. J. Int'l & Comp. L. 287, 345-46 (1995) (noting that prolonged arbitrary detention violates customary law, as of 1987, and according to the Restatement (Third) of Foreign Relations Law), available at <http://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?article=1396&context=gjicl>.



Articles 9, 10 and 11.<sup>1</sup> Some scholars have concluded that these provisions are enshrined in customary international law.<sup>2</sup> The International Court of Justice has recognized that to “wrongfully . . . deprive human beings of their freedom and to subject them to physical constraint in conditions of hardship is in itself . . . incompatible with the principles of the Charter of the United Nations, as well as with the fundamental principles enunciated in the Universal Declaration of Human Rights.”<sup>3</sup>

International humanitarian law regulates detention practices in armed conflict. Under international humanitarian law, detention standards differ between international and non-international armed conflict. In international armed conflict, parties are permitted to detain enemy combatants as prisoners of war until the cessation of hostilities.<sup>4</sup> Article 118 of the Third Geneva Convention, which applies to international armed conflicts, explicitly prohibits the indefinite detention of prisoners of war.<sup>5</sup> Article 118 requires that “[p]risoners of war shall be released and repatriated without delay after the cessation of active hostilities.”<sup>6</sup> Article 5 of the Third Geneva Convention states, “Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy, belong to any of the categories enumerated in Article 4, such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.”<sup>7</sup>

Civilian detainees are protected by the Fourth Geneva Convention, which applies

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1 Universal Declaration of Human Rights, arts. 9, 10, 11 General Assembly Resolution 217 (III) A, U.N. Doc. A/RES/217(III) (10 December 1948), *available at* [http://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf). (“No one shall be subjected to arbitrary arrest, detention or exile.”)

2 Hurst Hannum, The Status of The Universal Declaration of Human Rights in National and International Law, 25 Ga. J. Int'l & Comp. L. 287, 345-46 (1995) (noting that prolonged arbitrary detention violates customary law, as of 1987, and according to the Restatement (Third) of Foreign Relations Law), *available at* <http://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?article=1396&context=gjicl>.

3 *United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)*, para. 91, 1980 I.C.J. Rep. 3 (24 May 1980).

4 Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), art. 118, 12 August 1949, 75 U.N.T.S. 135 (1949), *available at* <https://ihl-databases.icrc.org/ihl/INTRO/375?OpenDocument>.

5 Alfred de Zayas, *Human Rights and Indefinite Detention*, 87 International Review of the Red Cross 15, 20 (March 2005).

6 Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), art. 118, 12 August 1949, 75 U.N.T.S. 135 (1949).

7 *Ibid.*, art. 5; Alfred de Zayas, *Human Rights and Indefinite Detention*, 87 International Review of the Red Cross 15, 20 (March 2005).



to the protection of civilians in international armed conflict. All individuals who do not qualify as prisoners of war receive the protections of the Fourth Geneva Convention. In *Prosecutor v. Delalic et al.*, the International Criminal Tribunal for the Former Yugoslavia held, “there is no gap between the Third and Fourth Geneva Conventions . . . [and] if an individual is not entitled to protection of the Third Convention . . . he or she necessarily falls within the ambit of Convention IV.”<sup>1</sup>

During international armed conflict, civilians may be interned by a state when it is “absolutely necessary” for the security of the state or necessitated by “imperative reasons of security.”<sup>2</sup> Any detained civilians must be released “[a]s soon as the reasons which necessitated his internment no longer exist” or “as soon as possible” after the cessation of the conflict.<sup>3</sup> The authority to detain civilians during international armed conflict can be contrasted with the prohibition on civilian detention without due cause in the absence of armed conflict.

The permissibility of detention in non-international armed conflict is less clear.<sup>4</sup> International humanitarian law does not recognize prisoner-of-war status in non-international armed conflicts or address appropriate justifications for the detention of civilians or combatants by parties to the conflict.<sup>5</sup> As a consequence, the detention of or by non-state actors is regulated by the relevant domestic law and may also be informed by international human rights law.<sup>6</sup> Nevertheless, experts agree that “the practice of armed conflict and the logic of [international humanitarian law]” implicitly recognizes that state parties to a conflict have the right to detain non-state armed actors in non-international armed conflict,<sup>7</sup> even if such practice has not yet been recognized as customary international law. The precise definition of persons who may appropriately be considered detainable

1 *Prosecutor v. Delalic et al.*, Case No. IT-96-21-T, para. 271 (16 November 1998); Alfred de Zayas, *Human Rights and Indefinite Detention*, 87 *International Review of the Red Cross* 15, 21 (March 2005).

2 Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), art. 78(1), 12 August 1949, 75 U.N.T.S. 287 (1949), <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280158b1a>.

3 *Ibid.*, art. 132.

4 Nicholas Tsagourias, *Detention in International and Non-International Armed Conflict*, Oxford Bibliographies, (30 March 2017).

5 Center for Global Legal Challenges, *State Responsibility for Non-State Actors that Detain in the Course of a NIAC*, 5 (7 December 2015), available at [https://law.yale.edu/sites/default/files/yls\\_glc\\_state\\_responsibility\\_for\\_nsas\\_that\\_detain\\_2015.pdf](https://law.yale.edu/sites/default/files/yls_glc_state_responsibility_for_nsas_that_detain_2015.pdf); see also Andrea Harrison, *Periodic Review Boards for Law-of-War Detention in Guantanamo: What Next?* 24.3 *ILSA Journal of International and Comparative Law* 541, 556-557 (January 2018), available at <https://nsuworks.nova.edu/cgi/viewcontent.cgi?article=1985&context=ilsajournal>.

6 International Committee of the Red Cross, *Customary IHL: Rule 99: Deprivation of Liberty* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_CHA CHAPTER32 RULE99](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_CHA CHAPTER32 RULE99).

7 Chatham House and International Committee of the Red Cross, *Expert Meeting on Procedural Safeguards for Security Detention in Non-International Armed Conflict*, 91 *International Review of the Red Cross* 859, 863-864 (2009), available at <https://www.icrc.org/en/doc/assets/files/other/irrc-876-expert-meeting.pdf>.

“armed actors” is contested.<sup>1</sup>

Regardless of states’ right to detain combatants and certain civilians during armed conflict, international humanitarian law specifies clear protections for detainees in both international and non-international armed conflicts. Jelena Pejic, a legal advisor at the ICRC, has succinctly written that “insofar as armed groups involved in non-international armed conflicts deprive persons of liberty in practice—regardless of the lawfulness of such conduct—they are bound by the applicable treaty-based and customary rules of international humanitarian law governing non-international armed conflicts.”<sup>2</sup>

In particular, the Geneva Conventions prohibit the arbitrary detention of civilians.<sup>3</sup> Moreover, Common Article 3 prohibits “the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court.”<sup>4</sup> This prohibition is recognized as customary international law and binds all parties to the conflict in Syria.<sup>5</sup>

International courts and tribunals criminalize arbitrary detention. The Rome Statute criminalizes arbitrary detention “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”<sup>6</sup> The Rome Statute also makes “willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial” a war crime.<sup>7</sup> The statutes of the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and the Special Court for Sierra Leone have also criminalized the practice of arbitrary detention.<sup>8</sup>

Prohibitions on arbitrary detention also apply to the various non-state groups

1 See International Humanitarian Law, Part I.B of this chapter, above, for a discussion of continuous combatants.

2 Jelena Pejic, *Procedural Principles and Safeguards for Internment/ Administrative Detention in Armed Conflict and Other Situations of Violence*, 87 International Review of the Red Cross 375, 376 (June 2005).

3 International Committee of the Red Cross, *Customary IHL: Rule 99: Deprivation of Liberty* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_cha\\_chapter32\\_rule99](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_cha_chapter32_rule99).

4 Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), art. 3(1)(d), 12 August 1949, 75 U.N.T.S. 135 (1949).

5 International Committee of the Red Cross, *Customary IHL: Rule 99: Deprivation of Liberty* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_cha\\_chapter32\\_rule99](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_cha_chapter32_rule99). The International Committee for the Red Cross (ICRC) keeps a database of rules and practice notes, updated on a regular basis, of which humanitarian law norms have obtained customary status. International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law* (2005), available at <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>.

6 Rome Statute of the International Criminal Court, art. 7(1)(e), 17 July 1998, 2187 U.N.T.S. 3 (1998).

7 *Ibid.*, art. 8(2)(a)(vi).

8 Statute of the International Criminal Tribunal for the Former Yugoslavia (as amended on 17 May 2002), art. 2(f), 25 May 1993, 32 I.L.M. 1203 (1993); Statute of the International Criminal Tribunal for Rwanda, art. 4(g), 8 November 1994, 33 I.L.M. 1598 (1994); Statute of the Special Court for Sierra Leone, art. 3(g), 16 January 2002, 2178 U.N.T.S. 145 (2002).



active in Syria. It remains unsettled in international law whether non-state armed groups have the right to detain during armed conflict at all. However, most scholars argue that detention by non-state actors is not per se unlawful under international law.<sup>1</sup> Scholars fear that an interpretation which completely prohibits detention by non-state actors would result in the deregulation of non-state detentions and increase the risk of other abuses, such as executions.<sup>2</sup> Scholars also disagree about whether international human rights law binds armed groups where the groups “exercise elements of governmental functions and have de facto authority over a population.”<sup>3</sup>

In Syria, government prisons have become centers of systematic abuses, including unlawful detention that is arbitrary, prolonged, indeterminate, or the result of enforced disappearance. The IICIS has documented systemic arbitrary arrests and detentions by the Syrian government between 2011 and 2016.<sup>4</sup> In addition, several non-state actors in Syria, notably the Islamic State and Hayat Tahrir al-Sham (formerly known as Jabhat al-Nusra), have operated prisons in which hundreds, possibly thousands, of detainees have been held.<sup>5</sup> Some were detained on the basis of court rulings by judiciaries of these groups, while others were detained without any legal justification or due process.<sup>6</sup> Such practices are in violation of international human rights law, international humanitarian law, and customary international law.<sup>7</sup> Moreover, the Syrian government’s “widespread and systematic” practice of arbitrary detention likely amounts to both crimes

1 Center for Global Legal Challenges, *State Responsibility for Non-State Actors that Detain in the Course of a NIAC*, 6 fn. 29 (7 December 2015), available at [https://law.yale.edu/sites/default/files/yls\\_glc\\_state\\_responsibility\\_for\\_nsas\\_that\\_detain\\_2015.pdf](https://law.yale.edu/sites/default/files/yls_glc_state_responsibility_for_nsas_that_detain_2015.pdf).

2 For example, the consequences could be that non-state armed groups, instead of detaining individuals, just execute them. Deregulation may also decrease overall respect for the laws of armed conflict by non-state armed groups since such a restriction would prohibit an activity (detention) central to the conduct of armed conflict. See, for example, Daragh Murray, *Non-State Armed Groups, Detention Authority in Non-International Armed Conflict, and the Coherence of International Law: Searching for a Way Forward*, 30 *Leiden J. Int'l L* 435 (2017).

3 Gilles Giacca, *Economic, Social, and Cultural Rights in Armed Conflict* 271-272 (2014); see also Part I.D of this chapter, above, for a discussion on the scope of non-state actor legal responsibility.

4 Human Rights Council, *Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic*, U.N. Doc. A/HRC/31/CRP.1 (3 February 2016), available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-31-CRP1\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-31-CRP1_en.pdf).

5 Amnesty International, *Syria: Harrowing Torture, Summary Killings in Secret ISIS Detention Centres* (19 December 2013), available at <https://www.amnesty.org/en/articles/news/2013/12/syria-harrowing-torture-summary-killings-secret-isis-detention-centres>; Independent International Commission of Inquiry on the Syrian Arab Republic, *Detention in the Syrian Arab Republic: A Way Forward* (8 March 2018), available at [https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/AWayForward\\_DetentionInSyria.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/AWayForward_DetentionInSyria.pdf).

6 Human Rights Council, *Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic*, paras. 72, 79, 101, 103, U.N. Doc. A/HRC/31/CRP.1 (3 February 2016).

7 Working Group on Arbitrary Detention, *Question of the Human Rights of All Persons Subjected to Any Form of Detention or Imprisonment*, para. 106, delivered to Commission on Human Rights, U.N. Doc. E/CN.4/1996/40 (15 December 1995).

against humanity and war crimes under the Rome Statute.

## 2. Enforced Disappearance

International human rights law, international humanitarian law, customary international law, and international criminal law all prohibit the practice of “enforced disappearance.”

The International Convention for the Protection of all Persons from Enforced Disappearance (CED) is a core human rights treaty focused exclusively on enforced disappearance. The CED defines “enforced disappearance” as “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”<sup>1</sup> Article 5 of the CED provides that “the widespread or systematic practice of enforced disappearance constitutes a crime against humanity.”<sup>2</sup>

The practice, which “is frequently used as a strategy to spread terror within society,” violates many human rights, including: the right to liberty and security of person; the right not to be subject to torture and other cruel, inhuman or degrading treatment or punishment; the right to humane conditions of detention; the right to a fair trial; the right to family life; and the right to life.<sup>3</sup> The Human Rights Committee’s General Comment 29 on ICCPR Article 4, which addresses the right of state parties to derogate from their human rights obligations under the treaty, provides that the prohibition against abductions or unacknowledged detention is not subject to derogation and that “the absolute nature of these prohibitions, even in times of emergency, is justified by their status as norms of general international law.”<sup>4</sup> Similarly, the CED explicitly protects an absolute, non-derogable right not to be subjected to enforced disappearance.<sup>5</sup> Consequently, any enforced disappearance is a violation of international human rights law.

### International humanitarian law treaties do not specifically refer to “enforced

1 International Convention for the Protection of All Persons from Enforced Disappearances, art. 2, 20 December 2006, 2716 U.N.T.S. 3 (2006), available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-16&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-16&chapter=4&clang=en). The convention entered into force on 23 December 2010 and currently has 97 signatories and 58 parties. Syria is not a party to this Convention.

2 *Ibid.*, art. 5.

3 Amnesty International, *Enforced Disappearances*, available at <https://www.amnesty.org/en/what-we-do/disappearances/>.

4 *Ibid.* (citing Human Rights Committee, General Comment No. 29, Article 4: Derogations during a State of Emergency, U.N. Doc. CCPR/C/21/Rev.1/Add.11 (31 August 2001)).

5 International Convention for the Protection of All Persons from Enforced Disappearances, art. 1, 20 December 2006, 2716 U.N.T.S. 3 (2006).



disappearance,” but the ICRC has concluded that customary international law prohibits “enforced disappearance” in armed conflict. The ICRC has found evidence for this prohibition in the legislation of many states.<sup>1</sup> Moreover, international humanitarian law contains substantial legal obligations to prevent enforced disappearance, including registration, visits, and providing information about people detained.<sup>2</sup> The ICRC has recognized that the “cumulative effect of these rules is that the phenomenon of “enforced disappearance” is prohibited by international humanitarian law.”<sup>3</sup> In addition, enforced disappearance violates other customary rules of international humanitarian law, in particular the prohibition of arbitrary deprivation of liberty, the prohibition of torture and other cruel or inhuman treatment, and the prohibition of murder.<sup>4</sup>

The Rome Statute makes the systematic practice of enforced disappearance a crime against humanity.<sup>5</sup> For the purposes of the Rome Statute, a crime against humanity means “any of the following acts [enumerated in Article 7 of the Rome Statute] when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”<sup>6</sup> Article 7(2)(i) of the Rome Statute defines enforced disappearance as “the arrest, detention or abduction of persons by, or with the authorization, support, acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of law for a prolonged period of time.”<sup>7</sup>

As early as 2013, the IICIS described enforced disappearances as widespread

1 International Committee of the Red Cross, *Customary IHL: Rule 98: Enforced Disappearance* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_cha\\_chapter32\\_rule99](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_cha_chapter32_rule99).

2 *Ibid.*

3 *Ibid.*

4 *Ibid.*

5 *Ibid.*, Rule 98 n.10 (citing Rome Statute of the International Criminal Court, arts. 7(l)(i), 7(s)(i), 17 July 1998, 2187 U.N.T.S. 3 (1998)).

6 Rome Statute of the International Criminal Court, art. 7, 17 July 1998, 2187 U.N.T.S. 3 (1998).

7 *Ibid.*, art. 7(2)(i)



in Syria and part of a “campaign of intimidation and tactic of war.”<sup>1</sup> Syrian forces, as well as militias, have seized individuals during arrests, searches, and checkpoints—and even at hospitals—and placed them in incommunicado detention. In other cases, authorities have refused to provide information about the fate or whereabouts of disappeared persons.<sup>2</sup> “Survivors of enforced disappearance described being subjected to torture during their detention.”<sup>3</sup> Anti-government groups have also perpetrated enforced disappearances.<sup>4</sup> In a 2015 report, the IICIS noted that the Islamic State has adopted practices that have led to acts “tantamount to enforced disappearance,” in breach of its international humanitarian law obligations.<sup>5</sup>

In instances of government-enforced disappearance documented by the IICIS, the victims “were denied their fundamental right to due process,” and this violated their rights to recognition as a person before the law, as well as their rights to liberty, security, and freedom from arbitrary detention.<sup>6</sup> Where enforced disappearances occur as part of a widespread attack against the civilian population, “evinced an organizational policy,” such disappearances may constitute a crime against humanity.<sup>7</sup> Hostage-taking and prisoner exchanges by armed groups would not amount to enforced disappearance under international criminal law, since the fate of victims is not concealed. However, these practices violate other international laws discussed subsequently in Part II.I.

## B. Assault on Protected Persons (Medical and Humanitarian

1 OHCHR, *UN Panel Concludes that Enforced Disappearances in Syria Widespread and Being Used as a Tactic of War*, UN OHCHR News, 19 December 2013, available at <http://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14123&LangID=E>.

2 *Ibid.*; Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, paras. 112-113, 123-127 delivered to the Human Rights Council, U.N. Doc. A/HRC/28/69 (5 February 2015).

3 Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, para. 117, delivered to the Human Rights Council, U.N. Doc. A/HRC/28/69 (5 February 2015).

4 *Ibid.*, para. 128.

5 *Ibid.*, para. 127.

6 *Ibid.*, para. 121.

7 *Ibid.*, paras. 90, 127.





## Workers)

### 1. Protection of Medical Personnel and Facilities

Under customary international law and international humanitarian law, during armed conflict, “[m]edical personnel exclusively assigned to medical duties must be respected and protected in all circumstances.”<sup>1</sup> International law affords this protection to both civilian and military medical personnel in both international and non-international armed conflicts.

In international armed conflicts, the duty to protect civilian medical personnel was first recognized in the 1864 Geneva Conventions. Today, the First, Second and Fourth Geneva Conventions of 1949 recognize the protection of civilian medical personnel and objects in international armed conflict. Article 15 of the Additional Protocol, which came into force in 1977, extended protection to military medical personnel.<sup>2</sup> State practice has affirmed the conclusion that protections to medical personnel affiliated with militaries have also become customary international law.<sup>3</sup> The Rome Statute states that targeting medical personnel in international armed conflicts is a war crime.<sup>4</sup>

Likewise, international humanitarian law and customary international law recognize protection for medical facilities and personnel in non-international armed conflicts. Additional Protocol II requires that parties to a conflict respect and protect medical personnel.<sup>5</sup> The Rome Statute recognizes that intentionally directing attacks against “medical units and transport, and persons using the distinctive emblems of the Geneva Conventions” during non-international armed conflict is a war crime.<sup>6</sup> Furthermore, under the national laws of many states, it is a war crime to target medical personnel in all forms of armed conflict, international

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1 International Committee of the Red Cross, *Customary IHL: Rule 25: Medical Personnel* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule25](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule25).

2 Additional Protocol I recognized the protection of both civilian and military medical personnel in armed conflict. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) art. 15, 8 June 1977, 17512 U.N.T.S. 3 (1977).

3 International Committee of the Red Cross, *Customary IHL: Rule 25: Medical Personnel* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule25](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule25) (see also examples of State military manuals recognizing protection for both civilian and military medical personnel).

4 Rome Statute of the International Criminal Court, art. 8(2)(b)(xxiv), 17 July 1998, 2187 U.N.T.S. 3 (1998) (Medical personnel are entitled to “use the distinctive emblems of the Geneva Conventions.” Under the Rome Statute, it is a war crime to “intentionally [direct] attacks against . . . personnel [who are] using the distinctive emblems of the Geneva Conventions in conformity with international law.”).

5 Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of non-international armed conflicts (Protocol II), art. 9(1), 7 December 1978, 1125 U.N.T.S. 609 (1978), available at <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800f3cb8>.

6 Rome Statute of the International Criminal Court, art. 8(2)(e)(ii), 17 July 1998, 2187 U.N.T.S. 3 (1998).

and non-international alike.<sup>1</sup>

In both international and non-international armed conflict, medical personnel can “lose their protection if they commit, outside their humanitarian functions, acts harmful to the enemy.”<sup>2</sup> For international armed conflict, the First Geneva Convention and Additional Protocol I state that medical objects (i.e., medical units and transports) lose protection if they are used to commit acts that are “outside their humanitarian function [and are] harmful to the enemy.”<sup>3</sup> In non-international armed conflict, Additional Protocol II, provides that medical objects lose protection if they are used to commit “hostile acts, outside their humanitarian function.”<sup>4</sup> In addition to these treaty sources, customary international law also imposes these limitations on the role of medical personnel.<sup>5</sup>

Human rights treaties also protect humanitarian and medical personnel from attack. The International Covenant on Civil and Political Rights,<sup>6</sup> the Arab Charter on Human Rights,<sup>7</sup> and the Convention on the Rights of the Child,<sup>8</sup> among other human rights treaties, provide that the right to life is non-derogable.<sup>9</sup> As discussed in previous sections, international human rights law and international humanitarian law can apply concurrently in armed conflict. Here, protections against targeting in international humanitarian law are consistent with the non-derogable right to life in international human rights law. Thus, targeting protected persons, like medical and humanitarian workers in armed conflict, violates the non-derogable right to life under international human rights law as well.

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1 International Committee of the Red Cross, *Customary IHL: Rule 25: Medical Personnel* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule25](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule25).

2 *Ibid.*

3 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention), art. 21, 12 August 1949, 75 U.N.T.S. 31 (1949); Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), art. 13, 8 June 1977, 17512 U.N.T.S. 3 (1977).

4 Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of non-international armed conflicts (Protocol II), art. 11, 7 December 1978, 1125 U.N.T.S. 609 (1978).

5 International Committee of the Red Cross, *Customary IHL: Rule 25: Medical Personnel* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule25](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule25); International Committee of the Red Cross, *Customary IHL: Practice Relating to Rule 25: Medical Personnel* (2005), [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2\\_rul\\_rule25](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule25).

6 International Covenant on Civil and Political Rights, art. 6, 16 December 1966, 999 U.N.T.S. 171 (1966).

7 League of Arab States, Arab Charter on Human Rights, arts. 5, 6, 22 May 2004, reprinted in 12 International Human Rights Report 893 (2005) (for an English translation of the Arab Charter, see the University of Minnesota Human Rights Library, available at <http://www1.umn.edu/humanrts/instree/loas2005.html>).

8 Convention on the Rights of the Child, art. 6, 20 November 1989, 1577 U.N.T.S. 3 (1989).

9 See also Universal Declaration of Human Rights, G.A. Res. 217A(III), U.N. Doc. A/810, 71 (1948).



Although medical workers may lose their protection if they commit hostile acts outside of their humanitarian function, maintaining their protected status does not require them to refrain from bearing arms or associating with military units. State practice suggests that medical personnel do not forfeit their protected status if they bear personal weapons to defend themselves or their patients against attacks.<sup>1</sup> Many military manuals cited by the ICRC “specify that the carrying of light individual weapons does not deprive medical personnel of their protected status.”<sup>2</sup> Similarly, under customary international law, medical personnel do not lose their protected status even if military forces accompany them as protection or because the medical personnel are embedded in a military unit.<sup>3</sup>

The Syrian conflict<sup>4</sup> has been marked by the persistent and systematic targeting of medical facilities and hospitals within rebel-held areas of the country. In March 2016, Amnesty International reported that “wiping out hospitals appears to have become part of [the] military strategy” of Russia and Syria.<sup>5</sup> In 2016, Physicians for Human Rights documented that through December 2015 at least 346 attacks on medical facilities have been carried out by parties to the conflict, with 705 health workers killed.<sup>6</sup> Former U.N. Secretary-General Ban Ki-moon has stated that the attacks on hospitals in Syria amount to war crimes and that “the perpetrators should be brought before the International Criminal Court.”<sup>7</sup> Such attacks violate international humanitarian law, customary international law, and international human rights law and amount to a war crime under the Rome Statute.

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1 International Committee of the Red Cross, *Customary IHL: Rule 25: Medical Personnel* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule25](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule25).

2 *Ibid.*

3 *Ibid.*

4 Experts agree that the level of organization of non-state armed actors in Syria met the threshold for a non-international armed conflict at some point between February 2012 and 20 July 2012. Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, delivered to the Human Rights Council*, U.N. Doc. A/HRC/21/50 (16 August 2012).

5 Amnesty International, *Syrian and Russian Forces Targeting Hospitals as a Strategy of War* (3 March 2016), available at <https://www.amnesty.org/en/press-releases/2016/03/syrian-and-russian-forces-targeting-hospitals-as-a-strategy-of-war/>.

6 Physicians for Human Rights, *No Peace without Justice in Syria* (1 March 2016), available at <https://phr.org/our-work/resources/no-peace-without-justice-in-syria/>.

7 Alex Whiting, ‘Doctors Waiting for Death’ - Syrian Aid Workers Appeal for More Protection, Reuters, 24 May 2016, available at <http://www.reuters.com/article/us-humanitarian-summit-syria/doctors-waiting-for-death-syrian-aid-workers-appeal-for-more-protection-idUSKCN0YF2UG>.

## 2. Protection of Humanitarian and Relief Personnel

Like medical personnel and facilities, humanitarian and relief personnel are entitled to protection from attack in both international and non-international armed conflict. Under customary international law, as catalogued by the ICRC, “humanitarian relief personnel must be respected and protected.”<sup>1</sup> The Rome Statute, Additional Protocol I, and state practice provide support that this rule has been established as customary international law.

In the context of international armed conflict, Article 71(2) of the Additional Protocol I to the Geneva Conventions codifies protections for humanitarian and relief workers.<sup>2</sup> The Rome Statute of the International Criminal Court also defines attacks against humanitarian and relief workers in international armed conflict as war crimes.<sup>3</sup> Furthermore, some states explicitly recognize the protection of humanitarian and relief workers as a rule of customary international law or have codified protections for such individuals in their national legislation.<sup>4</sup>

Humanitarian and relief workers are also entitled to protections in non-international armed conflicts. The Rome Statute defines “[i]ntentionally directing attacks against personnel, installations, materials, units or vehicles involved in a humanitarian assistance or peacekeeping mission” in the context of a non-international armed conflict as a war crime.<sup>5</sup> Furthermore, the statutes of both the International Criminal Court and the Special Court for Sierra Leone recognize “intentionally directing attacks against personnel involved in a humanitarian assistance mission” as a war crime in non-international armed conflicts.<sup>6</sup>

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1 International Committee of the Red Cross, *Customary IHL: Rule 31: Humanitarian Relief Personnel Must Be Respected and Protected* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule31](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule31).

2 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, art. 71(2), 8 June 1977, 1125 U.N.T.S. 3 (1977).

3 Rome Statute of the International Criminal Court, art. 8(2)(b)(iii), 17 July 1998, 2187 U.N.T.S. 3 (1998).

4 International Committee of the Red Cross, *Customary IHL: Rule 31: Humanitarian Relief Personnel Must Be Respected and Protected* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule31](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule31).

5 Rome Statute of the International Criminal Court, art. 8(2)(e)(iii), 17 July 1998, 2187 U.N.T.S. 3 (1998).

6 International Committee of the Red Cross, *Customary IHL: Rule 31: Humanitarian Relief Personnel Must Be Respected and Protected* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule31](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule31).



These explicit protections are simply an application of the bedrock principle of distinction in international humanitarian law, which requires parties to a conflict to distinguish between civilians and armed actors at all times.<sup>1</sup> Attacking aid convoys violates the principle of distinction, because international humanitarian law requires that armed parties to a conflict always distinguish between civilian and military persons and objects.<sup>2</sup> The Additional Protocol I to the Geneva Conventions, to which Syria is a party, recognizes this obligation explicitly in international armed conflict.<sup>3</sup> Additional Protocol II to the Geneva Conventions also recognizes this prohibition in non-international armed conflicts.<sup>4</sup>

As discussed in Part I of this chapter, on legal frameworks, violations of the principle of distinction amount to violations of customary international law. Thus, under customary international law, protections for civilian persons and objects in armed conflict include medical facilities and personnel, as well as humanitarian personnel and aid. Therefore, whether or not Syria is a party to the relevant treaties, the Syrian government is prohibited by customary international law from targeting medical personnel and facilities and attacking aid convoys.

In Syria, parties have regularly attacked humanitarian and relief personnel. In one of the most egregious examples, on 19 September 2017, military planes attacked an aid convoy in western Aleppo in a three-hour bombardment.<sup>5</sup> U.S. officials suggested that Russian forces were responsible for the attack.<sup>6</sup> Such attacks on humanitarian aid convoys, which are not uncommon in Syria, violate international law.

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1 See International Humanitarian Law, Part I.B of this chapter, above, for further information on the principle of distinction.

2 International Committee of the Red Cross, *Customary IHL: Rule 31: Humanitarian Relief Personnel Must Be Respected and Protected* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule31](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule31).

3 Protections for civilians are explicitly recognized in international armed conflict in Additional Protocol I to the Geneva Convention in Articles 48, 51, and 52. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, arts. 48, 51, 52, 8 June 1977, 1125 U.N.T.S. 3 (1977).

4 Protections for civilians are explicitly recognized in non-international armed conflict in Article 13(2) of Additional Protocol II. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, art. 13(2), 8 June 1977, 1125 U.N.T.S. 609 (1977) (“The civilian population, as well as individual civilians, shall not be the object of attack.”).

5 BBC News, *Syria Aid Convoy Attack: What We Know*, 5 October 2016, available at <https://www.bbc.com/news/world-middle-east-37430824>.

6 Martin Chulov and Kareem Shaheen, *Syria Aid Convoy Attack: ‘The Bombardment Was Continuous,’* The Guardian, 21 September 2016, available at <https://www.theguardian.com/world/2016/sep/20/the-bombardment-was-continuous-the-rescue-teams-werent-even-able-to-work>.

## C. Breaches of Ceasefires

There have been breaches of ceasefire agreements in the Syrian conflict. Due to the unsettled legal questions of who can be bound by a ceasefire and when a ceasefire agreement becomes binding, none of these breaches violate obligations under international law.

### • Ceasefires: General Definition

Although there is no official legal definition of ceasefire,<sup>1</sup> the term is generally understood to mean “an agreement that provides for the cessation of hostilities between parties engaged in armed conflict.”<sup>2</sup> In order to require compliance and enforcement, a ceasefire agreement must have legal force. State parties to a conflict can sign ceasefire agreements, which might constitute treaties, in which case the Vienna Convention on the Law of Treaties of 1969 governs application of the ceasefire agreement.<sup>3</sup> The U.N. Security Council can also impose a ceasefire agreement by resolution.<sup>4</sup>

Whether and when a ceasefire has legal force to require compliance depends on a number of factors, including but not limited to: (1) whether the ceasefire constitutes a treaty; (2) whether the parties signed the agreement as a formal written document; (3) whether the agreement is precisely drafted with clear rights and responsibilities; and (4) whether a third party has the power to interpret, or even enforce, the agreement.<sup>5</sup> Furthermore, whether a ceasefire agreement involving non-state actors constitutes a legal instrument remains an unsettled area of the law.

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1 Sydney D. Bailey, *Cease-Fires, Truces, and Armistices in the Practice of the UN Security Council*, 73 American J. of Int'l Law 461 (1977).

2 Public International Law and Policy Group, *The Ceasefire Drafter's Handbook: An Introduction and Template for Negotiators, Mediators, and Stakeholders*, 1 (May 2013), available at <https://bit.ly/37rzY0j>.

3 Christine Bell, *Ceasefires*, Max Planck Encyclopedia of Public International Law (December 2009), available at <http://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e263>.

4 *Ibid.*

5 Christine Bell, *Peace Agreements: Their Nature and Legal Status*, 100 American J. of Int'l Law 373, 385 (2006).





## A. International Armed Conflict

Ceasefire agreements within international armed conflicts are frequently followed by U.N. Security Council resolutions that formally specify the terms and supervision of the agreement. Many Security Council resolutions are not intended to have legal effects: U.N. Security Council resolutions adopted under Chapter VI of the U.N. Charter (Pacific Settlements of Disputes), for example, are non-binding and constitute a recommendation to parties to stop military hostilities.<sup>1</sup> On the other hand, resolutions adopted by the Security Council under Chapter VII of the U.N. Charter are generally considered legally binding on U.N. member states.<sup>2</sup> Article 25 of the Charter imposes upon member states a duty to comply with Security Council decisions, including decisions under Chapter VII.<sup>3</sup> Chapter VII provides the framework within which the Security Council may take enforcement actions.<sup>4</sup> To signal that a resolution is binding, the Security Council usually includes the words “acting under Chapter VII” or a reference to an appropriate article of Chapter VII, or, in particular, the word “decides,”<sup>5</sup> although a resolution may be binding without such terms.

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1 Christine Bell, *Ceasefires*, Max Planck Encyclopedia of Public International Law (December 2009), available at <http://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e263>.

2 Charter of the United Nations, art. 25, 24 October 1945, 1 U.N.T.S. 16 (1945), available at <https://www.refworld.org/docid/3ae6b3930.html>; Stefan Talmon, *The Statements by the President of the Security Council*, 2 Chinese J. Int'l Law 419, 450 *et seq.* (2003) available at [http://users.ox.ac.uk/~sann2029/Chinese%20Journal%20of%20International%20Law%202%20\(2003\).%20419-465.pdf](http://users.ox.ac.uk/~sann2029/Chinese%20Journal%20of%20International%20Law%202%20(2003).%20419-465.pdf) (“It is generally accepted that decisions taken under Chapter VII of the UN Charter are legally binding in terms of Article 25.”); see generally Michael C. Wood, *The Interpretation of Security Council Resolutions, Revisited*, Max Planck Yearbook of United Nations Law Online (29 August 2017), available at [https://www.ilsa.org/Jessup/Jessup18/Second%20Batch/18757413\\_020\\_01\\_s002\\_text.pdf](https://www.ilsa.org/Jessup/Jessup18/Second%20Batch/18757413_020_01_s002_text.pdf).

3 Charter of the United Nations, art. 25, 24 October 1945, 1 U.N.T.S. 16 (1945) (“The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.”).

4 *Ibid.*, Chapter VII (The Security Council can take enforcement action against member states in breach of Security Council resolutions. Enforcement actions may include the severance of diplomatic relations, sanctions (such as economic or arms embargos), or military action, as set forth in articles 41 and 42 of the U.N. Charter).

5 Michael C. Wood, *The Interpretation of Security Council Resolutions*, Max Planck Yearbook of United Nations Law, 82 (1998).



A written ceasefire agreement between two states, without a Security Council resolution, is also binding on the parties under international law if the agreement constitutes a treaty.<sup>1</sup> According to Article 2 of the Vienna Convention on the Law of Treaties of 1969, a treaty is “an international agreement concluded between states in written form and governed by international law, . . . whatever its particular designation.”<sup>2</sup> The Vienna Convention also recognizes that agreements between a state and non-state parties also have legal effect.<sup>3</sup>

## **B. Non-International Armed Conflict**

In the context of a non-international armed conflict, a ceasefire agreement underwritten by a U.N. Security Council resolution also binds a member state. Whether ceasefire agreements apply to non-state actors is, however, an unsettled area of law. In order for international law to apply to non-state actors, the actor must possess international legal personality.<sup>4</sup> Customary law on the formation and breach of treaties would apply to agreements between state and non-state actors, or even between non-state actors, if the parties’ international legal personality can be established.<sup>5</sup> The unsettled legal question is whether and when a non-state actor assumes an international legal personality.

The essence of an international legal personality is the concept of legitimate participation.<sup>6</sup> That is, armed opposition groups can become “‘subjects of international law’—based on the recognition of such groups under international law, in particular through humanitarian law.”<sup>7</sup> The legal force of a ceasefire agreement signed by a non-state actor can be further bolstered with the use of formal and precise legal language and delegation to a third party of the power to interpret and enforce the agreement.<sup>8</sup> Signature of agreements by third parties also increases the agreements’ status as law by raising the compliance stakes for both state and non-state signatories, particularly when international legitimacy is a substantive goal of non-state actors.<sup>9</sup> Nonetheless, there is no objective and explicitly-defined measure by which a non-state actor acquires international legal personality.

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1 Public International Law and Policy Group, *The Ceasefire Drafter’s Handbook: An Introduction and Template for Negotiators, Mediators, and Stakeholders*, 7 (May 2013), available at <https://bit.ly/37rzY0j>.

2 Vienna Convention on the Law of Treaties, art. 2, 23 May 1969, 1155 U.N.T.S. 331, 8 I.L.M. 679 (1969).

3 Article 3 states that “the fact that the present Convention does not apply to international agreements concluded between states and other subjects of international law or between such other subjects of international law, or to international agreements not in written form, shall not affect: (a) the legal force of such agreements; (b) the application to them of any of the rules set forth in the present Convention to which they would be subject under international law independently of the Convention.” *Ibid.*, art. 3.

4 Christine Bell, *Peace Agreements: Their Nature and Legal Status*, 100 American J. of Int’l Law 373, 380-381 (2006).

5 *Ibid.*, p. 380.

6 *Ibid.*, pp. 380-381.

7 *Ibid.*, p. 381.

8 *Ibid.*, pp. 396, 400.

9 *Ibid.*, pp. 401-402.



Although treaties and other international agreements may be legally binding instruments with established enforcement mechanisms, their enforcement is nonetheless far less concrete and certain than in domestic legal systems, due to the absence of a central enforcement mechanism.<sup>1</sup> Implementation, therefore, depends “on the voluntary, ongoing assent of the parties.”<sup>2</sup> The most effective means of achieving binding ceasefire agreements with non-state actors is to lock the parties to a conflict into a framework underwritten by Security Council resolutions.<sup>3</sup> With a Security Council resolution, non-state actors are likely to experience more pressure to comply.

### • Kofi Annan’s Six-Point Plan

In March 2012, Kofi Annan, as the joint United Nations and Arab League envoy to Syria, submitted a six-point peace plan to the Security Council (known as the “Annan Plan”).<sup>4</sup> The Annan Plan was not a comprehensive ceasefire agreement, as it contained no detailed provisions for how the ceasefire would be realized and maintained. Moreover, the Security Council issued only a presidential statement in “support” of the Annan Plan.<sup>5</sup> Whether presidential statements,<sup>6</sup> which need approval from all 15 Security Council members and which form part of the Council’s permanent record, are legally binding on member states remains subject to debate.<sup>7</sup> In its statement on the six-point plan, the Security Council indicated only support for the proposal; it did not contain the words “acting under Chapter VII,” a reference to an appropriate article of Chapter VII,

1 Antonio Cassese, *The Main Legal Features of the International Community*, in *International Law* 5 (Oxford University Press, 2d ed., 2005); Christine Bell, *On the Law of Peace: Peace Agreements and the Lex Pacificatoria* 137 (2008).

2 Christine Bell, *On the Law of Peace: Peace Agreements and the Lex Pacificatoria* 137 (2008).

3 See, for example, Security Council Resolution 1023, U.N. Doc. S/RES/1023 (22 November 1995); Security Council Resolution 1244, U.N. Doc. S/RES/1244 (10 June 1999).

4 Al Jazeera, *Kofi Annan’s Six-Point Plan for Syria*, 27 March 2012, available at <https://www.aljazeera.com/news/middleeast/2012/03/2012327153111767387.html>.

5 Security Council, Statement by the President of the Security Council, U.N. Doc. S/PRST/2012/6 (21 March 2012); see also, *The Guardian*, *Syria: UN Security Council Agree to Back Kofi Annan’s Plan*, 21 March 2012, available at <https://www.theguardian.com/world/middle-east-live/2012/mar/21/syria-crisis-live-coverage>.

6 United Nations Security Council, *Presidential Statements*, available at <https://www.un.org/securitycouncil/content/presidential-statements> (“A presidential statement is a statement made by the President of the Security Council on behalf of the Council, adopted at a formal meeting of the Council and issued as an official document of the Council.”).

7 Stefan Talmon, *The Statements by the President of the Security Council*, 2 Chinese J. Int’l Law 419, 447-453 (2003) available at [http://users.ox.ac.uk/~sann2029/Chinese%20Journal%20of%20International%20Law%20%20\(2003\),%20419-465.pdf](http://users.ox.ac.uk/~sann2029/Chinese%20Journal%20of%20International%20Law%20%20(2003),%20419-465.pdf). The binding nature of presidential statements from the Security Council is debated. See, for example, Marko Milanovic, *Can UNSC Presidential Statements Be Legally Binding?*, EJIL: Talk! (15 April 2009), available at <https://www.ejiltalk.org/can-uns-c-presidential-statements-be-legally-binding/>.

or the word “decides.”<sup>1</sup> Although the Syrian government agreed to the six-point plan and the Security Council authorized the U.N. Supervision Mission in Syria (UNSMIS) to monitor compliance with the plan,<sup>2</sup> given the non-binding nature of the presidential statement, neither party can be held legally liable for its breach.

## • The Vienna Process

The Vienna Process, otherwise known as the International Syria Support Group (ISSG) talks, brought together a group of foreign powers, including, among others, the Arab League, the European Union, Russia, and the United States, in October 2015.<sup>3</sup> The ISSG agreed to support and work to implement a nationwide ceasefire in Syria and stated its commitment to ensure a Syrian-led-and-owned political transition based on the Geneva Communiqué, a six-point transition plan issued on 30 June 2012 after a meeting of the U.N.-backed Action Group for Syria.<sup>4</sup>

The Security Council subsequently adopted a resolution based on the principles of the Vienna Process. Security Council Resolution 2254 (2015) provided a timeline for a ceasefire and a Syrian-led political transition.<sup>5</sup> It also called upon the Secretary General to convene negotiations, and upon U.N. Member States to facilitate humanitarian assistance, and fight terrorists in the region.<sup>6</sup> Resolution 2254 included provisions demanding that all parties cease any attacks against civilians and provide for the safe and voluntary return of refugees.<sup>7</sup> However, Resolution 2254 did not refer to Chapter VII of the U.N. Charter or mention the word “decide,” which are references that signal the binding nature of a resolution. Furthermore, this resolution merely set up a timeframe and the intent to proceed with ceasefire arrangements but did not require a ceasefire itself. Therefore, without a binding call for a ceasefire in the Security Council resolution, no legally binding ceasefire was in place.

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1 Security Council, Statement by the President of the Security Council, U.N. Doc. S/PRST/2012/6 (21 March 2012).

2 Louis Charbonneau and Oliver Holmes, *U.N. Council Authorizes Up to 300 Syria Truce Monitors*, Reuters, 22 April 2012, available at <https://www.reuters.com/article/uk-syria/u-n-council-authorizes-up-to-300-syria-truce-monitors-idUKBRE83F0H120120422>.

3 The foreign powers include: the Arab League, China, Egypt, the EU, France, Germany, Iran, Iraq, Italy, Jordan, Lebanon, Oman, Qatar, Russia, Saudi Arabia, Turkey, United Arab Emirates, the United Kingdom, the United Nations, and the United States. European Union External Action, *Statement of the International Syria Support Group* (November 2015), available at [https://eeas.europa.eu/headquarters/headquarters-homepage/3088\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/3088_en).

4 *Ibid.*

5 Security Council Resolution 2254, para. 2, U.N. Doc. S/RES/2254 (18 December 2015).

6 *Ibid.*, paras. 2, 8, 12.

7 *Ibid.*, paras. 13-14.



## • Geneva III and the First Cessation of Hostilities

The Geneva II talks in early 2014 failed to produce any form of agreement.<sup>1</sup> As a result, the United Nations convened Geneva III talks between the Syrian government and opposition in February 2016, but the talks encountered repeated delays and made no concrete progress.<sup>2</sup>

Concurrently, the ISSG established a ceasefire task force, co-chaired by Russia and the United States, to negotiate a nationwide cessation of hostilities as a first step toward the full implementation of Resolution 2254.<sup>3</sup> The task force issued a statement, the Munich Statement, clarifying that a cessation of hostilities would apply to the Syrian government and several rebel groups (excluding the Islamic State and Jabhat al-Nusra).<sup>4</sup> On 26 February 2016, the Security Council adopted Resolution 2268, endorsing the statement and demanding the cessation of hostilities in accordance with the ISSG's terms. However, Resolution 2268 also did not make any references to Chapter VII or the word "decide," except in stating that the Security Council "decides to remain actively seized of the matter."<sup>5</sup> Thus, Resolution 2268 is likely also non-binding. Any action contravening this resolution by any party is not a violation of a ceasefire agreement.

## • September 2016 Ceasefire Agreement

In September 2016, the United States and Russia brokered a nationwide ceasefire between the Syrian government and the opposition.<sup>6</sup> In this case, the ceasefire agreement lacked the backing of a Security Council resolution and constituted only an agreement between the U.S. and Russia. The U.S. and Russia were expected to persuade the Syrian government and the U.S.-backed opposition, respectively, to refrain from fighting. The agreement bound neither the Syrian government nor the opposition forces.

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1 Annie Barnard and Nick Cumming-Bruce, *After Second Round of Syria Talks, No Agreement Even on How to Negotiate*, The New York Times, 15 February 2014, available at [https://www.nytimes.com/2014/02/16/world/middleeast/after-second-round-of-syria-talks-no-agreement-even-on-how-to-negotiate.html?\\_r=0](https://www.nytimes.com/2014/02/16/world/middleeast/after-second-round-of-syria-talks-no-agreement-even-on-how-to-negotiate.html?_r=0).

2 Al Jazeera Centre for Studies, *Syria: Fate of Assad Impedes Success of Geneva III* (28 April 2016), available at <http://studies.aljazeera.net/en/positionpapers/2016/04/syria-fate-assad-impedes-success-geneva-iii-160428104128240.html>.

3 BBC, *Syrian War Pause Plan Agreed by World Powers*, 12 February 2016, available at <http://www.bbc.com/news/world-middle-east-35556783?SThisFB>.

4 United Nations Secretary General, *Note to Correspondents: Statement of the International Syria Support Group* (Feb. 11, 2016), available at <https://www.un.org/sg/en/content/sg/note-correspondents/2016-02-11/note-correspondents-statement-international-syria-support>.

5 Security Council Resolution 2268, para. 11, U.N. Doc. S/RES/2268, (26 February 2016), available at [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_res\\_2268.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2268.pdf).

6 Al Jazeera, *Syria Ceasefire Deal Explained*, 10 September 2016, available at <http://www.aljazeera.com/news/2016/09/syria-ceasefire-deal-explained-160910111132967.html>.

## • December 2016 Ceasefire Agreement

In December 2016, Turkey and Russia brokered a nationwide ceasefire between the Syrian government and armed opposition groups.<sup>1</sup> Breaches of the agreement were reported within hours of it taking effect.<sup>2</sup> However, because the ceasefire agreement was not binding, these breaches do not constitute violations of international law. Although the Security Council issued Resolution 2236, noting that it “welcomes and supports the efforts by Russia and Turkey to end violence in Syria,” the resolution did not explicitly call for or endorse a ceasefire or refer to Chapter VII of the U.N. Charter.<sup>3</sup> Without such references, no legally binding ceasefire was in place.

## D. Unlawful Conscription and Recruitment

### • Conscription and Recruitment

Conscription is the compulsory recruitment of individuals into state military service.<sup>4</sup> States have a right to self-defense under both the U.N. Charter and customary international law.<sup>5</sup> States are entitled to require citizens to perform military service.<sup>6</sup> Article 8 of the ICCPR, which concerns forced labor, explicitly permits states to conscript.<sup>7</sup> To be lawful, however, a state’s exercise of its authority to conscript must fulfill certain fundamental criteria. The United Nations High Commissioner for Refugees has issued guidelines that refer to a standard adopted by the inter-American system: To be permissible, conscription must be prescribed by law, executed in a lawful manner, and implemented in a way that is not arbitrary or discriminatory.<sup>8</sup>

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1 Ben Hubbard and Neil MacFarquhar, *New Cease-Fire Begins in Syria, But Violations Are Reported Within Hours*, The New York Times, 29 December 2016, available at <https://www.nytimes.com/2016/12/29/world/middleeast/syria-cease-fire.html>.

2 *Ibid.*

3 Security Council Resolution 2236, U.N. Doc. S/RES/2236 (31 December 2016), available at [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_res\\_2236.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2236.pdf).

4 See, for example, *Conscription*, Merriam Webster’s Dictionary (online edition, 26 January 2019), available at <https://www.merriam-webster.com/dictionary/conscription>.

5 Charter of the United Nations, art. 51, 24 October 1945, 1 U.N.T.S. 16 (1945), available at <https://www.refworld.org/docid/3ae6b3930.html>; Daniel Bethlehem, *Principles Relevant to the Scope of a State’s Right of Self-Defense Against an Imminent or Actual Armed Attack by Nonstate Actors*, 106 Am. J. Int. L. 1, 4 (2012), available at <https://legal.un.org/counsel/Bethlehem%20-%20Self-Defense%20Article.pdf>.

6 *Ibid.* (Article 51 of the 1949 Geneva Convention excludes from this right the conscription of non-nationals in occupied territories in the context of international armed conflict).

7 International Covenant on Civil and Political Rights, art. 8(3)(c)(ii), 19 December 1966, 999 U.N.T.S. 171 (1966).

8 United Nations High Commissioner for Refugees, *Guidelines on International Protection No. 10*, para. 6 and fn. 14, U.N. Doc. HCR/GIP.13/13.Corr. 1 (12 November 2014), available at <http://www.unhcr.org/529efd2e9.pdf>.



Although states are permitted to conscript citizens into military service, non-state armed actors are not allowed to compel any person to participate in armed conflict.<sup>1</sup> Under international law, non-state actors may, however, recruit—that is, solicit voluntary service—individuals. Although recruitment by non-state armed actors was long regulated primarily by international humanitarian law, international human rights law now also restricts the recruitment of children.

## • Prohibition on the Conscription and Recruitment of Children

International law prohibits both the conscription and recruitment of children into armed conflict. All factions in the Syrian conflict—including the Free Syrian Army, the Kurdish Peoples’ Protection Units and the Syrian Arab Army—have violated the obligation to refrain from the recruitment and conscription of children.<sup>2</sup>

International law prohibiting the recruitment of children in armed conflict was codified as early as 1949 in the Additional Protocols to the Geneva Conventions. The Additional Protocols prohibit the recruitment and use of children under the age of fifteen in both international and non-international armed conflict that takes place in the territory of a contracting party.<sup>3</sup> In addition, the ICRC has concluded that customary international law prohibits the participation of persons under eighteen in all hostilities and binds all state and non-state parties to any armed conflict.<sup>4</sup>

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1 *Ibid.*, para. 7.

2 Report of the Secretary General, *Children and Armed Conflict*, paras. 183-184, U.N. Doc. A/72/865-S/2018/465 (16 May 2018), available at <https://undocs.org/s/2018/465>; Paul Mutter, *Kids on the Front Lines*, U.S. News and World Report, 13 February 2015, available at <https://www.usnews.com/opinion/blogs/world-report/2015/02/13/the-rise-of-child-soldiers-in-syria>.

3 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, art. 4(3)(c), 8 June 1977, 1125 U.N.T.S. 609 (1977) (stating that “children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities.”); Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, art. 77(2), 8 June 1977, 1125 U.N.T.S. 3 (1977) (“The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, the Parties to the conflict shall endeavor to give priority to those who are oldest.”).

4 International Committee of the Red Cross, *Customary IHL: Rule 136: Recruitment of Child Soldiers* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule136](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule136).



International human rights law also prohibits the conscription and recruitment of children. The Convention on the Rights of the Child is one of many treaties affirming protections for children in armed conflict.<sup>1</sup> The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (“OPAC”) provides more protection by prohibiting both the conscription of children under the age of eighteen and their direct participation in hostilities. Of all the conventions governing military conscription, only OPAC contains a provision specifically prohibiting the recruitment of children (defined as under the age of eighteen) by non-state armed groups.<sup>2</sup> Therefore, because Syria is party to OPAC, article 4(1), governing recruitment of minors, applies to all armed groups active in the conflict in Syria. The IICIS has found that both the Syrian government and anti-government armed groups have violated this article.<sup>3</sup> Likewise, in its 2019 concluding observations on Syria, the Committee on the Rights of the Child stated that it was “gravely concerned about credible and corroborated information on the innumerable grave violations against children committed by all parties to the conflict, in particular . . . [t]he recruitment and use of children in hostilities, including children under the age of 15, some as young as 4 years old, and children of foreign origin, by armed groups and, on some occasions, by the armed forces of the State and affiliated militias.”<sup>4</sup>

The Rome Statute of the International Criminal Court (ICC) provides that the

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1 Other treaties include several to which Syria has acceded or ratified, including: Convention on the Rights of the Child, *ratified on* 15 July 1993, 1577 U.N.T.S. 3 (1989); Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, *accessed on* 17 October 2003, 2173 U.N.T.S. 222 (2000); International Labor Organization, Minimum Age Convention, *ratified on* 18 September 2001, C138 (1973); Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, *ratified on* 14 November 1983, 1125 U.N.T.S. 3 (1977). In addition, the following treaties also affirm the rights of children in armed conflict, though they are either inapplicable to Syria or it has not acceded or ratified the authority: Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, 8 June 1977, 1125 U.N.T.S. 609 (1977); Rome Statute of the International Criminal Court, art. 8, 17 July 1998, 2187 U.N.T.S. 3 (1998); Organization of African Unity, African Charter on the Rights and Welfare of the Child, 11 July 1990, CAB/LEG/24.9/49 (1990). See also, UNICEF, The Paris Principles, Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, February 2007 (2007).

2 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, art. 4(l), 25 May 2000, 2173 U.N.T.S. 222 (2000), *available at* [https://treaties.un.org/doc/Treaties/2000/05/20000525%2003-37%20AM/Ch\\_IV\\_11\\_bp.pdf](https://treaties.un.org/doc/Treaties/2000/05/20000525%2003-37%20AM/Ch_IV_11_bp.pdf) (stating, “[a]rmed groups that are distinct from the armed forces of the State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years”).

3 Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, delivered to the Human Rights Council*, 2, U.N. Doc. A/HRC/22/59 (5 February 2013), *available at* [https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A.HRC.22.59\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A.HRC.22.59_en.pdf).

4 Committee on the Rights of the Child, Concluding Observations on the Fifth Periodic Report of the Syrian Arab Republic, para. 49, 49(b), U.N. Doc. CRC/C/SYR/CO/5 (6 March 2019), *available at* <https://undocs.org/CRC/C/SYR/CO/5>.





conscription of children under the age of fifteen is a war crime in both international and non-international armed conflicts.<sup>1</sup> The ICC has indicted and convicted defendants for the war crime of conscription or recruitment of children in armed conflict, including in cases related to the Democratic Republic of the Congo, Uganda, and the Central African Republic.<sup>2</sup>

## E. Destruction of Cultural Objects and Private Property

International law affords special protection to cultural objects in armed conflicts. The Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention (1954) defines cultural property as “movable or immovable property of great importance to the cultural heritage of every people.”<sup>3</sup> Protection of cultural property in international law is enshrined in the 1954 Hague Convention for the protection of cultural property during armed conflict (the “1954 Hague Convention”),<sup>4</sup> its Protocols of 1954 (“First Protocol”)<sup>5</sup> and 1999 (“Second Protocol”),<sup>6</sup> the 1977 Additional Protocols I and II to the 1949 Geneva Conventions,<sup>7</sup> and customary international

1 Rome Statute of the International Criminal Court, art. 8(2)(b)(xxvi), 17 July 1998, 2187 U.N.T.S. 3 (1998).

2 Lubanga Case (*The Prosecutor v. Thomas Lubanga Dyilo*), Case No. ICC-01/04-01/06, Trial Chamber I Judgment (14 March 2012), available at [https://www.icc-cpi.int/CourtRecords/CR2012\\_03942.PDF](https://www.icc-cpi.int/CourtRecords/CR2012_03942.PDF); Ongwen Case (*The Prosecutor v. Dominic Ongwen*), Case No. ICC-02/04-01/15, Case Information Sheet (December 2019), available at <https://www.icc-cpi.int/CaselnformationSheets/OngwenEng.pdf>; Ntaganda Case (*The Prosecutor v. Bosco Ntaganda*), Case No. ICC-01/04-02/06, Trial Chamber VI Judgment (8 July 2019), available at [https://www.icc-cpi.int/CourtRecords/CR2019\\_03568.PDF](https://www.icc-cpi.int/CourtRecords/CR2019_03568.PDF).

3 Convention for the Protection of Cultural Property in the Event of Armed Conflict, art. 1(a), 14 May 1954, 249 U.N.T.S. 3511 (1954), available at [http://portal.unesco.org/en/ev.php-URL\\_ID=13637&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html).

4 *Ibid.*

5 Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed conflict 1954, 14 May 1954, 249 U.N.T.S. 3511 (1954), available at [http://portal.unesco.org/en/ev.php-URL\\_ID=15391&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=15391&URL_DO=DO_TOPIC&URL_SECTION=201.html).

6 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict 1999, 26 March 1999, 249 U.N.T.S. 3511 (1999), available at [http://portal.unesco.org/en/ev.php-URL\\_ID=15207&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=15207&URL_DO=DO_TOPIC&URL_SECTION=201.html).

7 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, art. 53, 8 June 1977, 1125 U.N.T.S. 3 (1977) (stating that “without prejudice to the provisions of The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, and of other relevant international instruments, it is prohibited: (a) to commit any acts of hostility directed against historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of people; (b) to use such objects in support of the military effort; (c) to make such objects the object of reprisals.”); Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, art. 16, 8 June 1977, 1125 U.N.T.S. 609 (1977) (stating, “Without prejudice to the provisions of The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, it is prohibited to commit any acts of hostility directed against historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples, and to use them in support of the military effort.”).

law.<sup>1</sup>

### • Protection of Cultural Objects as “Cultural Property”

Article 4 of the 1954 Hague Convention requires that all state parties “(1) must not use cultural property for any purpose likely to expose it to destruction...(2) must not direct any act of hostility against cultural property; (3) must prohibit, prevent, and if necessary, stop any form of theft, pillage, or misappropriation of cultural property and (4) must refrain from requisitioning movable cultural property in the territory of another State Party.”<sup>2</sup> Article 9 of the Hague Convention protects cultural property from “any act of hostility directed against such property and [...] any use of such property or its surroundings for military purposes.”<sup>3</sup> The Convention’s Second Protocol also provides for the protection of such cultural property from attack or use in military action.<sup>4</sup>

These obligations to refrain from using or attacking cultural property may be waived only on the basis of “military necessity.”<sup>5</sup> Such necessity must be established at a level of command specified by the Second Protocol.<sup>6</sup> Furthermore, under the 1954 Hague Convention, state parties occupying the territory of another state party are required to preserve, to the extent possible, cultural property of the occupied territory, including by preventing the illicit removal of cultural property from that territory.<sup>7</sup> The Convention’s Second Protocol reinforces the legal obligation of an occupying party to protect against “any illicit export,

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1 International Committee of the Red Cross, *Customary IHL: Rule 38: Attacks Against Cultural Property* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule38](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule38).

2 Convention for the Protection of Cultural Property in the Event of Armed Conflict, art. 4, 14 May 1954, 249 U.N.T.S. 3511 (1954).

3 *Ibid.*, art. 9.

4 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict 1999, art. 12, 26 March 1999, 249 U.N.T.S. 3511 (1999).

5 Convention for the Protection of Cultural Property in the Event of Armed Conflict, art. 4, 14 May 1954, 249 U.N.T.S. 3511 (1954). The Second Protocol clarifies the meaning of “military necessity” in regard to the use of cultural property, defining the existence of military necessity as “when and for as long as no choice is possible between such use of the cultural property and another feasible method for obtaining a similar military advantage.” Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict 1999, art. 4, 26 March 1999, 249 U.N.T.S. 3511 (1999). The Second Protocol further defines military necessity in regard to an “act of hostility against cultural property” as “when and for as long as: (i) that cultural property has, by its function, been made into a military objective; and (ii) there is no feasible alternative available to obtain a similar military advantage to that offered by directing an attack of hostility against that objective.” *Ibid.*, arts. 6(a)-(b).

6 *Ibid.*, art. 6(c) (stating that “the decision to invoke imperative military necessity shall only be taken by an officer commanding a force the equivalent of a battalion in size or larger, or a force smaller in size where circumstances do not permit otherwise”).

7 Convention for the Protection of Cultural Property in the Event of Armed Conflict, art. 5, 14 May 1954, 249 U.N.T.S. 3511 (1954); Convention for the Protection of Cultural Property in the Event of Armed Conflict, art. 1(1), 14 May 1954, 249 U.N.T.S. 3511 (1954).



other removal or transfer of ownership of cultural property.”<sup>1</sup> The 1954 Hague Convention also provides for the use of a “distinctive emblem”—the Blue Shield—for the identification of cultural property and those engaged in its protection.<sup>2</sup> The 1954 Hague Convention recognizes the protection of cultural property is the joint responsibility of both attacker and defender, and that those who fail to take positive steps to safeguard their movable cultural property may lose protection under the Convention.<sup>3</sup> In addition, pillaging is also forbidden under Articles 28 and 47 of the 1907 Hague Convention IV and the Regulations Concerning the Laws and Customs of War on Land, which is recognized as customary international law.<sup>4</sup>

Both Additional Protocol I and Additional Protocol II to the Geneva Conventions protect cultural property in armed conflict. Article 53 of Additional Protocol I to the Geneva Convention prohibits attacks on and military use of cultural objects.<sup>5</sup> Additional Protocol II to the Geneva Convention, applicable to non-international armed conflicts, contains a similar provision.<sup>6</sup> Syria is not a party to this Additional Protocol.

In contrast to the 1954 Hague Convention, the articles relevant to cultural property in Additional Protocols I and II to the Geneva Conventions refer to cultural property that forms part of the cultural or spiritual heritage of “peoples,” while the 1954 Hague Convention covers property which forms part of the cultural heritage of “every people.” Some scholars have interpreted this difference to mean that “[t]he property covered by the Additional Protocols must be of such importance

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1 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict 1999, art. 9, 26 March 1999, 249 U.N.T.S. 3511 (1999).

2 Convention for the Protection of Cultural Property in the Event of Armed Conflict, arts. 16, 17, 14 May 1954, 249 U.N.T.S. 3511 (1954).

3 *Ibid.*, art. 3 (“The High Contracting Parties undertake to prepare in time of peace for the safeguarding of cultural property situated within their own territory against the foreseeable effects of an armed conflict, by taking such measures as they consider appropriate.”); *ibid.*, art. 10 (“During an armed conflict, cultural property under special protection shall be marked with the distinctive emblem described in Article 16, and shall be open to international control as provided for in the Regulations of the execution of the Convention.”); *ibid.*, art. 8(1) (Cultural property under special protection are a “limited number of refuges intended to shelter movable cultural property in the event of armed conflict, of centers containing monuments and other immovable cultural property of very great importance”).

4 Emma Cunliffe, Nibal Muhsen, Marina Lostal, *The Destruction of Cultural Property in the Syrian Conflict: Legal Implications and Obligations*, 23 International Journal of Cultural Property 1, 7 (2016).

5 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, art. 53, 8 June 1977, 1125 U.N.T.S. 3 (1977) (The Geneva Convention forbids State Parties “(a) to commit any acts of hostility directed against the historic monuments, works of art, or places of worship which constitute the cultural or spiritual heritage of peoples; (b) to use such objects in support of the military effort; (c) to make such objects the object of reprisals.”).

6 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, art. 16, 8 June 1977, 1125 U.N.T.S. 609 (1977).

that it will be recognized by everyone, even without being marked.”<sup>1</sup> The two Additional Protocols, unlike the 1954 Hague Convention, do not provide for a waiver in cases of military necessity. These provisions in Additional Protocols I and II are not recognized as customary international law.<sup>2</sup>

Furthermore, the Rome Statute criminalizes, among other acts, “[g]rave breaches of the Geneva Conventions of 12 August 1949,” including, “[e]xtensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.”<sup>3</sup> The Rome Statute also provides that “[i]ntentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments... provided they are not military objectives” is a war crime in the context of both international and non-international armed conflicts.<sup>4</sup>

In Syria, the armed conflict has included the destruction of many artifacts and historic monuments. After the bombing of the Palmyra Temple, which has suffered extensive looting and destruction during the conflict, the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) issued a statement declaring the destruction of Palmyra a “war crime and an immense loss for the Syrian people and for humanity.”<sup>5</sup>

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1 Caroline Ehlert, *Prosecuting the Destruction of Cultural Property in International Criminal Law* 71 (Boston: Martinus Nijhoff Publishers, 2014); International Committee of the Red Cross, *Customary IHL: Rule 38: Attacks Against Cultural Property* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule38](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule38); see also Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law, Volume I: Rules, Chapter 12: Cultural Property* (Cambridge University Press, 2005), available at <https://www.icrc.org/en/doc/assets/files/other/customary-international-humanitarian-law-i-icrc-eng.pdf>.

2 Emma Cunliffe, Nibal Muhsen, Marina Lostal, *The Destruction of Cultural Property in the Syrian Conflict: Legal Implications and Obligations*, 23 *International Journal of Cultural Property* 1, 6-7 (2016); International Committee of the Red Cross, *Customary IHL: Rule 38: Attacks Against Cultural Property* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule38](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule38).

3 Rome Statute of the International Criminal Court, art. 8(2)(A)(iv), 17 July 1998, 2187 U.N.T.S. 3 (1998).

4 *Ibid.*, art. 8(2)(b)(ix).

5 U.S. Library of Congress, *UNESCO: Palmyra Temple Bombing Deemed a War Crime* (10 September 2015), available at <http://www.loc.gov/law/foreign-news/article/UNESCO-palmyra-temple-bombing-deemed-a-war-crime/>.



## F. Ethnic Cleansing

Various parties to the Syrian conflict have been accused of “ethnic cleansing.” Despite common use of the term “ethnic cleansing” in the media and by human rights organizations, international law does not include a definition of a coherent set of actions that comprise this act. Unlike the term “genocide,” defined in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, the term “ethnic cleansing” is not defined in any international convention.

Although the term “ethnic cleansing” has not been codified in law, the Secretary General of the United Nations and important internationally approved documents have referred to “ethnic cleansing” in a way that recognizes it as equivalent to the war crimes that have been well established and defined in international law. For example, on 25 June 2018, the U.N. Secretary General appealed to the U.N. General Assembly to “strive together to protect people from genocide, war crimes, ethnic cleansing and crimes against humanity.”<sup>1</sup> And in 2005, at a High-level Plenary Meeting of the General Assembly to discuss the Responsibility to Protect Doctrine, governments agreed on the following text in the World Summit Outcome Document.

The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.<sup>2</sup> (Emphasis added.)

The term “ethnic cleansing” was first used to describe a particular set of violations of human rights and international humanitarian law in the former Yugoslavia. In 1994, the U.N. Commission of Experts tasked with investigating abuses in the former Yugoslavia described ethnic cleansing as “a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas.”<sup>3</sup>

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1 United Nations Secretary-General António Guterres, *Remarks to the General Assembly Debate on the Responsibility to Protect* (25 June 2018), available at <https://www.un.org/sg/en/content/sg/speeches/2018-06-25/responsibility-protect-remarks-general-assembly>.

2 United Nations General Assembly, *Resolution adopted by the General Assembly on 16 September 2005*, para. 139, U.N. Doc. A/RES/60/1 (24 October 2005) available at [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_RES\\_60\\_1.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf).

3 Benjamin Lieberman, *Ethnic Cleansing versus Genocide?*, in *The Oxford Handbook of Genocide Studies* (Eds., Donald Blocham and A. Dirk Moses, online edition, 2010), available at <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199232116.001.0001/oxfordhb-9780199232116-e-3>.



The term has increased in popular usage since the 1990s and is often used to describe the forced dislocation of specific ethnic groups through violent measures. In a 1993 Foreign Affairs article, “A Brief History of Ethnic Cleansing,” Andrew Bell-Fialkoff defined ethnic cleansing as “the expulsion of an ‘undesirable’ population from a given territory due to religious or ethnic discrimination, political, strategic or ideological considerations, or a combination of those.”<sup>1</sup> Thus, “ethnic cleansing” is focused on the expulsion of ethnic groups from specific geographic locations by either state or non-state actors. As the Oxford Handbook of Genocide Studies explains, “[e]thnic cleansing refers to removal of a group from a particular area. It is a means for forced remaking of human landscape.”<sup>2</sup>

Although “ethnic cleansing” is not defined as a crime under international law, acts of violence that are commonly described as “ethnic cleansing” likely amount, individually or collectively, to war crimes and crimes against humanity under the Rome Statute. Methods used to perpetrate “ethnic cleansing” might include murder, torture, arbitrary arrest, detention, extra-judicial executions, rape, sexual assault, deportation, or military assaults against civilians. Other sections of this chapter deal specifically with those violations.

Finally, where credible concerns have been raised about “ethnic cleansing,” experts should consider whether a genocide has occurred. Ethnic cleansing is conceptually distinct from genocide, which is defined as a crime under international law. As previously discussed, ethnic cleansing is focused on the expulsion of ethnic groups from specific geographic areas, while genocide describes campaigns to exterminate entire groups regardless of where they are located. Nonetheless, there is overlap between the two terms. The International Criminal Tribunal for the former Yugoslavia (ICTY) has held that a genocide took place against Bosnian Muslims in the Srebrenica massacre, a geographically limited locale, suggesting that some instances of ethnic cleansing rise to the level of genocide.<sup>3</sup> Furthermore, many of the acts that occur in instances of ethnic cleansing are the same as the acts that, with the required intent, constitute

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1 Andrew Bell-Fialkoff, *A Brief History of Ethnic Cleansing*, Foreign Affairs (1993), available at <https://www.foreignaffairs.com/articles/1993-06-01/brief-history-ethnic-cleansing>.

2 Benjamin Lieberman, *Ethnic Cleansing versus Genocide?*, in The Oxford Handbook of Genocide Studies (Eds., Donald Blocham and A. Dirk Moses, online edition, 2010), available at <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199232116.001.0001/oxfordhb-9780199232116-e-3>.

3 Krstić Case (*The Prosecutor v. Radislav Krstić*), Case No. IT 98-33, Trial Judgment, International Criminal Tribunal for the Former Yugoslavia, para. 599 (2 August 2001) available at <https://www.icty.org/x/cases/krstic/tjug/en/krs-tj010802e.pdf> (“The Trial Chamber has thus concluded that the Prosecution has proven beyond all reasonable doubt that genocide, crimes against humanity and violations of the laws or customs of war were perpetrated against the Bosnian Muslims, at Srebrenica, in July 1995”); The New York Times, *Judge’s Words: ‘Cleansing Became Genocide’*, 3 August 2001, available at <https://www.nytimes.com/2001/08/03/world/judge-s-words-cleansing-became-genocide.html?scp=6&sq=srebrenica%20genocide%20krstic%202001&st=cse>.



genocidal acts under the Genocide Convention and the Rome Statute.<sup>1</sup>

## G. Extrajudicial, Summary or Arbitrary Executions

An extrajudicial, summary, or arbitrary execution is an execution in which a person is killed without the benefit of a full and fair trial or due process of law, often after being accused of a crime. An execution might be arbitrary even if it follows a sentence that was pronounced by a regularly constituted court with accompanying judicial guarantees, if it fails to meet fair trial and due process standards. International human rights law, international humanitarian law, and customary international law prohibit extrajudicial, summary, or arbitrary executions. Syria is party to a number of international law instruments that prohibit extrajudicial, summary or arbitrary executions. Moreover, international criminal law provides for the criminal liability of individuals who commit such unlawful executions.

Extrajudicial, summary, or arbitrary executions violate fundamental and non-derogable rights guaranteed by many human rights instruments. First, the ICCPR,<sup>2</sup> the Arab Charter on Human Rights,<sup>3</sup> and the Convention on the Rights of the Child,<sup>4</sup> among other human rights treaties, provide for the non-derogable right to life. Because the right to life is non-derogable, the prohibition on extrajudicial, summary, or arbitrary executions applies even in times of armed conflict, public emergency, or political instability.

Second, extrajudicial, summary, or arbitrary executions violate the right to due process and the right to a fair trial. Article 14 of the ICCPR provides the right to a fair public hearing by a competent, independent, and impartial tribunal

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1 Rome Statute of the International Criminal Court, art. 6, 17 July 1998, 2187 U.N.T.S. 3 (1998); Convention on the Prevention and Punishment of the Crime of Genocide, art. 2, 9 December 1948, 78 U.N.T.S. 277 (1948), *available at* <https://treaties.un.org/doc/publication/unts/volume%2078/volume-78-i-1021-english.pdf>.

2 International Covenant on Civil and Political Rights, art. 6, 16 December 1966, 999 U.N.T.S. 171 (1966).

3 League of Arab States, Arab Charter on Human Rights, arts. 5, 6, 22 May 2004, reprinted in 12 International Human Rights Report 893 (2005) (for an English translation of the Arab Charter, see the University of Minnesota Human Rights Library, *available at* <http://www1.umn.edu/humanrts/instree/loas2005.html>).

4 Convention on the Rights of the Child, art. 6, 20 November 1989, 1577 U.N.T.S. 3 (1989).



established by law.<sup>1</sup> Article 14 explicitly provides specific procedural guarantees, including pre-trial guarantees (such as the right to legal counsel, a prohibition on incommunicado detention, and prompt notice of the nature and cause of criminal charges); rights during a hearing (including the right to a public hearing and the presumption of innocence,); and post-trial rights (such as the right to an appeal).<sup>2</sup> Moreover, the U.N. Human Rights Committee, the body established by the ICCPR to monitor compliance with the treaty, has stated that the ICCPR's right to a fair trial is "non-derogable" and applies in times of armed conflict.<sup>3</sup> The Arab Charter on Human Rights, to which Syria is a party, also articulates the right to a fair trial.<sup>4</sup> Article 4 of the Arab Charter on Human Rights provides that "under no circumstances" can states derogate from this fair trial obligation.<sup>5</sup>

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1 International Covenant on Civil and Political Rights, art. 14(1), 16 December 1966, 999 U.N.T.S. 171 (1966). The Human Rights Committee, the body charged with enforcing the ICCPR, has defined a "tribunal" as "a body, regardless of its denomination, that is established by law, is independent of the executive and the legislative branches of government or enjoys in specific cases judicial independence in deciding legal matters in proceedings that are judicial in nature." Human Rights Committee, General Comment No. 32, Article 14: Right to Equality Before Courts and Tribunals and to a Fair Trial, para. 18, U.N. Doc. CCPR/C/GC/32 (23 August 2007), available at <https://www.refworld.org/docid/478b2b2f2.html>; Human Rights Committee, General Comment No. 13, Article 14 (Administration of Justice), Equality before the Courts and the Right to a Fair and Public Hearing by an Independent Court Established by Law, paras. 1, 3, 4, 13 (13 April 1984), available at <https://www.refworld.org/docid/453883f90.html>.

2 Lawyers Committee for Human Rights, *What is a Fair Trial? A Basic Guide to Legal Standards and Practice*, (March 2000), available at [https://www.humanrightsfirst.org/wp-content/uploads/pdf/fair\\_trial.pdf](https://www.humanrightsfirst.org/wp-content/uploads/pdf/fair_trial.pdf) ("The standards against which a trial is to be assessed in terms of fairness are numerous, complex, and constantly evolving.").

3 Human Rights Committee, General Comment No. 32, Article 14: Right to Equality Before Courts and Tribunals and to a Fair Trial, paras. 6, 59, U.N. Doc. CCPR/C/GC/32 (23 August 2007); Human Rights Committee, General Comment No. 29, Article 4: Derogations During a State of Emergency, paras. 7, 15, U.N. Doc CCPR/C/21/Rev.1/Add.11 (31 August 2001); see also Counter-Terrorism Implementation Task Force, *Basic Human Rights Reference Guide: Right to a Fair Trial and Due Process in the Context of Countering Terrorism*, paras. 14-15 (October 2014), available at <https://www.ohchr.org/EN/newyork/Documents/FairTrial.pdf>; see International Human Rights Law, Part I.A of this chapter, above, for a discussion of the ICCPR's non-derogable rights.

4 League of Arab States, Arab Charter on Human Rights, art. 13, 22 May 2004, reprinted in 12 International Human Rights Report 893 (2005) (for an English translation of the Arab Charter, see the University of Minnesota Human Rights Library, available at <http://www1.umn.edu/humanrts/instree/loas2005.html>).

5 *Ibid.*, art. 4(c).



Not all executions are arbitrary under international law. International human rights law permits the death penalty under certain narrow circumstances, for the “most serious crimes.”<sup>1</sup> The U.N. Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions interpreted this narrow permission to mean “the death penalty can only be imposed in cases where it can be shown that there was an intention to kill which resulted in the loss of life.”<sup>2</sup> Although the ICCPR permits the death penalty in certain narrow circumstances, the Second Optional Protocol to the ICCPR—to which Syria is not a party—calls for the abolition of capital punishment.<sup>3</sup>

Moreover, international humanitarian law prohibits extrajudicial, summary, or arbitrary executions of individuals taking no active part in hostilities. Common Article 3 of the 1949 Geneva Conventions, which applies to international and non-international armed conflicts, prohibits “violence to life and person, in particular murder of all kinds,” and the “carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples,” against “persons taking no active part in hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause.”<sup>4</sup> Moreover, Common Article 3 of the Geneva Conventions requires that “members of armed forces ... placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely.”<sup>5</sup> Common Article 3 thus prohibits killing civilians and those who have laid down their weapons, termed “hors de combat”—whether through sickness, injury, or detention.

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1 International Covenant on Civil and Political Rights, art. 6, 16 December 1966, 999 U.N.T.S. 171 (1966).

2 Philip Alston, *Civil and Political Rights, Including the Questions of Disappearances and Summary Executions: Report of the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions*, Philip Alston, paras. 3, 65, delivered to the Human Rights Council, U.N. Doc A/HRC/4/20 (29 January 2007).

3 Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty, 15 December 1989, 1642 U.N.T.S. 414 (1989), available at [https://treaties.un.org/doc/Treaties/1991/07/19910711%2007-32%20AM/Ch\\_IV\\_12p.pdf](https://treaties.un.org/doc/Treaties/1991/07/19910711%2007-32%20AM/Ch_IV_12p.pdf).

4 Geneva Convention Relative to the Treatment of Prisoners of War. Geneva, art. 3, 12 August 1949, 75 U.N.T.S. 135 (1949) (Common Article 3).

5 *Ibid.*, art. 3.

International humanitarian law provides additional protections against extrajudicial, arbitrary, and summary executions in international armed conflicts. With regard to the wounded, sick and shipwrecked at sea, Article 12 of the Second Geneva Convention of 1949 states: “Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated.”<sup>1</sup> The First Geneva Convention of 1949 contains an analogous provision on wounded and sick members of the armed forces.<sup>2</sup> The Third Geneva Convention prohibits “[a]ny unlawful act or omission by the Detaining power causing death ... of a prisoner of war.”<sup>3</sup>

The Fourth Geneva Convention provides additional protections for civilians in international armed conflicts. It declares, “The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the ... extermination of protected persons in their hands.”<sup>4</sup> In the case of a “death or serious injury of an internee,” the Fourth Geneva Convention requires that “the Detaining Power shall take all necessary steps to ensure the prosecution of the person or persons responsible.”<sup>5</sup>

Furthermore, the Rome Statute of the International Criminal Court defines extrajudicial, summary, and arbitrary executions as war crimes and crimes against humanity. Pursuant to the Rome Statute, “[m]urder” and “[e]xtermination” constitute crimes against humanity “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”<sup>6</sup> In addition, “[w]illful killing” constitutes a war crime in international armed conflicts.<sup>7</sup> In non-international armed conflicts, “[v]iolence to life and person, in particular murder of all kinds” are crimes under the Rome Statute.<sup>8</sup> Likewise, Article 8(2)(c)(iv) of the Rome Statute classifies “the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable” as a war crime in non-international armed conflicts.<sup>9</sup>

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1 Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention), art. 12, 12 August 1949, 75 U.N.T.S. 85 (1949).

2 *Ibid.*, art. 12.

3 Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), art. 13, 12 August 1949, 75 U.N.T.S. 135 (1949).

4 Geneva Convention Relative to the Protection of Civilian Persons in Times of War (Fourth Geneva Convention), art. 32, 12 August 1949, 75 U.N.T.S. 287 (1949).

5 *Ibid.*, art. 131.

6 Rome Statute of the International Criminal Court, arts. 7(1)(a), 7(1)(b), 17 July 1998, 2187 U.N.T.S. 3 (1998).

7 *Ibid.*, art. 8(2)(a)(i).

8 *Ibid.*, art. 8(2)(c)(i).

9 *Ibid.*, art. 8(2)(c)(iv).



Customary international humanitarian law, as catalogued by the ICRC, prohibits summary, extrajudicial, and arbitrary executions in both international and non-international armed conflicts.<sup>1</sup> Thus, the prohibition on these executions applies equally to state parties and non-state parties to a conflict. Moreover, the laws enumerated above that are applicable to non-international armed conflict apply to non-state actors as well as state actors. Thus, international law prohibits summary, arbitrary, and extrajudicial executions for all parties to the conflict in Syria.

The conflict in Syria has been characterized by extreme violations of the right to life. Many—if not all—parties to the conflict have engaged in extrajudicial, summary, or arbitrary executions in contravention of international human rights law, international humanitarian law, and international criminal law.

The Syrian government has continued to use summary executions as a strategic tactic of war throughout the conflict. As early as 2012, Human Rights Watch reported on summary and extrajudicial killings committed by Syrian forces and pro-government Shabiha militias.<sup>2</sup> In 2014, an anonymous individual known as Caesar smuggled out of Syria 28,000 photos of deceased individuals who appeared to have died in Syrian government custody, many of whom Human Rights Watch determined were victims of summary executions at the hands of the Syrian government.<sup>3</sup> In 2017, Amnesty International reported that as many as 13,000 people were summarily executed by Syrian government authorities at Saydnaya prison near Damascus.<sup>4</sup>

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1 International Committee of the Red Cross, *Customary IHL: Rule 87: Humane Treatment* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule87](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule87); International Committee of the Red Cross, *Customary IHL: Rule 89: Violence to Life* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule89](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule89); International Committee of the Red Cross, *Customary IHL: Rule 111: Protection of the Wounded, Sick and Shipwrecked against Pillage and Ill-Treatment* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule111](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule111).

2 Human Rights Watch, *In Cold Blood: Summary Executions by Syrian Security Forces and Pro-Government Militias* (9 April 2012), available at <https://www.hrw.org/report/2012/04/09/cold-blood/summary-executions-syrian-security-forces-and-pro-government-militias>.

3 Priyanka Motaparthi and Nadim Houry, *If the Dead Could Speak: Mass Deaths and Torture in Syria's Detention Facilities*, Human Rights Watch (16 December 2015), available at <https://www.hrw.org/report/2015/12/16/if-dead-could-speak/mass-deaths-and-torture-syrias-detention-facilities>.

4 Amnesty International, *Syria: Secret Campaign of Mass Hangings and Extermination at Saydnaya Prison* (7 August 2017), available at <https://www.amnesty.org/en/latest/news/2017/02/syria-investigation-uncovers-governments-secret-campaign-of-mass-hangings-and-extermination-at-saydnaya-prison/>.

Non-state armed groups in Syria have also engaged in summary, arbitrary, and extrajudicial executions. There have been documented executions by the Islamic State of individuals who do not conform with Islamic State social rules—for example, the Islamic State has executed persons on the basis of religion, gender, or gender expression.<sup>1</sup> Other armed groups in Syria have engaged in summary executions of rival armed groups, in contravention of Common Article 3.<sup>2</sup>

## H. Sexual violence and Gender-Based Violence

### • Sexual Violence

The term “conflict-related sexual violence” can refer to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, forced sterilization, forced marriage, and “any other form of sexual violence of comparable gravity perpetrated against men, women, boys, or girls that is directly or indirectly linked to conflict.”<sup>3</sup> The Akayesu judgment from the International Criminal Tribunal for Rwanda defined sexual violence as “any act of a sexual nature which is committed on a person which are coercive (sic).”<sup>4</sup> The Tribunal defined coercion as “[t]hreats, intimidation, extortion, and other forms of duress which prey on fear or desperation.”<sup>5</sup> In Syria, armed groups have employed sexual violence as a strategic tactic of war.

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1 Independent International Commission of Inquiry on the Syrian Arab Republic, “*They Came to Destroy*”: ISIS Crimes Against the Yazidis, U.N. Doc. A/HRC/32/CRP.2 (15 June 2016), available at [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/A\\_HRC\\_32\\_CRP.2\\_en.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/A_HRC_32_CRP.2_en.pdf).

2 For example, the IICIS reported, “On 14 February 2017, members of Liwa al-Aqsa summarily executed at least 128 armed group fighters whom they had been detaining in Khazanat Khan Sheikhou, a town in the Marat al-Nu‘man district of Idlib. Liwa al-Aqsa members handcuffed, blindfolded and escorted groups of between seven and 10 detainees under the pretext that the detainees would receive Islamic repentance lessons and then be released. Instead, members of Liwa al-Aqsa killed executed fighters by either gunshots to the head or beheadings, amounting to the war crime of attacks against persons hors de combat.” Independent International Commission of Inquiry on the Syrian Arab Republic, *Human Rights Abuses and International Humanitarian Law Violations in the Syrian Arab Republic, 21 July 2016–28 February 2017: Conference Room Paper of the Independent International Commission of Inquiry on the Syrian Arab Republic*, U.N. Doc. A/HRC/34/CRP.3 (10 March 2017), available at <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session34/Pages/ListReports.aspx>.

3 Secretary General, *Report of the Secretary-General on Conflict-Related Sexual Violence, delivered to the Security Council*, U.N. Doc. S/2017/249 (15 April 2017), available at <https://undocs.org/S/2017/249>.

4 Akayesu Case (*Prosecutor v. Jean-Paul Akayesu*), Case No. ICTR-96-4, Trial Chamber Judgment, International Criminal Tribunal for Rwanda, para. 688 (2 September 1998), available at <https://unictr.irmct.org/sites/unictr.org/files/case-documents/ictr-96-4/trial-judgements/en/980902.pdf>.

5 *Ibid.*, para. 688.



International humanitarian law, international human rights law, and customary international law prohibit sexual violence “at all times and against anyone.”<sup>1</sup> Moreover, international criminal law identifies acts of sexual violence as crimes and provides for the criminal liability of perpetrators of such acts of violence.<sup>2</sup>

International humanitarian law treaties prohibit rape and sexual violence in both international and non-international armed conflicts. The Third Geneva Convention of 1949 states that prisoners of war are “in all circumstances entitled to respect for their persons and their honour” and that “women shall be treated with all regard due to their sex.”<sup>3</sup> Although the language is antiquated, this provision is understood as a prohibition on sexual violence. The Fourth Geneva Convention of 1949 provides that civilian “women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.”<sup>4</sup> Furthermore, the prohibition of “outrages upon personal dignity” is recognized in Additional Protocol I (ratified by Syria) as a fundamental guarantee for civilians and persons hors de combat.<sup>5</sup>

With regard to non-international armed conflict, Common Article 3 prohibits, “violence to life and person, in particular ... mutilation, cruel treatment and torture ... [and] outrages upon personal dignity, in particular humiliating and degrading treatment.”<sup>6</sup> Additional Protocol II, which applies to non-international armed conflicts, prohibits, “outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault” against civilians and persons hors d’combat.<sup>7</sup>

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1 Gloria Gaggiolo, *Sexual Violence in Armed Conflict: A Violation of International Humanitarian Law and Human Rights Law*, 96 *International Review of the Red Cross* 503, 503 (2014), available at <https://international-review.icrc.org/sites/default/files/irrc-894-gaggioli.pdf>.

2 *Ibid.*, p. 505.

3 Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), art. 14, 12 August 1949, 75 U.N.T.S. 135 (1950).

4 Geneva Convention Relative to the Protection of Civilian Persons in Times of War (Fourth Geneva Convention), art. 27, 12 August 1949, 75 U.N.T.S. 287 (1949).

5 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, art. 75(2), 8 June 1977, 1125 U.N.T.S. 3 (1977); Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, art. 4(2), 8 June 1977, 1125 U.N.T.S. 609 (1977).

6 Geneva Convention Relative to the Treatment of Prisoners of War. Geneva, art. 3, 12 August 1949, 75 U.N.T.S. 135 (1949) (Common Article 3).

7 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, art. 4(2)(e), 8 June 1977, 1125 U.N.T.S. 609 (1977).



Customary international humanitarian law also prohibits rape and other forms of sexual violence during both international and non-international armed conflicts.<sup>1</sup> Not all conflict-related sexual violence will amount to a violation of international humanitarian law and a war crime, however, because international humanitarian law applies only to acts that have a sufficient link to the armed conflict.<sup>2</sup>

Sexual violence also constitutes a crime under international criminal law. The Rome Statute lists “sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity” as crimes.<sup>3</sup> The Rome Statute defines rape as a war crime in a gender-neutral way, thus equally protecting men and women from rape.<sup>4</sup> The ad hoc tribunals for the former Yugoslavia and for Rwanda recognized that rape and sexual assault are prohibited in armed conflict and affirmed individual criminal responsibility for commission of these crimes.<sup>5</sup> Rape and sexual violence can also provide evidence of other crimes under international law, including, for example, torture or genocide.<sup>6</sup> These acts also violate the human right to be free from torture and cruel, inhuman or degrading treatment or punishment, as well as many other human rights.

According to a report from the U.N. Secretary-General, “[s]exual violence continues to be used by parties to the Syrian conflict as a systematic tactic of warfare, terrorism and torture.”<sup>7</sup> Sexual violence is perpetrated against men, women, boys, and girls in Syria.<sup>8</sup> According to the report, “[w]omen and girls have been most vulnerable in the context of house searches, at checkpoints, in detention facilities, after kidnapping by pro-government forces, and at border crossings, while men and boys have been subjected to sexual violence during interrogations in Government-run detention centers.”<sup>9</sup>

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1 International Committee of the Red Cross, *Customary IHL: Rule 93: Rape and Other Forms of Sexual Violence* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2\\_rule93](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rule93).

2 Gloria Gaggioli, *Sexual Violence in Armed Conflicts: A Violation of International Humanitarian Law and Human Rights Law*, 96 *International Review of the Red Cross* 503, 513-517 (2014).

3 Rome Statute of the International Criminal Court, arts. 7(1)(g), 8(2)(e)(vi), 8(2)(b)(xxii), 17 July 1998, 2187 U.N.T.S. 3 (1998).

4 *Ibid.*, arts. 8(2)(b)(xxii), 8(2)(e)(vi).

5 Andrew Clapham, *Human Rights Obligations of Non-State Actors* 18 (2010).

6 *Ibid.*, (citing the ICTR Akayesu Case and Musema cases).

7 Secretary-General, *Report of the Secretary-General on Conflict-Related Sexual Violence*, para. 69, U.N. Doc. S/2017/249 (15 April 2017).

8 *Ibid.*

9 *Ibid.*





Assessing the magnitude of sexual violence in the Syrian conflict is difficult due to both underreporting and delayed reporting of incidences of sexual violence. In spite of this difficulty, many reports of sexual violence have emerged from Syria. In fact, Syrian women often cite fear of rape as a reason for fleeing Syria.<sup>1</sup> Perpetrators of sexual violence include Syrian government forces, pro-government militias, and non-state armed groups.<sup>2</sup>

Government and pro-government forces have committed documented acts of sexual violence in Syria. The IICIS has gathered and corroborated findings of sexual torture and rape of male and female detainees in government detention facilities.<sup>3</sup> In 2014, the Islamic State abducted more than 3,000 Yazidi women and children, forcing them to become “concubines” to Islamic State fighters, who raped them and held them in sexual slavery.<sup>4</sup> These acts are violations of international humanitarian law. They likely also constitute the war crimes of sexual slavery, sexual violence, rape, and forced pregnancy<sup>5</sup> and the crimes against humanity of enslavement, torture, rape, and sexual violence.<sup>6</sup> These acts also violate the human right to be free from torture and cruel, inhuman or degrading treatment or punishment, as well as many other human rights.

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1 *Ibid.*, para. 69; Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, para. 75, U.N. Doc. A/HRC/27/60 (13 August 2014).

2 Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, para. 35, U.N. Doc. A/HRC/23/58 (18 July 2013) (noting that women in camps for internally displaced persons have suffered rape, forced marriage, and sexual exploitation); Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, paras. 76-83, U.N. Doc. A/HRC/27/60 (13 August 2014); Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, paras. 62-71, U.N. Doc. A/HRC/25/65 (Feb. 12, 2014); Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, paras. 172-190, delivered to the Human Rights Council, U.N. Doc. A/HRC/28/69 (5 February 2015).

3 Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, paras. 175-182, delivered to the Human Rights Council, U.N. Doc. A/HRC/28/69 (5 February 2015).

4 *Ibid.*, para. 188; see also Independent International Commission of Inquiry on the Syrian Arab Republic, “*They Came to Destroy*”: *ISIS Crimes Against the Yazidis*, U.N. Doc. A/HRC/32/CRP.2 (15 June 2016).

5 Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, para. 188, delivered to the Human Rights Council, U.N. Doc. A/HRC/28/69 (5 February 2015).

6 *Ibid.*

## • Gender-Based Violence

The U.N. Committee on the Elimination of Discrimination against Women (CEDAW Committee), the treaty body responsible for monitoring implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), has defined gender-based violence as “violence that is directed against a woman because she is a woman or that affects women disproportionately.”<sup>1</sup> It includes “acts or omission intended or likely to cause or result in death or physical, sexual, psychological or economic harm or suffering to women, threats of such acts, harassment, coercion and arbitrary deprivation of liberty.”<sup>2</sup> The CEDAW Committee has observed that “*opinio juris* and State practice suggest that the prohibition of gender-based violence against women has evolved into a principle of customary international law.”<sup>3</sup> Despite the gendered language in the CEDAW definition, today, “the term gender-based violence is usually understood as covering not only women and girls but also men and boys.”<sup>4</sup> The ICRC has defined gender-based violence as an “overall term, including sexual violence and other types of gender-specific [violence that are] not necessarily sexually based.”<sup>5</sup>

CEDAW enshrines the right to equal protection for men and women. The CEDAW Committee has recognized that “[g]ender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention.”<sup>6</sup> The Committee has acknowledged that gender-based violence could impair: (a) The right to life; (b) The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment; (c) The right to equal protection according to humanitarian norms in time of international or internal armed conflict; (d) The right to liberty and security of person; (e) The right to equal protection under the law; (f) The right to equality in the family; (g) The right to the highest standard attainable of physical and mental health; (h) The right to favorable condition of

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1 Committee on the Elimination of Discrimination Against Women, General Recommendation 19 on Violence Against Women, para. 6, U.N. Doc. A/47/38 at 1 (1993).

2 Committee on the Elimination of Discrimination Against Women, General Recommendation No. 35 on Gender-Based Violence Against Women, Updating General Recommendation No. 19, U.N. Doc. CEDAW/C/GC/35, para. 14 (2017).

3 *Ibid.*, para. 2.

4 Gloria Gaggioli, *Sexual Violence in Armed Conflict: A Violation of International Humanitarian Law and Human Rights Law*, International Review of the Red Cross 503, 509 (2014).

5 *Ibid.*, p. 510; Charlotte Lindsey, Women Facing War Study 35-36 (Geneva: International Committee of the Red Cross, 2001).

6 Committee on the Elimination of Discrimination Against Women, General Recommendation 19 on Violence Against Women, para. 6, U.N. Doc. A/47/38 (1993); Committee on the Elimination of Discrimination Against Women, General Recommendation No. 35 on Gender-Based Violence Against Women, Updating General Recommendation No. 19, U.N. Doc. CEDAW/C/GC/35, para. 21 (2017).



work.<sup>1</sup>

The CEDAW Committee has further underscored that “some forms of gender-based violence against women may also constitute international crimes” under the Rome Statute, including “crimes against humanity and war crimes [such] as rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity [under the Rome Statute].”<sup>2</sup>

The CEDAW Committee recognizes that armed conflict and humanitarian emergencies might exacerbate gender-based and sexual violence.<sup>3</sup> In June 2014, the CEDAW Committee stated that it was “appalled by the devastating impact of the conflict on the civilian population, in particular women and girls, in [Syria]” and was concerned about the consistent reports of “sexual violence, child and forced marriages, torture, arbitrary detentions and kidnappings against women and girls by all parties to the conflict.”<sup>4</sup> The Committee noted several documented violations of the Convention by all parties to the conflict, including an increase in documented cases of sexual violence, as well as “hostage-taking, kidnapping, abduction, enforced disappearances, [and] arbitrary arrest . . . [of] women and girls . . . in exchange for a ransom or the release of prisoners.”<sup>5</sup>

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1 Committee on the Elimination of Discrimination Against Women, General Recommendation 19 on Violence Against Women, para. 7, U.N. Doc. A/47/38 (1993); see also Committee on the Elimination of Discrimination Against Women (CEDAW Committee), General Recommendation No. 35 on Gender-Based Violence Against Women, Updating General Recommendation No. 19, paras. 15-16, U.N. Doc. CEDAW/C/GC/35 (14 July 2017).

2 Committee on the Elimination of Discrimination Against Women, General Recommendation No. 35 on Gender-Based Violence Against Women, Updating General Recommendation No. 19, para. 16, U.N. Doc. CEDAW/C/GC/35 (14 July 2017).

3 *Ibid.*, para. 14.

4 Committee on the Elimination of Discrimination against Women, Concluding Observations: Syrian Arab Republic, para. 7, U.N. Doc. CEDAW/C/SYR/CO/2 (18 July 2014), available at <http://hrlibrary.umn.edu/cedaw/Cedaw-syria2014.html>.

5 *Ibid.*, para. 26.

Men and boys of fighting age are more likely to be arrested, tortured, disappeared, and killed on the basis of suspected affiliation or loyalty to various armed groups.<sup>1</sup> The IICIS classifies these as acts of gender-based violence amounting to serious violations of international humanitarian law, war crimes, and crimes against humanity. Non-state armed groups have also engaged in acts of gender based-violence, according to IICIS accounts. For example, reports suggest that non-state armed groups have subjected women and gay men to sexual assault and harassment at checkpoints.<sup>2</sup> The Islamic State has executed women and men for reasons connected with their gender.<sup>3</sup> For example, the IICIS has classified as gender-based violence the executions of women for acts of adultery and gay men as a consequence of their sexual orientation.<sup>4</sup> Other abuses against women, in particular, include corporal punishment for non-compliance with Islamic State dress codes.<sup>5</sup> Another report documented the Islamic State's systematic execution of gay men.<sup>6</sup>

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1 Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, para. 174, delivered to the Human Rights Council, U.N. Doc. A/HRC/28/69 (5 February 2015).

2 *Ibid.*, para. 184.

3 *Ibid.*, paras. 186, 189.

4 *Ibid.*, paras. 184-190.

5 *Ibid.*, para. 187.

6 Aaron Y. Zelin & Jacob Olidort, *The Islamic State's Views on Homosexuality*, The Washington Institute for Near East Policy (14 June 14 2016), available at <http://www.washingtoninstitute.org/policy-analysis/view/the-islamic-states-views-on-homosexuality>.



## I. Taking of Hostages

International human rights treaties do not explicitly prohibit “hostage taking,” but non-derogable human rights law prohibits the “arbitrary deprivation of liberty,” a category of prohibited conduct that includes hostage taking.<sup>1</sup> With respect to international humanitarian law, Common Article 3 of the Geneva Conventions prohibits the taking of hostages.<sup>2</sup> Customary international humanitarian law also prohibits hostage taking. State practice demonstrates that the customary prohibition on hostage taking applies in both international and non-international armed conflicts.<sup>3</sup> Furthermore, the Rome Statute classifies the taking of hostages as a war crime.<sup>4</sup>

In Syria, the IICIS documented reports of non-state groups taking civilians hostages and demanding ransom. The IICIS later observed that non-state groups, motivated by the need to exchange prisoners or extract ransom, abducted individuals, thus violating international humanitarian and criminal law.<sup>5</sup> For example, the Islamic State captured Kurdish school children and used them for a prisoner exchange.<sup>6</sup> Similarly, Jabhat al-Nusra and Jaysh Al-Islam abducted hundreds of civilians in 2013.<sup>7</sup> Other non-state armed groups have kidnapped civilians and members of the Syrian armed forces to force prisoner exchanges and have kidnapped people from areas perceived as supportive of the government.<sup>8</sup> For example, as Human Rights Watch has reported, armed opposition groups seized more than 200 civilian hostages during a military offensive in August 2013.<sup>9</sup> As recently as 2019, the Committee on the Rights of the Child stated that it was “gravely concerned about credible and corroborated information on . . . [t]he abduction of children [in Syria], some as young as 3 months, for a variety of reasons, including to secure prisoner exchanges, for the alleged affiliation of relatives to parties to the conflict or to demand ransoms.”<sup>10</sup>

1 International Committee of the Red Cross, *Customary IHL: Rule 96: Hostage-Taking* (2005), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule96](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule96) (citing Geneva Conventions, common Article 3; Fourth Geneva Convention, Articles 34, 147; U.N. Commission on Human Rights, Res. 1998/73; U.N. Human Rights Committee, General Comment No. 29).

2 *Ibid.*

3 *Ibid.*

4 Rome Statute of the International Criminal Court, arts. 8(2)(c)(i)-(ii), 17 July 1998, 2187 U.N.T.S. 3 (1998).

5 Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, para. 92, delivered to the Human Rights Council, U.N. Doc. A/HRC/28/69 (5 February 2015).

6 *Ibid.*, para. 102.

7 *Ibid.*, para. 201.

8 *Ibid.*, paras. 94, 98.

9 Human Rights Watch, *You Can Still See Their Blood: Executions, Indiscriminate Shootings, and Hostage Taking by Opposition Forces in Latakia Countryside* (13 October 2013), available at <https://www.hrw.org/news/2013/10/10/syria-executions-hostage-taking-rebels>.

10 Committee on the Rights of the Child, Concluding Observations: Syrian Arab Republic, para. 49(d), U.N. Doc. CRC/C/SYR/CO/5 (2019).

## J. Impermissible Use of Weapons

Parties to the conflict have legal obligations to refrain from the use of certain weapons. In particular, special rules apply to indiscriminate weapons such as chemical weapons, cluster munitions, barrel bombs, incendiary weapons, and anti-personnel landmines.

### 1. Chemical Weapons

The use of chemical weapons violates international human rights law, international humanitarian law, customary international law and international criminal law. Specialized international humanitarian law treaties, including the Geneva Gas Protocol, the Hague Declaration Concerning Asphyxiating Gases, the Statute of the International Criminal Court, and the Chemical Weapons Convention, explicitly prohibit the use of chemical weapons.<sup>1</sup> Under international human rights law, the use of chemical weapons in Syria by state and non-state actors amounts to a violation of the rights to life and to health. Customary international law also recognizes the prohibition on the use of chemical weapons in both international and non-international armed conflicts.<sup>2</sup> The Rome Statute, in Article 8, classifies the use of chemical weapons as a war crime.<sup>3</sup>

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1 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, Geneva, para. 5, 17 June 1925, 26 U.S.T. 571, 94 L.N.T.S. 65 (1925); Hague Declaration Concerning Asphyxiating Gases (29 July 1899); Rome Statute of the International Criminal Court, art. 8(2)(b)(xviii), 17 July 1998, 2187 U.N.T.S. 3 (1998); Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, art. 1, 3 September 1992, 1975 U.N.T.S. 45 (1992); Treaty of Versailles, art. 171 (28 June 1919); Treaty on the Use of Submarines and Noxious Gases in Warfare, art. 5, 25 L.N.T.S. 202 (1922); Treaty of Peace between the Allied and Associated Powers and Bulgaria, art. 14, and Protocol, Neuilly-Sur-Seine (27 November 1919); Treaty of Peace between the Allied and Associated Powers and Finland, art. 18, Paris (10 February 1947); Treaty of Peace between the Allied and Associated Powers and Hungary, art. 16, Trianon (4 June 1920); Treaty of Peace between the Allied and Associated Powers and Italy, art. 53, Paris (10 February 1947); Treaty of Peace between the Allied and Associated Powers and Romania, art. 15 (10 February 1947); Austrian State Treaty, art. 13(1), Vienna (15 May 1955); Agreement on Destruction and Non-production of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons (U.S.–Soviet Chemical Weapons Accord), art. 1(1) (1990).

2 International Committee of the Red Cross, *Customary IHL: Rule 74: Chemical Weapons* (2017), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule74](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule74).

3 Rome Statute of the International Criminal Court, art. 8(2)(b), 17 July 1998, 2187 U.N.T.S. 3 (1998).





The widespread use of chemical weapons in World War I—killing 100,000 people and injuring more than one million—prompted the international community to ban the use of chemical weapons in war.<sup>1</sup> Previous treaties addressing the use of “poisonous” weapons were considered to have been ineffective in preventing the massive use of chemical weapon gases in World War I.<sup>2</sup> The 1925 Geneva Gas Protocol, to which Syria acceded in 1968,<sup>3</sup> marked one of the first international agreements to explicitly ban asphyxiating, poisonous, or other gases and bacteriological methods of warfare.<sup>4</sup> However, the 1925 Protocol had limits; it prohibited the use of chemical and biological weapons in war but did not prohibit their production or stockpiling by state parties.

The Geneva Conference on Disarmament adopted the 1993 Chemical Weapons Convention in response to perceived deficiencies in the 1925 Geneva Gas Protocol.<sup>5</sup> By prohibiting the development, production, stockpiling, and transfer of chemical weapons and their delivery systems, this convention represented a major step towards the elimination of chemical weapons.<sup>6</sup> The 1993 Convention required the destruction of existing stockpiles and required State parties to enact national legislation to enforce these prohibitions. The 1993 Chemical Weapons Convention also developed an extensive implementation and verification

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1 Organisation for the Prohibition of Chemical Weapons, *History*, available at <https://www.opcw.org/about-us/history>.

2 These include the Brussels Convention on the Laws and Customs of War and the Hague Regulations. *Ibid.*

3 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, Geneva, *acceded on* 17 December 1968, 26 U.S.T. 571, 94 L.N.T.S. 65 (1925), available at <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Notification.xsp?action=openDocument&documentId=91902D9B8DD3CFFEC1256402003F761A>.

4 International Committee of the Red Cross, *Chemical and Biological Weapons* (8 April 2013), available at <https://www.icrc.org/en/document/chemical-biological-weapons>.

5 United Nations Office for Disarmament Affairs, *Chemical Weapons*, available at <https://www.un.org/disarmament/wmd/chemical/>.

6 Article 1 provides:

1. Each State Party to this Convention undertakes never under any circumstances:
  - a. To develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone;
  - b. To use chemical weapons;
  - c. To engage in any military preparations to use chemical weapons;
  - d. To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention;
2. Each State Party undertakes to destroy chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control . . . ;
3. Each State Party undertakes to destroy all chemical weapons it abandoned on the territory of another State Party.

Each State Party undertakes to destroy any chemical weapons production facilities it owns or possesses, or that are located in a place under its jurisdiction or control.

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, art. 1, 3 September 1992, 1975 U.N.T.S. 45 (1992).



regime.<sup>1</sup> Syria acceded to the Chemical Weapons Convention in 2013 without reservation.<sup>2</sup> Syria has also ratified the Geneva Gas Protocol,<sup>3</sup> which prohibits the use in war of asphyxiating, poisonous, or other gases.<sup>4</sup>

Syria is bound to refrain from using chemical weapons with respect to both state and non-state actors. Although the Geneva Gas Protocol's prohibition only applies to the use of chemical weapons against other states, the Chemical Weapons Convention extended the prohibition on the use of chemical weapons to non-international armed conflicts.<sup>5</sup> Thus, Syria's ratification of the Chemical Weapons Convention obligates the government to refrain from using these weapons against non-state actors.

Moreover, state parties to the Chemical Weapons Convention are obligated to criminalize the use of chemical weapons and "adopt the necessary measures to ensure that toxic chemicals and their precursors are only developed, produced, otherwise acquired, retained, transferred, or used within its territory or in any other place under its jurisdiction or control for purposes not prohibited [by the] Convention."<sup>6</sup>

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1 Verification measures are the responsibility of the Organization for the Prohibition of Chemical Weapons, which provides technical assistance to states in implementing the Convention's provisions. Organization for the Prohibition of Chemical Weapons, *Mission: A World Free of Chemical Weapons*, available at <https://www.opcw.org/about-us/mission>.

2 Arms Control Association, *Chemical Weapons Convention Signatories and States-Parties*, available at <https://www.armscontrol.org/factsheets/cwcsig>. Only four countries have not ratified or acceded to the Chemical Weapons Convention (CWC): Israel, Egypt, North Korea, and South Sudan. *Ibid.* The CWC is not subject to reservations. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, art. XXII, 3 September 1992, 1975 U.N.T.S. 45 (1992).

3 International Committee of the Red Cross, *Treaties, States Parties and Commentaries, Syrian Arab Republic*, available at [https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp\\_countrySelected=SY](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=SY).

4 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, Geneva, para. 1, 17 June 1925, 26 U.S.T. 571, 94 L.N.T.S. 65 (1925).

5 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, para. 1, 3 September 1992, 1975 U.N.T.S. 45 (1992) (committing states to "never under any circumstances . . . use chemical weapons.").

6 *Ibid.*, art. VI, Section II; see also Organisation for the Prohibition of Chemical Weapons Executive Council, *Addressing the Threat Posed by the Use of Chemical Weapons by Non-State Actors*, 86<sup>th</sup> Sess., EC-86/DEC.9, 13 October 2017, available at [https://www.opcw.org/fileadmin/OPCW/EC/86/en/ec86dec09\\_e\\_.pdf](https://www.opcw.org/fileadmin/OPCW/EC/86/en/ec86dec09_e_.pdf).



Customary international humanitarian law also recognizes the prohibition on the use of chemical weapons. The ICRC includes the prohibition on the use of chemical weapons in its comprehensive documentation of customary law.<sup>1</sup> The ICRC has identified the sources of the customary prohibition on the use of chemical weapons as the treaties mentioned above, numerous state military manuals that prohibit chemical weapons in war, and widespread state practice condemning their use.<sup>2</sup> The International Criminal Tribunal for the former Yugoslavia recognized in *Tadić* that, under customary international law, the prohibition on the use of chemical weapons extends to non-international armed conflicts. The court wrote, “[T]here undisputedly emerged a general consensus in the international community on the principle that the use of [chemical] weapons is also prohibited in internal armed conflicts.”<sup>3</sup> Although existing treaties do not bind non-state actors, customary international law obligates them to comply with the prohibition on the use of chemical weapons as well.<sup>4</sup>

International criminal law also prohibits the use of chemical weapons. Article 8 of the Rome Statute—which enumerates war crimes that are prosecutable at the ICC—includes three provisions applicable to chemical weapons.<sup>5</sup> It establishes as crimes the use of “poison or poisoned weapons,” “asphyxiating, poisonous or other gases, and all analogous liquids, materials, or devices,” and weapons or methods of war “which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict.”<sup>6</sup> Although the exact term “chemical weapons” does not appear in the Rome Statute, the language quoted above has generally been interpreted as making the use of all chemical weapons a crime.<sup>7</sup>

Finally, the use of chemical weapons in Syria by state and non-state actors amounts to a violation of the rights to life and to health under international human rights law. The ICCPR provides, “Every human being has the inherent right to

1 International Committee of the Red Cross, *Customary IHL: Rule 74: Chemical Weapons* (2017), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule74](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule74).

2 Many countries have incorporated a prohibition on the use of chemical weapons into their own national laws. International Committee of the Red Cross, *Customary IHL: Rule 74: Chemical Weapons* (2017), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule74](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule74).

3 *The Prosecutor v. Dusko Tadić*, Case No. IT-94-1-A, Interlocutory Appeal, para. 124 (2 October 1995), available at <https://www.icty.org/x/cases/tadic/acdec/en/51002.htm>.

4 International humanitarian law, which includes Rule 74 of the ICRC’s Customary IHL Rules prohibiting the use of chemical weapons, is binding on non-state actors. International Committee of the Red Cross, *Customary IHL: Rule 74: Chemical Weapons* (2017), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule74](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule74).

5 Rome Statute of the International Criminal Court, art. (8)(2)(b), 17 July 1998, 2187 U.N.T.S. 3 (1998).

6 *Ibid.*

7 Human Rights First, *5 Things You Should Know About Chemical Weapons and International Law*, (August 2013), available at <https://www.humanrightsfirst.org/wp-content/uploads/HRF-Chemical-Weapons-Factsheet.pdf>; Dapo Akande, *Can the ICC Prosecute for Use of Chemical Weapons in Syria?*, EJIL: Talk! (23 August 2013), available at <http://www.ejiltalk.org/can-the-icc-prosecute-for-use-of-chemical-weapons-in-syria>.

life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”<sup>1</sup> Article 5 of the Arab Charter on Human Rights also recognizes the right to life.<sup>2</sup> Because chemical weapons are inherently indiscriminate, their use violates the prohibition against the arbitrary deprivation of life. In addition, the use of chemical weapons violates the right to health guaranteed by the ICESCR.<sup>3</sup> The use of chemical weapons “poses serious health, humanitarian, and security threats to civilians, healthcare personnel, and first responders,” in violation of the ICCPR and ICESCR.<sup>4</sup>

International media, governments, and the United Nations have accused the Syrian government of using chemical weapons in violation of international law. In late 2012, the United States alleged that the Syrian government had used chemical weapons against civilians in Homs.<sup>5</sup> The next year, in August 2013, a deadly attack in the Ghouta suburb of Damascus prompted the international community to call upon Syria to surrender its chemical weapons stockpile. Even after a joint U.S. and Russian effort to remove Syria’s chemical weapons, the government of Syria continued to deploy dual-use chemicals like chlorine gas as weapons. For example, the United Nations and the Organization for the Prohibition of Chemical Weapons Joint Investigative Mechanism reported that the government was responsible for a chemical-weapons attack using chlorine gas in Idlib province in 2016.<sup>6</sup> More recently, on 7 April 2018, a chlorine-gas attack killed more than 40 people in Douma.<sup>7</sup> Under international humanitarian law, international human rights law, and customary international law, the Syrian State has a legal obligation not to use chemical weapons.

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1 International Covenant on Civil and Political Rights, art. 6, 16 December 1966, 999 U.N.T.S. 171 (1966).

2 League of Arab States, Arab Charter on Human Rights, art. 5, 22 May 2004, reprinted in 12 International Human Rights Report 893 (2005) (for an English translation of the Arab Charter, see the University of Minnesota Human Rights Library, available at <http://www1.umn.edu/humanrts/instrree/loas2005.html>) (“Every individual has the right to life, liberty and security of person. These rights shall be protected by law.”).

3 The U.N. Committee on Economic, Social and Cultural Rights (ESCR Committee), states: “States should also refrain from . . . using or testing nuclear, biological or chemical weapons if such testing results in the release of substances harmful to human health . . .” Committee on Economic, Social and Cultural Rights, General Comment 14: The Right to the Highest Attainable Standard of Health, para. 34, U.N. Doc. E/C.12/2000/4 (11 August 2000). Furthermore, the ESCR Committee states: “Violations of the obligation to respect are those State actions, policies or laws that contravene the standards set out in article 12 of the Covenant and are likely to result in bodily harm, unnecessary morbidity and preventable mortality.” *Ibid.*, para. 50.

4 Julia Brooks et al., *Responding to Chemical Weapons Violations in Syria: Legal, Health, and Humanitarian Recommendations*, Conflict and Health (19 February 2018), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5817898/>.

5 Josh Rogin, *Exclusive: Secret Cable: Chemical Weapons Used in Syria*, Foreign Policy (15 January 2013), available at <http://foreignpolicy.com/2013/01/15/exclusive-secret-state-department-cable-chemical-weapons-used-in-syria/>.

6 Daryl Kimball, *Timeline of Syrian Chemical Weapons Activity, 2012-2017*, Arms Control Association (17 November 2017), available at <https://www.armscontrol.org/factsheets/Timeline-of-Syrian-Chemical-Weapons-Activity>.

7 BBC, *Syria War: What We Know about the Douma ‘Chemical Attack’*, 10 July 2018, available at <https://www.bbc.com/news/world-middle-east-43697084>.



## 2. Cluster Munitions

Cluster munitions are a type of explosive weapon, delivered either by artillery or rockets, that indiscriminately disperse sub-munitions (or “bomblets”) across an area approximately the size of a football field.<sup>1</sup> The Convention on Cluster Munitions defines these weapons as “a conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms, and includes those explosive submunitions.”<sup>2</sup> Cluster munitions frequently leave many undetonated bomblets, which effectively become landmines that endanger civilians, particularly when these munitions are dropped in populated areas. International humanitarian law, international human rights law, customary international law, and international criminal law all prohibit the use of cluster munitions in circumstances where their use causes indiscriminate civilian deaths.

In 2012, the Convention on Cluster Munitions, an international treaty prohibiting the use, production, transfer, and stockpiling of cluster munitions, came into force.<sup>3</sup> By November 2019, a total of 120 countries had ratified the Convention, indicating broad support among the world’s states for the ban on cluster munitions.<sup>4</sup> However, Syria is not a party to the Convention on Cluster Munitions and did not participate in the Oslo negotiations during which the treaty was drafted.<sup>5</sup> Russia, which is also not a party to the treaty, expressed opposition to the Convention during its drafting.<sup>6</sup>

Even states that are not party to the Convention on Cluster Munitions have obligations under customary international law to abstain from using cluster munitions in populated areas. Although customary international law does not explicitly prohibit the use of cluster munitions,<sup>7</sup> human rights organizations have argued that the “inherently indiscriminate” nature of cluster munitions makes

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1 Human Rights Watch, *Ticking Time Bombs: NATO’s Use of Cluster Munitions in Yugoslavia* (1 October 1999), available at <http://www.refworld.org/docid/3ae6a82fc.html>.

2 Convention on Cluster Munitions, art. 2, 3 December 2008, 2688 U.N.T.S. 39 (2008), available at <http://www.clustermunitionsdublin.ie/pdf/ENGLISHfinaltext.pdf>.

3 Pressure for an international convention prohibiting the use of cluster munitions intensified after the 2006 war between Israel and Hezbollah. During that conflict, the Israeli military deployed cluster munitions over a 72-hour period, which left an estimated one million pieces of unexploded ordnance on Lebanese territory. Arms Control Association, *Cluster Munitions at a Glance* (November 2012), available at <https://www.armscontrol.org/factsheets/clusterataglance>.

4 The Convention on Cluster Munitions, *State Parties and Signatories by Region*, available at <https://www.clusterconvention.org/the-convention/convention-status/>.

5 Human Rights Watch, *Death from the Skies: Deliberate and Indiscriminate Air Strikes on Civilians* 35 (2013), available at [https://www.hrw.org/sites/default/files/reports/syria0413webwcover\\_1\\_0.pdf](https://www.hrw.org/sites/default/files/reports/syria0413webwcover_1_0.pdf).

6 Landmine and Cluster-Munition Monitor, *Russian Federation Cluster Munition Ban Policy* (9 August 2016), available at <http://www.the-monitor.org/en-gb/reports/2016/russian-federation/cluster-munition-ban-policy.aspx>.

7 Human Rights Watch, *Cluster Munitions and International Humanitarian Law: The Need for Better Compliance and Stronger Rules* (5-6 July 2004), available at <https://www.hrw.org/legacy/backgrounders/arms/clusters0704/clusters0704.pdf>.

their use in populated areas unlawful.<sup>1</sup> As discussed in Part I of this chapter, the principle of distinction requires belligerents to distinguish between civilians and combatants at all times in armed conflict.<sup>2</sup> Because of cluster munitions' "wide area effects" and inability to "distinguish between civilians and combatants,"<sup>3</sup> they are very difficult to use in ways that are consistent with the principle of distinction.

Cluster munitions "leave behind large numbers of dangerous unexploded ordnance" that can indiscriminately "kill and injure civilians."<sup>4</sup> Unexploded "bomblets" effectively become landmines, endangering civilians who could accidentally detonate the weapons in the future. By their very nature, these bomblets do not discriminate between civilians and combatants. To use cluster munitions in populated areas, where unexploded ordnance and consequent harm to civilians is unquestionably foreseeable, amounts to a violation of international law. Significant unexploded ordnance across Syria suggests that the cluster munitions used have a high failure rate. The Syrian Civil Defense (also known as the White Helmets) cleared 615 unexploded bomblets from Idlib and Hama provinces just between 29 March and 2 June 2016.<sup>5</sup> The use of cluster munitions in populated areas in the Syrian conflict constitutes a violation of customary international law prohibiting the use of force that fails to distinguish civilians from combatants.<sup>6</sup>

The Rome Statute makes "intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities" a war crime.<sup>7</sup> Thus, the use of cluster munitions in populated areas or cluster munition attacks targeting civilian populations is a war crime. Likewise, to the extent that cluster munitions are used in populated areas or to target civilians, their use violates the right to life under the ICCPR and the Arab Charter on Human Rights and the right to physical and mental health under the ICESCR.<sup>8</sup>

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1 Human Rights Watch, *Russia/Syria: Widespread New Cluster Munition Use* (28 July 2016), available at <https://www.hrw.org/news/2016/07/28/russia/syria-widespread-new-cluster-munition-use>.

2 See International Humanitarian Law, Part I.B of this chapter, above, for further information.

3 Implementation Support Unit of the Convention on Cluster Munitions, *The Convention on Cluster Munitions*, available at <https://www.clusterconvention.org/>.

4 *Ibid.*

5 Human Rights Watch, *Russia/Syria: Widespread New Cluster Munition Use* (28 July 2016), available at <https://www.hrw.org/news/2016/07/28/russia/syria-widespread-new-cluster-munition-use>.

6 Human Rights Watch, *Death from the Skies: Deliberate and Indiscriminate Air Strikes on Civilians*, 35-36 (2013), available at [https://www.hrw.org/sites/default/files/reports/syria0413webwcover\\_1\\_0.pdf](https://www.hrw.org/sites/default/files/reports/syria0413webwcover_1_0.pdf).

7 Rome Statute of the International Criminal Court, art. (8)(2)(e)(i), 17 July 1998, 2187 U.N.T.S. 3 (1998).

8 The use of chemical weapons also violates the right to life under these treaties. See Part II.J.1 of this chapter, above, for further information.



Several parties to the conflict in Syria, including Syria, Russia, and the Islamic State, have been accused of using cluster munitions during the war, in violation of international law.<sup>1</sup> Although the Syrian government has denied possessing or using cluster munitions, the Cluster Munition Monitor reports that the Syrian Armed Forces are responsible for the majority of the 600 documented cluster munition attacks that occurred between 2012 and mid-2017.<sup>2</sup> The Cluster Munition Monitor recorded cluster munition attacks in twelve of Syria's fourteen governorates.<sup>3</sup> Between August 2016 and July 2017 alone, the Cluster Munition Monitor recorded 238 attacks using cluster munitions.<sup>4</sup> The Cluster Munition Monitor reported that after Russia began joint operations with Syria in September 2015, there was more than a 200% increase in the use of cluster munitions in Syria.<sup>5</sup> According to Human Rights Watch, the Islamic State also used cluster munitions in Kurdish areas of Syria in July 2014.<sup>6</sup>

### 3. Barrel Bombs

Barrel bombs are crude weapons packed with explosives and metal fragments and dropped from aircraft. Barrel bombs usually consist of oil drums filled with a combination of explosives, incendiaries, and projectiles designed to implode upon impact. Although there is no authoritative definition of "barrel bombs" in international law,<sup>7</sup> the term commonly refers to "improvised weapons" dropped from an aircraft without guidance, causing "huge explosions and widespread diffusion of deadly shrapnel."<sup>8</sup> International humanitarian law, international human rights law, customary international law, and international criminal law prohibit the use of barrel bombs where their use violates the principles of distinction and proportionality.

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1 Cluster Munition Coalition, *Cluster Munition Monitor*, 44 (2017), available at [http://www.the-monitor.org/media/2582190/Cluster-Munition-Monitor-2017\\_web4.pdf](http://www.the-monitor.org/media/2582190/Cluster-Munition-Monitor-2017_web4.pdf).

2 *Ibid.*, p. 15.

3 *Ibid.*, p. 15.

4 *Ibid.*, p. 16.

5 *Ibid.*, p. 16.

6 *Ibid.*, p. 18.

7 Weapons Law Encyclopedia, *Barrel Bomb*, available at <http://www.weaponslaw.org/glossary/barrel-bomb>.

8 Kenneth Roth, *Barrel Bombs, Not ISIS, Are the Greatest Threat to Syrians*, New York Times, 5 August 2015, available at [https://www.nytimes.com/2015/08/06/opinion/barrel-bombs-not-isis-are-the-greatest-threat-to-syrians.html?\\_r=0](https://www.nytimes.com/2015/08/06/opinion/barrel-bombs-not-isis-are-the-greatest-threat-to-syrians.html?_r=0).



Although no treaty specifically prohibits barrel bombs, their use breaches several rules of customary international law.<sup>1</sup> First, the deployment of barrel bombs in areas with high concentrations of civilians violates the principle of distinction.<sup>2</sup> Second, the use of barrel bombs in populated areas amounts to aerial “bombardment,” a tactic prohibited by customary international law.<sup>3</sup> Under this prohibition, “[a]ttacks by bombardment by any method or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects are prohibited.”<sup>4</sup> Third, Article 50 of the First Geneva Convention states that “extensive destruction . . . of property, not justified by military necessity and carried out unlawfully and wantonly,” constitutes a grave breach of international humanitarian law.<sup>5</sup> Finally, barrel bombs that contain prohibited chemicals are “chemical weapons” and, therefore, banned under the 1992 Chemical Weapons Convention, the Hague Declaration concerning Asphyxiating Gases, the Geneva Gas Protocol, the Rome Statute, and customary international law, as discussed above.<sup>6</sup>

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1 Johannes Sender, *The Legality of Barrel Bombs: A Short Analysis*, European Network for Conflict Studies (2 October 2015), available at <https://encsblog.wordpress.com/2015/10/02/the-legality-of-barrel-bombs-a-short-analysis>.

2 See International Humanitarian Law, Part I.B of this chapter, above, for more information on the principle of distinction.

3 International Committee of the Red Cross, *Customary IHL: Rule 13: Area Bombardment* (2017), available at [HTTPS://IHL-DATABASES.ICRC.ORG/CUSTOMARY-IHL/ENG/DOCS/V1\\_RUL\\_RULE13](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule13).

4 International Committee of the Red Cross, *Customary IHL: Rule 13: Area Bombardment* (2017), available at [HTTPS://IHL-DATABASES.ICRC.ORG/CUSTOMARY-IHL/ENG/DOCS/V1\\_RUL\\_RULE13](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule13).

5 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention), art. 50, 12 August 1949, 75 U.N.T.S. 31 (1949).

6 International Committee of the Red Cross, *Customary IHL: Rule 74: Chemical Weapons* (2017), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule74](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule74).





In 2014, the U.N. Security Council passed a resolution calling on parties to the conflict in Syria to cease using barrel bombs and to respect “the obligation to distinguish between civilian populations and combatants, and the prohibition against indiscriminate attacks, and attacks against civilians and civilian objects as such.”<sup>1</sup> The Security Council also recognized the use of barrel bombs in Syria as a violation of the prohibition on aerial bombardment. Security Council Resolution 2139 called for all parties to “cease all attacks against civilians, as well as the indiscriminate employment of weapons in populated areas, including shelling and aerial bombardment, such as the use of barrel bombs.”<sup>2</sup> Thus, any party that has used barrel bombs in Syria since 22 February 2014, has also violated U.N. Security Council Resolution 2139.<sup>3</sup>

Because barrel bombs kill and maim indiscriminately, their use also violates the right to life under the ICCPR and the Arab Charter on Human Rights and the right to physical and mental health under the ICESCR.<sup>4</sup> Barrel bombs’ indiscriminate effects render their use a war crime even against military targets in civilian populated regions. Moreover, the Syrian government’s regular and deliberate targeting of Syrian civilians and civilian infrastructure with barrel bombs constitutes a serious violation of the principle of distinction in international law. The Rome Statute classifies the intentional targeting of civilian populations, civilian objects, or humanitarian personnel as a war crime in both international and non-international armed conflicts.<sup>5</sup>

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1 Security Council Resolution 2139, U.N. Doc. S/RES/2139 (22 February 2014), available at [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2139\(2014\)&referer=http://www.un.org/apps/news/story.asp?NewsID=47204&Lang=E](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2139(2014)&referer=http://www.un.org/apps/news/story.asp?NewsID=47204&Lang=E).

2 *Ibid.*, para. 3. Although Resolution 2139 does not explicitly define cluster munitions, discussed in the previous section, as prohibited, the Resolution’s prohibition on indiscriminate weapons implicitly extends to cluster munitions due to their inherently indiscriminate nature. See Handicap International, *The Use of Explosive Weapons in Syria: A Time Bomb in the Making* 1 (May 2015), available at [https://hi.org/sn\\_uploads/document/L-utilisation-d-armes-explosives-en-Syrie\\_un-heritage-mortel\\_ENG.pdf](https://hi.org/sn_uploads/document/L-utilisation-d-armes-explosives-en-Syrie_un-heritage-mortel_ENG.pdf).

3 Security Council Resolution 2139, U.N. Doc. S/RES/2139 (22 February 2014).

4 See earlier discussions of how chemical weapons (Part II(J)(1) of this chapter) and cluster munitions (Part II(J)(2) of this chapter), violate the rights to life and health.

5 Rome Statute of the International Criminal Court, arts. (8)(2)(b) and. 8(2)(e), 17 July 1998, 2187 U.N.T.S. 3 (1998).

Although nearly all parties to the conflict in Syria have launched indiscriminate or intentional attacks against civilians, only parties with aerial capabilities can deploy barrel bombs.<sup>1</sup> The Russian-Syrian joint military operation is the only party accused of using them.<sup>2</sup> Since 2012, the Syrian Air Force has deployed barrel bombs, with devastating consequences for Syrian civilians in rebel-controlled territories.<sup>3</sup> Syrian forces have targeted many cities with these weapons, leading to indiscriminate destruction of civilian buildings and neighborhoods and large numbers of civilian casualties.<sup>4</sup> Human rights groups have also documented the deployment of barrel bombs containing chemical agents such as chlorine and possibly even sarin.<sup>5</sup> Evidence suggests that the Syrian Air Force has sometimes deliberately sequenced their attacks to drop a second wave of barrel bombs on emergency responders and humanitarian workers who have gone to the scene of the first attack to aid the injured.<sup>6</sup>

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1 Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, *Statement before the Permanent Mission of Austria and Article 36*, 12 March 2015, available at <https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/ColSyriaIndiscriminateBombardment12032015.pdf> (“Anti-Government armed groups, excluding ISIS and Jabhat Nusra, have also indiscriminately targeted populated areas to the extent of their capabilities.”).

2 Human Rights Watch, *Russia/Syria: Flurry of Prohibited Weapons Attacks* (3 June 2019), available at <https://www.hrw.org/news/2019/06/03/russia/syria-flurry-prohibited-weapons-attacks>.

3 Syrian Network for Human Rights, *The Syrian Regime Has Dropped Nearly 70,000 Barrel Bombs on Syria: Ruthless Bombing*, 9 (25 December 2017), available at [https://reliefweb.int/sites/reliefweb.int/files/resources/The\\_Syrian\\_Regime\\_Has\\_Dropped\\_Nearly\\_70%2C000\\_Barrel\\_Bombs\\_en.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/The_Syrian_Regime_Has_Dropped_Nearly_70%2C000_Barrel_Bombs_en.pdf).

4 Ian Pannell, *Syria Conflict: Barrel-Bombed Aleppo ‘Living in Fear,’* BBC, 28 April 2014, available at <http://www.bbc.co.uk/news/world-middle-east-27180006> (describing the devastating impact of barrel bombs on rebel-held areas of Aleppo in 2014); Jamie Grierson, *Syria: Aleppo Hospital Hit by Barrel Bombs and Cluster Bombs, Reports Say*, The Guardian, 1 October 2016, available at <https://www.theguardian.com/world/2016/oct/01/-syriaairstrikes-major-offensive-against-rebel-held-areas-of-aleppo> (“The largest hospital in the rebel-held side of Aleppo has been devastated by barrel bombs, witnesses have said, as forces loyal to the Russia-backed government intensified their assault on the area with a major weekend offensive.”).

5 Human Rights Watch, *Syria: New Deadly Chemical Attacks—Strong Security Council Action Needed* (28 September 2016), available at <https://www.hrw.org/news/2016/09/28/syria-new-deadly-chemical-attacks>; Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, paras. 115-118, U.N. Doc. A/HRC/27/60 (13 August 2014); United States Government Assessment of the Assad Regime’s Chemical Weapons Use, *Statements and Releases*, 13 April 2018, available at <https://www.whitehouse.gov/briefings-statements/united-states-government-assessment-assad-regimes-chemical-weapons-use> (“These barrel bombs were likely used in the chemical attack. Reliable intelligence also indicates that Syrian military officials coordinated what appears to be the use of chlorine in Duma on April 17. Following these barrel bomb attacks, doctors and aid organizations on the ground in Duma reported the strong smell of chlorine and described symptoms consistent with exposure to Sarin.”).

6 Clarissa Ward, *White Helmets: Inside Look at Syria’s First Responders*, CBS News, 16 March 2015, available at <http://www.cbsnews.com/news/white-helmets-inside-look-at-syrias-first-responders/>. For more information on the violation of targeting medical and humanitarian personnel, see above.



Barrel bombs used to decimate urban infrastructure violate the principle of proportionality, which requires that parties to a conflict ensure that the damage they inflict on civilian objects is not excessive relative to the concrete military advantage sought. The Syrian Air Force has frequently deployed barrel bombs during the conflict, targeting civilian facilities, including schools, hospitals, mosques, and crowded markets.<sup>1</sup> Between 2012 and 2017, the Syrian government and its allies dropped no fewer than 68,334 barrel bombs across the country, causing widespread urban destruction and civilian casualties.<sup>2</sup> By 2015, more than 50% of Syria's major urban areas were destroyed—in large part because of the government's use of barrel bombs.<sup>3</sup> The Syrian Network for Human Rights has estimated that the use of barrel bombs in Syria has resulted in 10,763 deaths, including 1,734 children.<sup>4</sup>

## 4. Incendiary Weapons

Incendiary weapons use chemical materials like napalm, thermite, magnesium powder, chlorine trifluoride, or white phosphorus to combust and, thus, to start fires.<sup>5</sup> Protocol III to the U.N. Convention on Certain Conventional Weapons (the "Conventional Weapons Convention") defines incendiary weapons as "any weapon or munition which is primarily designed to set fire to objects or to cause burn injury to persons through the action of flame, heat, or combination thereof, produced by a chemical reaction of a substance delivered on the target."<sup>6</sup> International humanitarian law, international human rights law, customary

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1 Amnesty International, *Syria's 'Circle of Hell': Barrel Bombs in Aleppo Bring Terror and Bloodshed Forcing Civilians Underground* (5 May 2015), available at <https://www.amnesty.org/en/latest/news/2015/05/syrias-circle-of-hell-barrel-bombs-in-aleppo/>; Bethan McKernan, *Assad 'Dropped 13,000 Barrel Bombs on Syria in 2016,' Watchdog Claims*, UK Independent, 11 January 2017, available at <https://www.independent.co.uk/news/world/middle-east/bashar-al-assad-syria-president-regime-13000-barrel-bombs-rebels-aleppo-douma-2016-a7521656.html>.

2 Syrian Network for Human Rights, *The Syrian Regime Has Dropped Nearly 70,000 Barrel Bombs on Syria: Ruthless Bombing*, 9 (25 December 2017), available at [https://reliefweb.int/sites/reliefweb.int/files/resources/The\\_Syrian\\_Regime\\_Has\\_Dropped\\_Nearly\\_70%2C000\\_Barrel\\_Bombs\\_en.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/The_Syrian_Regime_Has_Dropped_Nearly_70%2C000_Barrel_Bombs_en.pdf).

3 Diana Al Rifai and Mohammed Haddad, *What's Left of Syria*, Al Jazeera, 17 March 2015, available at <https://www.aljazeera.com/indepth/interactive/2015/03/left-syria-150317133753354.html>.

4 Syrian Network for Human Rights, *The Syrian Regime Has Dropped Nearly 70,000 Barrel Bombs on Syria: The Ruthless Bombing*, 9 (25 December 2017), available at [https://reliefweb.int/sites/reliefweb.int/files/resources/The\\_Syrian\\_Regime\\_Has\\_Dropped\\_Nearly\\_70%2C000\\_Barrel\\_Bombs\\_en.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/The_Syrian_Regime_Has_Dropped_Nearly_70%2C000_Barrel_Bombs_en.pdf).

5 In contrast to explosive munitions, true incendiary munitions deflagrate, or burn, rather than detonate, and, thus, are not explosive weapons. Kenneth Cross, *Explosive Weapons in Populated Areas: Technical Considerations Relevant to Their Use and Effects*, Armament Research Services, ICRC 16 (May 2016).

6 Protocol III of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, art. 1(1), G.A. res. 48/79, 48 U.N. GAOR Supp. (No. 49) at 89, U.N. Doc. A/48/49 (1993).

international law, and international criminal law all prohibit the use of incendiary weapons, with some exceptions.

Protocol III to the Conventional Weapons Convention, known as the 1980 Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (“Incendiary Weapons Protocol”), governs the use of incendiary weapons. Consistent with the requirements of the principle of distinction, the Incendiary Weapons Protocol prohibits the use of incendiary weapons against civilians<sup>1</sup> and against military targets within a “concentration of civilians.”<sup>2</sup>

However, the Protocol distinguishes between incendiary weapons launched toward military targets delivered with aerial delivery systems and those delivered with surface-launched weapons. Specifically, the Convention prohibits all “air delivered incendiary weapons” attacks on military objectives located within a “concentration of civilians.”<sup>3</sup> But the restrictions on surface-launched incendiary weapons are more limited, prohibiting attacks on military objectives within a concentration of civilians, “except when such military objective is clearly separated from the concentration of civilians and all feasible precautions are taken” to minimize effects on civilians.<sup>4</sup> Incendiary weapons attacks, whether air or surface launched, on forests or other foliage cover are impermissible, unless those areas are used for military purposes or military objectives.<sup>5</sup> Thus, while there is a blanket prohibition on the use of incendiary weapons against civilians, international humanitarian law does not completely prohibit their use.

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1 *Ibid.*, art. 2. Russia and the United States are both parties to the Incendiary Weapons Protocol. Syria is not a party to either the Convention or the Protocol.

2 Article 2(2) of Protocol III of the Convention on Conventional Weapons states, “It is prohibited in all circumstances to make any military objective located within a concentration of civilians the object of attack by air-delivered incendiary weapons.” *Ibid.*

3 *Ibid.*

4 Protocol III states, “It is further prohibited to make any military objective located within a concentration of civilians the object of attack by means of incendiary weapons other than air-delivered incendiary weapons, except when such military objective is clearly separated from the concentration of civilians and all feasible precautions are taken with a view to limiting the incendiary effects to the military objective and to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.” Protocol III of the Convention on Conventional Weapons, art. 2(3). Human Rights Watch and the Harvard Law School Human Rights Clinic published a paper that criticized the Incendiary Weapons Protocol, arguing that “[t]hese rules have proved inadequate to prevent the cruel injuries and indiscriminate harm of incendiary weapons.” Instead, the report concluded, “[a]n outright prohibition on the use of incendiary weapons will give civilians and combatants the strongest protection under international law.” Human Rights Watch and the Harvard Law School Human Rights Clinic, *Strengthening the Humanitarian Protections of Protocol III on Incendiary Weapons: Memorandum to Convention on Conventional Weapons (CCW) Delegates* (22 August 2011), available at <https://www.hrw.org/news/2011/08/22/strengthening-humanitarian-protections-protocol-iii-incendiary-weapons>.

5 Protocol III of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, art. 2(4), G.A. res. 48/79, 48 U.N. GAOR Supp. (No. 49) at 89, U.N. Doc. A/48/49 (1993).



Customary international law provides additional protections against the use of incendiary devices. The ICRC has recognized that a qualified ban on incendiary weapons is part of customary international law: “The anti-personnel use of incendiary weapons is prohibited, unless it is not feasible to use a less harmful weapon to render a person hors de combat.”<sup>1</sup> The use of incendiary weapons in populated areas also violates the principle of distinction under customary international law and, as previously mentioned, would also violate the customary international law prohibition on “superfluous injury or unnecessary suffering.”<sup>2</sup> The use of incendiary weapons can violate the principle of distinction by starting difficult-to-extinguish fires that indiscriminately destroy civilian infrastructure. A typical 155-millimeter artillery projectile containing white phosphorus, which the United States has used against Islamic State targets in northeastern Syria,<sup>3</sup> burns at approximately 815° C (1500° F),<sup>4</sup> and spreads over an area with a radius of 125 meters (410 feet).<sup>5</sup> Injuries from incendiary weapons containing white phosphorus include “thermal and chemical burns, respiratory damage, circulatory shock, asphyxiation, and carbon monoxide poisoning, often leading to a slow and painful death.”<sup>6</sup>

Under international criminal law, the use of incendiary devices might constitute a war crime, contingent on the relevant specific facts. Although the Rome Statute does not explicitly make the use of incendiary devices a crime, it does identify as a crime the use of “methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict.”<sup>7</sup> Given the superfluously harmful nature of incendiary devices and their indiscriminate character, some have argued that they fall within the meaning of the Rome Statute’s definition of war crimes. For example, Amnesty International has suggested that “[t]he US-led coalition’s use of white phosphorus munitions on the outskirts of al-Raqqa, Syria is unlawful

1 International Committee of the Red Cross, *Customary IHL: Rule 85: The Use of Incendiary Weapons Against Combatants* (2017), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule85](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule85).

2 International Committee of the Red Cross, *Customary IHL: Rule 70 Weapons of a Nature to Cause Superfluous Injury or Unnecessary Suffering* (2017), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule70](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule70).

3 Human Rights Watch, *Iraq/Syria: Danger from US White Phosphorus* (14 June 2017), available at <https://www.hrw.org/news/2017/06/14/iraq/syria-danger-us-white-phosphorus>.

4 *Ibid.*

5 Human Rights Watch, *Israel: White Phosphorus Use Evidence of War Crimes* (25 March 2009), available at <https://www.hrw.org/news/2009/03/25/israel-white-phosphorus-use-evidence-war-crimes> (citing the use of white phosphorus by the Israeli military in Gaza, but applicable to white phosphorus in other contexts including Syria).

6 Human Rights Watch and the Harvard Law School Human Rights Clinic, *Strengthening the Humanitarian Protections of Protocol III on Incendiary Weapons: Memorandum to Convention on Conventional Weapons (CCW) Delegates* (22 August 2011), available at <https://www.hrw.org/news/2011/08/22/strengthening-humanitarian-protections-protocol-iii-incendiary-weapons>.

7 Rome Statute of the International Criminal Court, art. 8(2)(b)(xx), 17 July 1998, 2187 U.N.T.S. 3 (1998).



and may amount to a war crime” because “[t]he use of white phosphorus in densely populated areas poses an unacceptably high risk to civilians and would almost invariably amount to indiscriminate attacks.”<sup>1</sup>

The indiscriminate use of incendiary weapons also violates international human rights law. Where parties to the conflict use incendiary weapons to target civilians, or strikes against military targets are disproportionate, such attacks violate the right to life secured by Article 6 of the ICCPR and Article 5 of the Arab Charter on Human Rights.<sup>2</sup>

In Syria, Human Rights Watch confirmed, incendiary weapons have been used in at least four Syrian provinces. An arms expert closely monitoring weapons and munitions use in Syria has collected 55 videos that document the use of incendiary weapons, often in populated areas.<sup>3</sup> Human Rights Watch reported that in the summer of 2016 (just between 5 June and 10 August) incendiary weapons were used at least 18 times, most likely by the Russian and Syrian air forces.<sup>4</sup> Images captured from RT News (a Russian state media service) show incendiary bombs, likely containing the chemical substance thermite, mounted on Russian aircraft at an airbase in Syria on June 18, 2016.<sup>5</sup> According to Human Rights Watch, incendiary-weapons attacks have increased significantly since Russia began its joint military operation with the Syrian government.<sup>6</sup>

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1 Amnesty International, *Syria: Expert Analysis Shows U.S.-Led Coalition Use of White Phosphorus May Amount to War Crime* (16 June 2017), available at <https://www.amnestyusa.org/press-releases/syria-expert-analysis-shows-us-led-coalition-use-white-phosphorus-may-amount-war-crime/>.

2 International Covenant on Civil and Political Rights, art. 6, 16 December 1966, 999 U.N.T.S. 171 (1966); League of Arab States, Arab Charter on Human Rights, art. 5, 22 May 2004, reprinted in International Human Rights Report 893 (2005) (for an English translation of the Arab Charter, see the University of Minnesota Human Rights Library, available at <http://www1.umn.edu/humanrts/instate/loas2005.html>).

3 Human Rights Watch, *Death from the Skies: Deliberate and Indiscriminate Air Strikes on Civilians* 66 (2013), available at [https://www.hrw.org/sites/default/files/reports/syria0413webwcover\\_1\\_0.pdf](https://www.hrw.org/sites/default/files/reports/syria0413webwcover_1_0.pdf).

4 Human Rights Watch, *Syria/Russia: Incendiary Weapons Burn in Aleppo, Idlib* (16 August 2016), available at <https://www.hrw.org/news/2016/08/16/syria/russia-incendiary-weapons-burn-aleppo-idlib>.

5 Human Rights Watch, *Dispatches: Incendiary Weapons Pose Civilian Threat in Syria* (21 June 2016), available at <https://www.hrw.org/news/2016/06/21/dispatches-incendiary-weapons-pose-civilian-threat-syria>.

6 Human Rights Watch, *Syria/Russia: Incendiary Weapons Burn in Aleppo, Idlib* (16 August 2016), available at <https://www.hrw.org/news/2016/08/16/syria/russia-incendiary-weapons-burn-aleppo-idlib>.



## 5. Anti-Personnel Landmines

A landmine is an explosive device with a victim-triggered detonation system. The 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, known informally as the Anti-Personnel Mine Ban Convention, provides: “Mine means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.”<sup>1</sup> By their very nature, anti-personnel landmines do not discriminate between civilians or combatants. Because of their long life-span, landmines continue to maim civilians even after conflicts end. International humanitarian law, international human rights law, customary international law, and international criminal law prohibit the use of anti-personnel landmines when care is not taken to minimize the indiscriminate effects of those weapons.

Under international humanitarian law, three international treaties directly regulate anti-personnel landmines. The Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on Their Destruction (Anti-Personnel Mine Ban Convention) prohibits the development, production, stockpiling, transfer, and use of anti-personnel mines.<sup>2</sup> Today, 162 countries are parties to the Anti-Personnel Mine Ban Convention; Syria, however, is not.

In addition, the 1980 Protocol II to the Conventional Weapons Convention, amended in 1996, known as the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, restricts the use of anti-personnel landmines.<sup>3</sup> Protocol II sets out general guidelines on the placement of anti-personnel landmines, including a prohibition on using landmines “which are in any way attached to or associated with” civilian objects or “in any city, town, village or other area containing a similar concentration of civilians in which combat between ground forces is not taking place or does not appear to be imminent,” unless “placed on or in the close vicinity of a military object; or, measures are taken to protect civilians from their effects.”<sup>4</sup> In particular, Protocol II requires that feasible precautions be taken to protect civilians from the effects of landmines including, “the posting of warning sentries, the issuing of warnings or the provision of fences.”<sup>5</sup> Syria is not a party to the Protocol.

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1 The Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on Their Destruction, art. 2(2), 3 December 1997, 2056 U.N.T.S. 211 (1997).

2 *Ibid.*, art. 1.

3 Amended Protocol II of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, art. 3, G.A. res. 48/79, 48 U.N. GAOR Supp. (No. 49) at 89, U.N. Doc. A/48/49 (1996).

4 *Ibid.*, art. 7.

5 *Ibid.*; International Committee of the Red Cross, *Customary IHL: Rule 81 Restrictions on the Use of Landmines* (2017), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_RUL\\_RULE81](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_RUL_RULE81).



Although a majority of states have banned the use of anti-personnel landmines, a minority of states, including Syria, have not done so. Customary international law requires that “when landmines are used, particular care must be taken to minimize their indiscriminate effects.”<sup>1</sup> Although the use of anti-personnel mines is not yet prohibited under customary international law, the ICRC recognizes that “an obligation to eliminate anti-personnel landmines is emerging.”<sup>2</sup>

The ICRC has found that the indiscriminate use of anti-personnel landmines in both international and non-international armed conflicts violates customary international law.<sup>3</sup> Although the original Protocol II to the Conventional Weapons Convention, discussed above, was applicable only in international armed conflicts, a 2001 amendment extended its protections to non-international armed conflicts, as well. Moreover, the ICRC has recognized that “there is a strong case for the existence of a customary rule in non-international armed conflicts that mines must not be used in ways that amount to indiscriminate attacks and that particular care must therefore be taken to minimize their indiscriminate effects.”<sup>4</sup>

The Rome Statute of the International Criminal Court does not explicitly make the use of anti-personnel mines a war crime. Scholars have argued that the use of “anti-personnel mines can amount to war crimes in certain circumstances.”<sup>5</sup> For example, where the use of anti-personnel mines does not comport with the principle of distinction, which requires that any mine used be detectable, equipped with self-destruct mechanisms, and deployed only in clearly marked areas,<sup>6</sup> it might amount to a war crime under the Rome Statute.

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1 International Committee of the Red Cross, *Customary IHL: Rule 81 Restrictions on the Use of Landmines* (2017), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule81](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule81).

2 *Ibid.*

3 International Committee of the Red Cross, *Customary IHL: Rule 70 Weapons of a Nature to Cause Superfluous Injury or Unnecessary Suffering* (2017), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule70](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule70).

4 International Committee of the Red Cross, *Customary IHL: Rule 81 Restrictions on the Use of Landmines* (2017), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule81](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule81).

5 Luke Moffett, *Two Decades After They Were Banned, It's Time to Make Landmines War Crimes*, The Conversation (1 December 2017), available at <http://theconversation.com/two-decades-after-they-were-banned-its-time-to-make-landmines-war-crimes-88054>; Human Rights Center in the School of Law at Queen's University, Belfast, *Anti-Personnel Mines, Booth Traps and Improvised Explosive Devices as War Crimes* (November 2017), available at <https://blogs.qub.ac.uk/hrs/files/2017/11/Final-Report-War-Crimes.pdf>.

6 International Committee of the Red Cross, *Customary IHL: Rule 81 Restrictions on the Use of Landmines* (2017), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule81](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule81); Amended Protocol II of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, arts. 3-6, G.A. res. 48/79, 48 U.N. GAOR Supp. (No. 49) at 89, U.N. Doc. A/48/49 (1996).



Moreover, the Rome Statute prohibits the use of “methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering” and categorizes such methods as war crimes.<sup>1</sup> Thus, the Rome Statute may make the use of landmines a crime where they are used in such a way as to “cause superfluous injury or unnecessary suffering,” which is a likely effect of their use. “Land mines often explode upon contact with a person’s foot, causing fragmentation to be fired upwards and side wards. These fragments carry dirt and bacteria that can cause secondary infections, meaning victims can lose an infected limb or be permanently blinded or deafened.”<sup>2</sup> In fact “when adopting the Ottawa Convention banning anti-personnel landmines, States were basing themselves, in part, on the prohibition of means of warfare which are of a nature to cause superfluous injury or unnecessary suffering.”<sup>3</sup>

In addition, placing mines without recording them for later removal is prohibited under Protocol II to the Conventional Weapons Convention.<sup>4</sup> However, as previously mentioned, Syria is not a party to this Protocol.<sup>5</sup> Using landmines in populated areas or to target civilians violates the right to life under the ICCPR and the Arab Charter on Human Rights and the right to physical and mental health under the ICESCR.<sup>6</sup>

The Islamic State and the Syrian Armed Forces have used landmines in the Syrian conflict.<sup>7</sup> Both armed actors have planted landmines with the intention of targeting civilian populations and, in some cases, landmines have been used by

1 Rome Statute of the International Criminal Court, art. 8(2)(b)(xx), 17 July 1998, 2187 U.N.T.S. 3 (1998).

2 Luke Moffett, *Two Decades After They Were Banned, It’s Time to Make Landmines War Crimes*, The Conversation (1 December 2017).

3 International Committee of the Red Cross, *Customary IHL: Rule 70 Weapons of a Nature to Cause Superfluous Injury or Unnecessary Suffering* (2017), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule70](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule70).

4 Amended Protocol II of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, art. 6(1), G.A. res. 48/79, 48 U.N. GAOR Supp. (No. 49) at 89, U.N. Doc. A/48/49 (1996).

5 United Nations Office for Disarmament Affairs (UNODA), *Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996*, available at [http://disarmament.un.org/treaties/t/ccwc\\_p2a](http://disarmament.un.org/treaties/t/ccwc_p2a).

6 International Covenant on Civil and Political Rights, art. 6, 16 December 1966, 999 U.N.T.S. 171 (1966); League of Arab States, Arab Charter on Human Rights, art. 5, 22 May 2004, reprinted in 12 International Human Rights Report 893 (2005) (for an English translation of the Arab Charter, see the University of Minnesota Human Rights Library, available at <http://www1.umn.edu/humanrts/instree/loas2005.html>); International Covenant on Economic, Social and Cultural Rights, art. 12, 16 December 1966, 993 U.N.T.S. 3 (1966).

7 International Campaign to Ban Landmines, *ICBL Publicly Condemns Reports of Syrian Forces Laying Mines* (2 November 2011), available at <http://www.icbl.org/en-gb/news-and-events/news/2011/syrian-forces-laying-mines.aspx>; CBS News, *Officials: Syria Planting Landmines on Border*, 1 November 2011, available at <https://www.cbsnews.com/news/officials-syria-planting-landmines-on-border/>. See also the reports available on the website for the Landmine & Cluster Munition Monitor, available at <http://www.the-monitor.org/en-gb/reports/2018/landmine-monitor-2018/ban-policy.aspx> (these reports generally note that the Syrian government’s use of landmines goes back to 2011 and detail ISIS’s practices regarding landmines and traps).

the Islamic State to cover up likely violations of international law. For example, exhumations of mass graves in the formerly Islamic State-controlled city of Raqqa have been complicated by the presence of landmines.<sup>1</sup> Moreover, outside of Raqqa, the Islamic State mined escape routes to prevent people from leaving.<sup>2</sup> The Islamic State has planted landmines (and booby traps) in civilian homes to deter resettlement of civilians in areas recaptured from the group.<sup>3</sup> The Syrian Armed Forces have also used landmines to target civilian populations fleeing the conflict. In 2012, Human Rights Watch reported that Syrian armed forces were planting landmines near the Syrian borders with Lebanon and Turkey.<sup>4</sup> This use violates international law.

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1 Human Rights Watch, *Syria: Mass Graves in Former ISIS Areas* (3 July 2018), available at <https://www.hrw.org/news/2018/07/03/syria-mass-graves-former-isis-areas>.

2 Priyanka Boghani, *In ISIS-Held Raqqa, No Escape for Thousands of Civilians*, *Amnesty Warns*, PBS Frontline, 25 August 2017, available at <https://www.pbs.org/wgbh/frontline/article/in-isis-held-raqqa-no-escape-for-thousands-of-civilians-amnesty-warns>. For examples of the group's practices in Iraq, see Lizzie Dearden, *ISIS Rigs Mass Grave with Landmines to Kill Journalists and War Crime Investigators*, *Independent*, 1 March 2017, available at <http://www.independent.co.uk/news/world/middle-east/isis-mass-grave-rig-landmines-journalists-shifa-gardi-rudaw-war-crimes-investigators-iraq-mosul-a7606196.html>; Human Rights Watch, *Syria: Landmines Kill, Injure Hundreds in Raqqa* (12 February 2018), available at <https://www.hrw.org/news/2018/02/12/syria-landmines-kill-injure-hundreds-raqqa#>.

3 Landmine & Cluster Munition Monitor, *Landmine Monitor 2017*, 55 (14 December 2017), available at [http://the-monitor.org/media/2615219/Landmine-Monitor-2017\\_final.pdf](http://the-monitor.org/media/2615219/Landmine-Monitor-2017_final.pdf).

4 Human Rights Watch, *Syria: Army Planting Banned Landmines* (13 March 2012), available at <https://www.hrw.org/news/2012/03/13/syria-army-planting-banned-landmines>.



## K. Violations of the Rights to Fair Trial and Due Process

Under the rule of law in democracies, the role of courts generally includes ensuring justice and protecting the rights of individuals against the government. In Syria, however, both state and non-state judiciaries have played a role in the commission of many human rights abuses. Judiciaries in Syria regularly fail to provide due process and fair trials. Also, judicial institutions are associated with severe human rights abuses, such as arbitrary arrest, unlawful detention, and cruel and unusual punishment.

Across Syria, virtually every party to the Syrian conflict has a court system or similar institution in place to settle disputes.<sup>1</sup> From vestiges of the pre-conflict Syrian court system to the Sharia courts of various Islamist groups, most of the parties to the conflict have used courts to increase their legitimacy. The International Rule of Law Assessment Report on Syria, an expert assessment of the justice sector in Syria conducted in November 2016 by a global team of legal and human rights professionals, notes that this has resulted in “a patchwork of courts, tribunals, and panels with varying structures, influence and quality.”<sup>2</sup> This section addresses violations by both state and non-state judiciaries.

### • State Judiciaries

The Assad government in Syria controls two parallel judicial structures. First, the government maintains a “regular” court system that handles civil and criminal claims. Second, the government runs a parallel system of “exceptional” courts, which have no set procedures or defined jurisdictional scope.<sup>3</sup> Although neither judicial system meets the standards of independence and impartiality required by international law, a recent study suggests that the “exceptional” courts are far less independent than “regular” courts.<sup>4</sup>

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1 International Legal Assistance Consortium, *International Rule of Law Assessment Report: Syria 2017*, 8-9 (2017), available at <http://www.ilacnet.org/wp-content/uploads/2017/04/Syria2017.pdf>.

2 *Ibid.*, p. 9.

3 *Ibid.*, p. 8.

4 *Ibid.*, p. 8.

## The “Regular” Civilian Court System

International human rights law guarantees the right to due process and judicial independence. Article 14(1) of the ICCPR provides the right to a fair public hearing by a competent, independent, and impartial tribunal established by law.<sup>1</sup> Article 14 of the ICCPR encompasses procedural guarantees, including pre-trial guarantees (such as the right to legal counsel and a prohibition on incommunicado detention);<sup>2</sup> rights during a hearing (including the right to a public verdict, the presumption of innocence, and prompt notice of the nature and cause of criminal charges);<sup>3</sup> and post-trial rights (such as the right to an appeal).<sup>4</sup> The Human Rights Committee has stated that the ICCPR’s right to a fair trial is “non-derogable” in times of armed conflict.<sup>5</sup> Regional human rights treaties also include the right to a fair trial. The Arab Charter on Human Rights, to which Syria is a party, articulates the right to a fair trial in Article 13.<sup>6</sup> Article 4 of the Arab Charter on Human Rights provides that “under no circumstances” may states derogate from this fair-trial obligation.<sup>7</sup>

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1 International Covenant on Civil and Political Rights, art. 14(1), 16 December 1966, 999 U.N.T.S. 171 (1966); The Human Rights Committee, the body charged by the ICCPR with monitoring compliance with the treaty, has defined a “tribunal” as “a body, regardless of its denomination, that is established by law, is independent of the executive and the legislative branches of government or enjoys in specific cases judicial independence in deciding legal matters in proceedings that are judicial in nature.” Human Rights Committee, General Comment 32, Article 14: Right to Equality Before Courts and Tribunals and to a Fair Trial, para. 18, U.N. Doc. CCPR/C/GC/32 (23 August 2007), available at <https://www.refworld.org/docid/478b2b2f2.html>; Human Rights Committee, General Comment 13, Article 14 (Administration of Justice): Equality before the Courts and the Right to a Fair and Public Hearing by an Independent Court Established by Law, paras. 1, 3, 4, 13, U.N. Doc. HRI/GEN/1/Rev.1 (13 April 1984), available at <https://www.refworld.org/docid/453883f90.html>.

2 International Covenant on Civil and Political Rights, 14(3)(b), 16 December 1966, 999 U.N.T.S. 171 (1966).

3 *Ibid.*, arts. 14(1), 14(2), 14(3), 14(5).

4 Human Rights First, *What is a Fair Trial? A Basic Guide to Legal Standards and Practice*, 22-23 (March 2000), available at [https://www.humanrightsfirst.org/wp-content/uploads/pdf/fair\\_trial.pdf](https://www.humanrightsfirst.org/wp-content/uploads/pdf/fair_trial.pdf).

5 See International Human Rights, Part I.A of this chapter, above, for a general discussion of the International Covenant on Civil and Political Rights’ non-derogable rights; Human Rights Committee, General Comment 32, Article 14: Right to Equality Before Courts and Tribunals and to a Fair Trial, paras. 6 and 59, U.N. Doc. CCPR/C/GC/32 (23 August 2007), available at <https://www.refworld.org/docid/478b2b2f2.html>; Human Rights Committee, General Comment 29, Article 4: Derogations during a State of Emergency, paras. 7, 15, UN Doc CCPR/C/21/Rev.1/Add.11 (31 August 2001), available at <https://www.refworld.org/docid/453883fd1f.html>; United Nations Counter-Terrorism Implementation Task Force, *Basic Human Rights Reference Guide, Right to a Fair Trial and Due Process in the Context of Countering Terrorism*, 9 (Oct. 2014), available at <https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/fairtrial.pdf>.

6 League of Arab States, Arab Charter on Human Rights, art. 13, 22 May 2004, reprinted in 12 International Human Rights Report 893 (2005) (for an English translation of the Arab Charter, see the University of Minnesota Human Rights Library, available at <http://www1.umn.edu/humanrts/instree/loas2005.html>).

7 *Ibid.*, art. 4(2).



international humanitarian law also provides guarantees of the right to a fair trial. Common Article 3 of the four Geneva Conventions of 1949, which applies in both international and non-international armed conflicts, prohibits the passing of sentences or carrying out of executions “without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples” on “persons taking no active part in the hostilities.”<sup>1</sup> This prohibition is established as a rule of customary international law.<sup>2</sup> In addition, Article 75(4) of Additional Protocol I to the Geneva Convention, which is applicable in international armed conflicts, provides a right to a fair trial for those facing criminal charges in relation to the conflict.<sup>3</sup> Article 6 of Additional Protocol II, which applies to non-international armed conflicts, “applies to the prosecution and punishment of criminal offences related to the armed conflict” and provides a right to an independent and impartial court.<sup>4</sup>

International criminal law also guarantees fair trials. In some circumstances, the denial of a fair trial can amount to a war crime. Article 8(2)(a)(vi) of the Rome Statute of the International Criminal Court explicitly states that the willful deprivation of “a prisoner of war or other protected [by the Geneva Conventions] person of the rights of fair and regular trial” constitutes a war crime. The Rome Statute recognizes that serious violations of Common Article 3(1)(d), which prohibits sentencing and executions without judicial guarantees and process, constitute war crimes.<sup>5</sup>

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1 Geneva Convention Relative to the Treatment of Prisoners of War. Geneva, art. 3(1)(d), 12 August 1949, 75 U.N.T.S. 135 (1949) (Common Article 3).

2 International Committee of the Red Cross, *Customary IHL: Rule 100 Fair Trial Guarantees* (2017), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule100](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule100) (noting that the right to a fair trial is provided for in all four Geneva Conventions; that depriving a person of the right to a fair trial is a war crime under the Rome Statute of the International Criminal Court; that the right to fair trial is included in many military manuals; and that the International Covenant on Civil and Political Rights provides for the right to a fair trial).

3 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I), art. 75(4), 8 June 1977, 1125 U.N.T.S. 3 (1977).

4 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II), art. 6, 8 June 1977, 1125 U.N.T.S. 609 (1977) (other rights include informing the accused “without delay of the particulars of the offence alleged against him and [affording] the accused before and during his trial all necessary rights and means of defence”; non-retroactivity; presumption of innocence; non self-incrimination; advising convicted individuals of their remedies and time limits; no death penalty for anyone under 18 or pregnant women or mothers of young children; a principle of amnesty at the end of hostilities, to the greatest extent possible, to those who participated in the conflict).

5 This includes the “passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all guarantees which are generally recognized as indispensable.” Rome Statute of the International Criminal Court, art. 8(2)(c)(iv), 17 July 1998, 2187 U.N.T.S. 3 (1998).



## **The “Exceptional” Courts**

Syria’s “exceptional” courts system encompasses separate military and civilian institutions.<sup>1</sup> The Counter-Terrorism Court (CTC) comprises the civilian branch; it has exclusive jurisdiction over all terrorism cases and can also hear any criminal cases referred to it by its own prosecution department.<sup>2</sup> According to the International Legal Assistance Consortium’s 2017 Rule of Law Assessment Report, “[b]y 2016, the majority of alleged criminal offences committed by civilians were sent to trial at the CTC.”<sup>3</sup> The Ministry of Justice governs the CTC. The bench is composed of at least three judges, one of whom is a member of the military.<sup>4</sup> Trials are not public, the court is “effectively exempt . . . from any procedural rules,” defense lawyers are not permitted to speak during the proceedings, and evidence obtained under torture is reportedly admissible.<sup>5</sup> According to the ILAC report findings, “[c]oerced confessions are frequently used as the only evidence.”<sup>6</sup> “[S]entences may include 10 to 20 years of hard labour, or the death penalty.”<sup>7</sup>

In Syria, there are two types of military courts, the military courts proper and the military field courts.<sup>8</sup> Syrian law authorizes the military courts to try civilians for “state security offenses.”<sup>9</sup> The Syrian government has frequently tried activists, demonstrators, or their relatives before military courts, a practice not permitted by international human rights law.<sup>10</sup> The military field courts are run by military officers and were created to prosecute Syrian soldiers and military enemies.<sup>11</sup> Military field court trials are conducted in secret, and the accused have no right to appeal;<sup>12</sup> both practices violate international human rights law.<sup>13</sup>

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1 International Legal Assistance Consortium, *International Rule of Law Assessment Report: Syria 2017*, 42 (2017).

2 *Ibid.*, p. 65.

3 *Ibid.*

4 *Ibid.*

5 *Ibid.*, p. 66.

6 *Ibid.*

7 *Ibid.*, p. 67.

8 *Ibid.*, p. 43.

9 *Ibid.*, p. 44.

10 *Ibid.*, p. 43.

11 *Ibid.*, p. 45.

12 *Ibid.*, p. 45.

13 International Covenant on Civil and Political Rights, art. 14, 16 December 1966, 999 U.N.T.S. 171 (1966).



The ICCPR does not explicitly prohibit military courts or tribunals. However, the Human Rights Committee and the Special Rapporteur on the Independence of Judges and Lawyers have both affirmed that human rights law applies fully to cases in military courts.<sup>1</sup> Although the ICCPR does not explicitly address the trial of civilians by military tribunals, recent jurisprudence of the Human Rights Committee and a number of countries has prohibited military trials of civilians.<sup>2</sup> The Human Rights Committee has stated that such trials might be legitimate where “recourse to military courts is unavoidable,” but the State party must justify the practice, and such trials must take place under conditions that afford all of the guarantees of ICCPR Article 14.<sup>3</sup>

Syrian authorities have prosecuted individuals before military courts in circumstances that make the prosecutions unlawful under international human rights law, international humanitarian law, and international criminal law.<sup>4</sup> Reports indicate that detained individuals have been frequently tried before military courts, sentenced to death, and executed shortly after judgments were

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1 Gabriela Knaut, *Report of the Special Rapporteur on the Independence of Judges and Lawyers*, para. 16, delivered to the Human Rights Council, U.N. Doc. A/68/285 (8 August 2013), available at <https://undocs.org/A/68/285>; see also Human Rights Committee, General Comment 32, Article 14: Right to Equality Before Courts and Tribunals and to a Fair Trial, para. 22, U.N. Doc. CCPR/C/GC/32 (23 August 2007), available at <https://www.refworld.org/docid/478b2b2f2.html>; Human Rights Committee, *Akwanga v. Cameroon*, para. 7.5, Communication No. 1813/2008, U.N. Doc. CCPR/C/101/D/1813/2008 (2011), available at [http://www.worldcourts.com/hrc/eng/decisions/2011.03.22\\_Mbongo\\_Akwanga\\_v\\_Cameroon.pdf](http://www.worldcourts.com/hrc/eng/decisions/2011.03.22_Mbongo_Akwanga_v_Cameroon.pdf).

2 Gabriela Knaut, *Report of the Special Rapporteur on the Independence of Judges and Lawyers*, para. 46, delivered to the Human Rights Council, U.N. Doc. A/68/285 (8 August 2013), available at <https://undocs.org/A/68/285>; Leandro Despouy, *Report of the Special Rapporteur on the Independence of Judges and Lawyers*, para. 60, U.N. Doc. E/CN.4/2004/60 (31 December 2003), available at <https://undocs.org/E/CN.4/2004/60>; see also Cairo Institute for Human Rights Studies, *Morocco: Prohibition of Military Trials of Civilians* (20 March 2014), available at <https://cihrs.org/morocco-prohibition-of-military-trials-of-civilians-a-fundamental-step-towards-judicial-independencepresidential-candidates-in-egypt-should-follow-moroccos-precedent/?lang=en> (the Moroccan government passed a law that prohibits the referral of civilians to trial before military courts in times of peace).

3 Human Rights Committee, *Madani v. Algeria*, para. 8.7, Communication No. 1172/2003, U.N. Doc. CCPR/C/89/D/1172/2003 (2007), available at [http://www.bayefsky.com/pdf/algeria\\_t5\\_iccpr\\_1172\\_2003.pdf](http://www.bayefsky.com/pdf/algeria_t5_iccpr_1172_2003.pdf) (“It is incumbent on a State party that does try civilians before military courts to justify the practice. The Committee considers that the State party must demonstrate, with regard to the specific class of individuals at issue, that the regular civilian courts are unable to undertake the trials, that other alternative forms of special or high-security civilian courts are inadequate to the task and that recourse to military courts is unavoidable. The State party must further demonstrate how military courts ensure the full protection of the rights of the accused pursuant to article 14. In the present case the State party has not shown why recourse to a military court was required. In commenting on the gravity of the charges against Abbassi Madani it has not indicated why the ordinary civilian courts or other alternative forms of civilian court were inadequate to the task of trying him. Nor does the mere invocation of domestic legal provisions for the trial by military court of certain categories of serious offences constitute an argument under the Covenant in support of recourse to such tribunals.”).

4 Amnesty International, *Amnesty International Report 2016/17 – Syria* (22 February 2017), available at <https://www.refworld.org/docid/58b033aba.html>.

entered against them.<sup>1</sup> Trials of civilians in the regular court system and the “exceptional” courts have violated international law.

## • Non-State Judiciaries

Many of the non-state actors operating in Syria maintain judiciaries or perform quasi-judicial functions as part of their efforts to establish legitimacy and assert territorial authority and control.<sup>2</sup> The most well-known example of a non-state judiciary is the network of “Islamic courts” established by the Islamic State. Other Salafi-Jihadist groups, including Hayat Tahrir al-Sham (formerly known as Jabhat al-Nusra), operate courts.<sup>3</sup> These non-state Sharia courts often have the capacity to enforce their decisions through associated non-state police forces (as in the case of the Islamic State).<sup>4</sup>

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1 International Legal Assistance Consortium, *International Rule of Law Assessment Report: Syria 2017*, 46 (2017); see also Amnesty International, *End the Horror in Syria's Torture Prisons*, available at <https://www.amnesty.org/en/latest/campaigns/2016/08/syria-torture-prisons/>.

2 For examples, see Frank Ledweidge, *Rebel Law: Insurgents, Courts and Justice in Modern Conflict* (New York: Oxford University Press, 2017) (describing how rebel groups responded to lawlessness after the collapse of government institutions in many areas of Syria by establishing courts); Yaël Ronen, *Human Rights Obligations of Territorial Non-State Actors*, 46 Cornell International Law Journal 21 (2013) (considering the extension of international human rights law to encompass non-state actors that exercise effective territorial control; for example, at times, those in the Turkish Republic of Northern Cyprus, the Republic of Somaliland, the Occupied Palestinian Territories and Tamil Eelam).

3 Human Rights Watch, *Syria: Arrests, Torture by Armed Group*, 28 January 2019, available at <https://www.hrw.org/news/2019/01/28/syria-arrests-torture-armed-group>.

4 Rukmini Callimachi, *The ISIS Files*, New York Times, 4 April 2018, available at <https://www.nytimes.com/interactive/2018/04/04/world/middleeast/isis-documents-mosul-iraq.html>.



The extent to which international law applies to non-state judiciaries is unsettled. On the one hand, the mere operation of a non-state court system may violate international human rights law. The ICCPR provides, in Article 14(1), “In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.”<sup>1</sup> The phrase “established by law” is generally understood to mean under legal authority emanating from state institutions<sup>2</sup> or, at a minimum, from institutions that are founded on a constitutional basis with judicial traditions compatible with international conventions.<sup>3</sup> Sharia courts operated by non-state actors do not have legal power stemming from state authority. Furthermore, even if the courts were recognized by a relevant state, the Sharia courts use practices that lack transparency and due process and frequently impose cruel and unusual punishments, including stoning and decapitation,<sup>4</sup> which are inconsistent with the applicable international law described in the preceding section.

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1 International Covenant on Civil and Political Rights, art. 14, 16 December 1966, 999 U.N.T.S. 171 (1966) (emphasis added).

2 See F. Hampson, *Fundamental Guarantees*, in Perspectives on the ICRC Study on Customary International Humanitarian Law 287 (Wilmshurst and Breau, 2007) (“It is difficult to envisage many circumstances in which a non-State armed group would be able to afford detainees the due process guarantees ... [and] to see how any non-State armed group could ensure that a tribunal was established by law without implying some degree of recognition of legitimacy. To require that a group respect a rule that the State makes it impossible to comply with makes a nonsense of the law”). Manfred Nowak, U.N. Covenant on Civil and Political Rights: CCPR Commentary 319 (2005) (“the term ‘law’ is ... to be understood in the strict sense of a parliamentary statute or an equivalent unwritten norm of common law, which must be accessible to all persons subject to it”).

3 See *Ilașcu and others v. Moldova and Russia*, Appl. No. 48787/99, 2004 Eur. Ct. H.R. 318, paras. 455-464 (8 July 2004) (“In certain circumstances, a court belonging to the judicial system of an entity not recognized under international law may be regarded as a tribunal ‘established by law’ provided that it forms part of a judicial system operating on a ‘constitutional and legal basis’ reflecting a judicial tradition compatible with the Convention, in order to enable individuals to enjoy the Convention guarantees”).

4 Mara Revkin, *The Legal Foundations of the Islamic State*, Brookings Institution, 5 (July 2016), available at [https://www.brookings.edu/wp-content/uploads/2016/07/Brookings-Analysis-Paper\\_Mara-Revkin\\_Web.pdf](https://www.brookings.edu/wp-content/uploads/2016/07/Brookings-Analysis-Paper_Mara-Revkin_Web.pdf).

## L. Torture and Cruel, Inhuman, or Degrading Treatment

Article 1 of the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining . . . information or a confession, punishing him . . . , or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind.”<sup>1</sup> Torture is prohibited under international human rights law, international humanitarian law, customary international law and international criminal law.

In order to constitute torture, an act must be “inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”<sup>2</sup> In addition, state officials can be held responsible for the actions of non-state actors under certain circumstances. The Committee Against Torture, the body responsible for monitoring the implementation of the Convention Against Torture, recognizes that, “where state authorities or others acting in official capacity or under the colour of law[] know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors and they fail to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors consistently with the Convention, the State bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the Convention for consenting to or acquiescing in such impermissible acts.”<sup>3</sup> The U.N. Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has affirmed that states have “a due diligence obligation to protect individuals under their jurisdiction from cruel, inhuman or degrading treatment or punishment on the part of non-State actors.”<sup>4</sup>

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1 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 1, 10 December 1984, 1465 U.N.T.S. 85 (1984).

2 *Ibid.*

3 Committee Against Torture, General Comment 2: Implementation of Article 2 by State Parties, para. 18, U.N. Doc. CAT/C/GC/2/CRP (November 2007), available at <https://www.refworld.org/docid/47ac78ce2.html>.

4 Nils Melzer, *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, para. 46, delivered to the Human Rights Council, U.N. Doc. A/HRC/34/54 (14 February 2017), available at <https://undocs.org/A/HRC/34/54>.



Syria acceded to the Convention Against Torture on 19 August 2004. The Convention Against Torture requires each state party to prevent and prohibit torture.<sup>1</sup> The Convention establishes a Committee Against Torture, which is tasked with monitoring its implementation.<sup>2</sup> Article 20 of the Convention confers upon the Committee broad powers of examination and investigation. Despite being a party to the Convention, Syria does not recognize the competence of the Committee Against Torture to conduct confidential inquiries about the systematic practice of torture in Syria.<sup>3</sup> Furthermore, Syria has not complied with its reporting requirements under the Convention.<sup>4</sup> Nevertheless, the Committee has received many submissions from civil society organizations regarding Syria's general failure to comply with the Convention Against Torture.<sup>5</sup>

Other important sources of international human rights law also prohibit torture. Article 5 of the Universal Declaration of Human Rights, which is non-binding but is widely recognized as customary international law, states, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."<sup>6</sup> Article 7 of the ICCPR, to which Syria acceded in 1969, also prohibits torture.<sup>7</sup> The ICCPR also forbids states from derogating from the prohibition on torture, even in times of national emergency and armed conflict.<sup>8</sup>

Although non-state actors and non-signatories are not directly bound by international human rights treaties, these actors, nevertheless, have an obligation under international humanitarian law to refrain from "resorting to torture or other cruel, inhuman or degrading treatment or punishment for reasons relating to

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1 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, arts. 2(1), 4, 10 December 1984, 1465 U.N.T.S. 85 (1984).

2 *Ibid.*, arts. 17(1), 19-22.

3 Syria made the following reservation to the Convention against Torture: "In accordance with the provisions of article 28, paragraph 1, of the Convention, the Syrian Arab Republic does not recognize the competence of the Committee against Torture provided for in article 20 thereof." United Nations, *Treaty Collection: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-9&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&lang=en).

4 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 19, 10 December 1984, 1465 U.N.T.S. 85 (1984) (establishing periodic reporting requirements). These periodic reports are available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=1&DocTypeID=45&DocTypeID=29&DocTypeCategoryID=1](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=1&DocTypeID=45&DocTypeID=29&DocTypeCategoryID=1).

5 United Nations Office of the High Commissioner for Human Rights (OHCHR), *Reporting Status for Syrian Arab Republic*, available at [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=SYR&Lang=EN) (including submissions from Alkarama, the Damascus Center for Human Rights Studies, several Syrian human rights organizations, the International Commission of Jurists, and UNHCR).

6 Universal Declaration of Human Rights, art. 5, General Assembly Resolution 217 (III) A, U.N. Doc. A/RES/217(III) (10 December 1948).

7 International Covenant on Civil and Political Rights, art. 7, *acceded on* 21 April 1969, 999 U.N.T.S. 171 (1966).

8 *Ibid.*, art. 4(2); *see also* Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 2, 10 December 1984, 1465 U.N.T.S. 85 (1984).



an armed conflict.”<sup>1</sup> Common Article 3 of the four Geneva Conventions, Article 12 of the First and Second Geneva Conventions, Articles 17 and 87 of the Third Geneva Convention, Article 32 of the Fourth Geneva Convention, Article 75 of Additional Protocol I, and Article 4 of Additional Protocol II all prohibit torture in armed conflict.<sup>2</sup> Torture also constitutes a grave breach of the Geneva Conventions; Article 49 of the First Geneva Convention, Article 50 of the Second Geneva Convention, Article 129 of the Third Geneva Convention, and Article 146 of the Fourth Geneva Convention all require contracting states to penalize torture.<sup>3</sup> Moreover, the prohibition on torture is a non-derogable principle of customary international law and is considered a *jus cogens* norm applicable to state and non-state actors; extraordinary periods of armed conflict or national emergency never justify torture.<sup>4</sup>

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1 Nils Melzer, *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, para. 45, delivered to the Human Rights Council, U.N. Doc. A/HRC/34/54 (14 February 2017), available at <https://undocs.org/A/HRC/34/54>.

2 Geneva Convention Relative to the Treatment of Prisoners of War. Geneva, art. 3, 12 August 1949, 75 U.N.T.S. 135 (1949) (Common Article 3); Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention), art. 12, 12 August 1949, 75 U.N.T.S. 31 (1949); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention), art. 12, 12 August 1949, 75 U.N.T.S. 85 (1949); Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), arts. 17 and 87, 12 August 1949, 75 U.N.T.S. 135 (1949); Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), art. 32, 12 August 1949, 75 U.N.T.S. 287 (1949); Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I), art. 75, 8 June 1977, 1125 U.N.T.S. 3 (1977); Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II), art. 4, 8 June 1977, 1125 U.N.T.S. 609 (1977).

3 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention), arts. 49-50, 12 August 1949, 75 U.N.T.S. 31 (1949); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention), arts. 50-51, 12 August 1949, 75 U.N.T.S. 85 (1949); Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), arts. 129-130, 12 August 1949, 75 U.N.T.S. 135 (1949); Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), arts. 146-147, August 1949, 75 U.N.T.S. 287 (1949).

4 *Questions Relating to the Obligation to Prosecute or Extradite (Belgium v Senegal)*, Judgment of 20 July 2012, ICJ Reports 2012, para. 99 (2012), available at <https://www.icj-cij.org/files/case-related/144/144-20120720-JUD-01-00-EN.pdf> (“In the Court’s opinion, the prohibition of torture is part of customary international law and it has become a peremptory norm (*jus cogens*). That prohibition is grounded in a widespread international practice and on the *opinio juris* of States. It appears in numerous international instruments of universal application (in particular the Universal Declaration of Human Rights of 1948, the 1949 Geneva Conventions for the protection of war victims; the International Covenant on Civil and Political Rights of 1966 ; General Assembly resolution 3452/30 of 9 December 1975 on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), and it has been introduced into the domestic law of almost all States; finally, acts of torture are regularly denounced within national and international fora.”)



Under international criminal law, torture is prosecutable as both a crime against humanity and a war crime under the Rome Statute.<sup>1</sup> The Rome Statute of the International Criminal Court defines torture and cruel, inhuman or degrading treatment as war crimes under Article 8 and, when committed as part of a widespread or systematic attack directed against any civilian population, as crimes against humanity under Article 7.<sup>2</sup> Additional Protocol I to the Geneva Conventions classifies torture as a war crime in Article 85.<sup>3</sup> The International Criminal Tribunal for the former Yugoslavia has recognized the prohibition against torture as customary international law.<sup>4</sup> Direct perpetrators, as well as their commanders, may be held criminally responsible for acts that constitute torture.<sup>5</sup>

The treaties prohibiting torture also prohibit cruel, inhuman, or degrading treatment. Article 7 of the ICCPR and Article 16 of the Convention Against Torture require state parties to prohibit such treatment. The prohibition against cruel, inhuman, or degrading treatment is a non-derogable obligation.<sup>6</sup> The content of “cruel, inhuman, or degrading treatment” has developed in case law produced by international tribunals and commentary from treaty bodies<sup>7</sup> and scholars. The European Court of Human Rights has held that whether the act amounts to torture or is cruel, inhuman, or degrading treatment “depends on all circumstances of the case, such as the duration of the treatment, its physical and/or mental effects and, in some cases, the victim’s sex, age and state of health.”<sup>8</sup> Other scholars, including the former Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak, have argued that the distinction between torture and cruel, inhuman, or degrading treatment is not “the intensity of the pain or suffering inflicted, but the purpose of the conduct and the powerlessness of the victim and that as such the distinction

1 Rome Statute of the International Criminal Court, arts. 7, 8, 17 July 1998, 2187 U.N.T.S. 3 (1998).

2 *Ibid.*, arts. 8, 7.

3 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I), art. 85, 8 June 1977, 1125 U.N.T.S. 3 (1977).

4 *The Prosecutor v. Anto Furundžija*, Case No. IT-95-17/1-T, Judgment, International Criminal Tribunal for the Former Yugoslavia, para. 147 (10 December 1998); *The Prosecutor v. Dragoljub Kunarac, Radomir Kovac and Zora Vukovic*, Case No. IT-96-23 and IT-96-23/1-T, Judgment, International Criminal Tribunal for the Former Yugoslavia, para. 466 (22 February 2001).

5 *The Prosecutor v. Anto Furundžija*, Case No. IT-95-17/1-T, Judgment, International Criminal Tribunal for the Former Yugoslavia, para. 155 (10 December 1998).

6 International Covenant on Civil and Political Rights, art. 4(2), 16 December 1966, 999 U.N.T.S. 171 (1966); Committee Against Torture, General Comment 2: Implementation of Article 2 by State Parties, para. 3, U.N. Doc. CAT/C/GC/2/CRP (November 2007).

7 David Weissbrodt and Cheryl Heilman, *Defining Torture and Cruel, Inhuman, and Degrading Treatment*, 29 Law and Inequality 343, 370 (2011), available at [https://scholarship.law.umn.edu/faculty\\_articles/366](https://scholarship.law.umn.edu/faculty_articles/366).

8 *Dikme v. Turkey*, Appl. No. 20869/92, 2000 Eur. Ct. H.R., para. 94-96 (11 July 2000), available at <http://hudoc.echr.coe.int/eng?i=001-58751>.

is primarily linked to the question of personal liberty.”<sup>1</sup> As Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Nowak defined cruel and inhuman treatment as “the infliction of severe pain or suffering without purpose or intention and outside a situation where a person is under the de facto control of another.”<sup>2</sup>

Evidence indicates that both torture and cruel, inhuman, or degrading treatment have been widespread during the Syrian conflict. In June 2012, the Committee Against Torture issued observations on Syria’s compliance with the treaty.<sup>3</sup> The Committee stated that it was “deeply concerned at consistent, credible, documented and corroborated allegations about the existence of widespread and systematic violations of the provisions of the Convention against the civilian population of the Syrian Arab Republic committed by the authorities of the State party and by militias (e.g. shabiha) acting at the instigation or with the consent or the acquiescence of the authorities of the State party.”<sup>4</sup>

The IICIS has observed that Syrian government forces have engaged in practices constituting torture since the beginning of civil unrest in Syria in March 2011.<sup>5</sup> Reported methods of torture in Syria include beatings with wooden and metal sticks, hoses, cables, belts, whips, and wires; sexual assault<sup>6</sup>; electric shocks; cigarette burns; prolonged stress positions; and suspension by handcuffed wrists behind the back.<sup>7</sup> Also, reported detention conditions, including severe overcrowding in detention facilities and depriving detainees of food, water, showers, or medical treatment, might, if severe enough, constitute torture.<sup>8</sup> The IICIS has also accused the Islamic State of torture and ill-treatment of civilians and captured fighters.<sup>9</sup> Examples of torture committed by the Islamic State include public punishments (e.g., lashes) for breaches of the Islamic State’s strict rules and abuses in detention centers (e.g., beatings with sticks and suspension bywrists).<sup>10</sup>

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1 M Nowak and E McArthur, *The Distinction between Torture and Cruel, Inhuman or Degrading Treatment*, 16 *Torture* 147, 150 (2006), available at <https://www.ncbi.nlm.nih.gov/pubmed/17251647>.

2 Manfred Nowak, *Report of the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*, para. 188, delivered to the Human Rights Council, U.N. Doc. A/HRC/13/39/Add.5 (5 February 2010).

3 Committee against Torture, Concluding Observations: Syrian Arab Republic, U.N. Doc. CAT/C/SYR/CO/1/Add.2 (2012), available at <https://undocs.org/CAT/C/SYR/CO/1/Add.2>.

4 *Ibid.*, para. 18.

5 Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, paras. 129-171, delivered to the Human Rights Council, U.N. Doc. A/HRC/28/69 (5 February 2015).

6 See Sexual Violence and Gender-Based Violence, Part II.H of this chapter, above.

7 Independent International Commission of Inquiry on the Syrian Arab Republic, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, para. 136, delivered to the Human Rights Council, U.N. Doc. A/HRC/28/69 (5 February 2015).

8 *Ibid.*, para. 156.

9 *Ibid.*, para. 158.

10 *Ibid.*, paras. 75, 158-168.



## M. Unlawful use of Siege

Sieges<sup>1</sup> are not prohibited outright by international law. However, international humanitarian law regulates the conduct of sieges in ways that make them extremely difficult to conduct legally.<sup>2</sup> Specifically, customary international law prohibits starvation as a method of warfare, which is an unlawful objective often accomplished through sieges.<sup>3</sup> In Syria, sieges also frequently violate international humanitarian and international human rights law.<sup>4</sup>

International humanitarian law prohibits starvation as a method of warfare. The Geneva Conventions expressly prohibit the deliberate starvation of civilian populations in both international and non-international armed conflicts.<sup>5</sup> The ICRC has recognized as customary international law the prohibition of civilian starvation as a tactic of warfare.<sup>6</sup> Thus, any siege that severely restricts civilian access to basic necessities, including food and water, may violate international humanitarian law.

International humanitarian law also significantly constrains the conduct of siege warfare through the principle of distinction, which requires parties to a conflict to distinguish at all times between civilians and combatants, and the principle of proportionality, which prohibits military actions that cause excessive damage to civilians relative to the military advantage sought.<sup>7</sup> In international armed conflicts, Additional Protocol I to the Geneva Conventions codified the principle of distinction in Article 48, which states, “Parties to the conflict shall at all times distinguish between the civilian population and combatants and between

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1 The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) considers an area to be besieged when it is “surrounded by armed actors with the sustained effect that humanitarian assistance cannot regularly enter, and civilians, the sick and wounded cannot regularly exit.” United Nations Office for the Coordination of Humanitarian Affairs, *2017 Humanitarian Needs Overview*, 6 (December 2016), available at [https://www.unocha.org/sites/dms/Syria/2017\\_Syria\\_hno.pdf](https://www.unocha.org/sites/dms/Syria/2017_Syria_hno.pdf).

2 See Sean Watts, *Under Siege: International Humanitarian Law and Security Council Practice Concerning Urban Siege Operations*, Counterterrorism and Humanitarian Engagement Project, May 2014, available at <http://blogs.law.harvard.edu/cheproject/files/2013/10/CHE-Project-IHL-and-SC-Practice-concerning-Urban-Siege-Operations.pdf>.

3 International Committee of the Red Cross, *Customary IHL: Rule 53 Starvation as a Method of Warfare* (2017), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule53](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule53).

4 United Nations Human Rights Office of the High Commissioner, *Living Under Siege: The Syrian Arab Republic* (February 2014), available at <http://www.ohchr.org/Documents/Countries/SY/LivingUnderSiege.pdf>; Independent International Commission of Inquiry on the Syrian Arab Republic, *Sieges as a Weapon of War: Encircle, Starve, Surrender, Evacuate*, para. 4 (29 May 2018), available at [https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/PolicyPaperSieges\\_29May2018.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/PolicyPaperSieges_29May2018.pdf).

5 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I), art. 54, 8 June 1977, 1125 U.N.T.S. 3 (1977); Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II), art. 14, 8 June 1977, 1125 U.N.T.S. 609 (1977).

6 International Committee of the Red Cross, *Customary IHL: Rule 53 Starvation as a Method of Warfare* (2017), available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule53](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule53).

7 See International Human Rights Law, Part I.A of this chapter, above.

civilian objects and military objectives.”<sup>1</sup> The use of siege warfare thus violates Article 51(5) in situations where military personnel cannot be distinguished from civilians.<sup>2</sup>

International humanitarian law applicable to international armed conflict also obligates parties to attempt to evacuate civilians from areas of conflict and, in particular, from regions under siege. Article 17 of the Fourth Geneva Convention states that armed parties “shall endeavour to conclude local agreements for the removal [of civilians] from besieged or encircled areas.”<sup>3</sup> However, Article 17 limits this requirement in two respects. First, the Article does not apply to all civilians but only to the “wounded, sick, infirm, and aged persons, children and maternity cases.”<sup>4</sup> Second, the Article requires parties only to “endeavour” to agree to the evacuation of these civilians, indicating that evacuation is not, in fact, compulsory.

Sieges committed by government forces against the Syrian population are also regulated by the law of non-international armed conflict. There are no explicit references to sieges, as such, in the Geneva Conventions. However, Article 14 of Additional Protocol II prohibits starvation as a method of warfare.<sup>5</sup> As in international armed conflicts, the principle of distinction applies as an essential element of customary international law. Article 13(1) of Additional Protocol II further states that “the civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations”<sup>6</sup> and Article 4 of the Protocol also constrains siege warfare by prohibiting collective punishment.<sup>7</sup>

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1 Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I), arts. 41 and 52, 8 June 1977, 1125 U.N.T.S. 3 (1977).

2 *Ibid.*, art. 51.

3 Geneva Convention Relative to the Protection of Civilian Persons in Time of War, art. 17, 12 August 1949, (Fourth Geneva Convention), 75 U.N.T.S. 287 (1949), available at [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33\\_GC-IV-EN.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf).

4 *Ibid.*

5 Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II), art. 14, 8 June 1977, 1125 U.N.T.S. 609 (1977).

6 *Ibid.*, art. 13.

7 Article 4(2)(b) of Additional Protocol II provides: “[T]he following acts against the persons referred to in paragraph I are and shall remain prohibited at any time and in any place whatsoever: . . . [c]ollective punishments.” *Ibid.*, art. 4(2)(b).



The obligations of international humanitarian law, thus, circumscribe the extent to which belligerents may lawfully use siege as a tactic of warfare. The principle of distinction and the prohibition on starvation of civilians, along with obligations to “endeavor” to evacuate select protected groups, regulate and constrain siege warfare. Although sieges are not directly or explicitly prohibited under international humanitarian law, they are highly regulated and can be conducted only under limited circumstances. To the extent the siege tactics used by Syrian forces have not complied with these limitations, they have violated international humanitarian law.

International human rights law protects certain rights that may restrict the use of sieges as a military tactic. These rights include the right to life, the right to freedom of movement,<sup>1</sup> and the right to an adequate standard of living, including adequate food, clothing, and housing,<sup>2</sup> and the right to the highest attainable standard of health, including essential medicine.<sup>3</sup>

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1 Universal Declaration of Human Rights, art. 13, General Assembly Resolution 217 (III) A, U.N. Doc. A/RES/217(III) (10 December 1948).

2 *Ibid.*, art. 25 (“[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family.”); International Covenant on Economic, Social and Cultural Rights, art. 11, December 1966, 993 U.N.T.S. 3 (1966).

3 International Covenant on Economic, Social and Cultural Rights, art. 12, 16 December 1966, 993 U.N.T.S. 3 (1966) (provides that states have obligation to create “conditions which would assure to all medical service and medical attention in the event of sickness.”); see also, Brianne McGonigle Leyh and Marie Elske Gispen, *Access to Medicines in Times of Conflict: Overlapping Compliance and Accountability Frameworks for Syria*, 20 Health and Human Rights Journal 237, 237-250 (June 2018), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6039728/>.



Siege warfare interferes with the realization of these rights under international human rights law. This is particularly the case with respect to the right to life, which the ICCPR recognizes as non-derogable.<sup>1</sup> General Comment 3 of the Committee on Economic, Social and Cultural Rights states specifically that “a State party in which any significant number of individuals is deprived of essential foodstuffs, [or] of essential primary health care . . . is, prima facie, failing to discharge its obligations under the Covenant.”<sup>2</sup> The Syrian government has frequently subjected civilians to sieges, unlawfully denying access to international humanitarian assistance, including food and medicines. In such cases, siege warfare likely violated Syria’s international human rights obligations.

International criminal law distinguishes between international armed conflicts and non-international armed conflicts in prohibiting starvation as a method of warfare. The Rome Statute declares starvation of civilians a war crime in international conflict but does not explicitly identify starvation of civilians as a crime in non-international armed conflicts.<sup>3</sup> At least one scholar has argued that customary international law prohibits the purposeful starvation of civilian populations in all forms of armed conflict.<sup>4</sup>

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1 International Covenant on Civil and Political Rights, arts. 4, 6, 16 December 1966, 999 U.N.T.S. 171 (1966).

2 Committee on Economic, Social and Cultural Rights, General Comment 3: The Nature of State Parties’ Obligations, para. 10, U.N. Doc. E/1991/23 (14 December 1990); *see also* Committee on Economic, Social and Cultural Rights, General Comment 12: The Right to Adequate Food, para. 19, U.N. Doc. E/C.12/1999/5 (12 May 1999) (noting violations of the right to food include “the prevention of access to humanitarian food aid in internal conflicts or other emergency situations”); Committee on Economic, Social and Cultural Rights, General Comment 14: The Right to the Highest Attainable Standard of Health, para. 34, U.N. Doc. E/C.12/2000/4 (11 August 2000) (noting states should refrain “from limiting access to health services as a punitive measure, e.g. during armed conflicts in violation of international humanitarian law”); Committee on Economic, Social and Cultural Rights, General Comment 15: The Right to Water, para. 21, U.N. Doc. E/C.12/2002/11 (20 January 2003) (noting states must refrain from “limiting access to, or destroying, water services and infrastructure as a punitive measure, for example, during armed conflicts in violation of international humanitarian law.”).

3 Rome Statute of the International Criminal Court, 17 July 1998, 2187 U.N.T.S. 3 (1998).

4 *See* Jelena Pejić, *The Right to Food in Situations of Armed Conflict: The Legal Framework*, 83 International Review of the Red Cross 844, 1097, 1100 (December 2001), available at <https://www.icrc.org/eng/assets/files/other/irrc-844-pejic.pdf>.



## N. Violence against Protestors

The rights to freedom of association and peaceful assembly protect individuals who come together to collectively express, promote, pursue, or defend common interests.<sup>1</sup> International human rights instruments, including the Universal Declaration of Human Rights<sup>2</sup> and the International Covenant on Civil and Political Rights (ICCPR),<sup>3</sup> as well as regional human rights instruments, including the Arab Charter on Human Rights,<sup>4</sup> protect the rights to freedom of peaceful assembly and association.

Under international human rights law, states have a duty to respect, protect, and promote the rights to freedom of association and peaceful assembly: states must not interfere with the right to freedom of association and assembly; states must protect the right from interference by non-state actors and investigate violations of the right; and states must ensure an environment free from fear, threats, or intimidation, such that the right to freedom of association can be exercised.<sup>5</sup>

Although states may, under international law, restrict the rights to freedom of association and assembly in certain exceptional circumstances,<sup>6</sup> such restrictions are permissible only when “imposed in conformity with the law and . . . necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.”<sup>7</sup> States may never invoke the pretext of maintaining public security in order to justify using lethal force to prevent

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1 Maina Kiai, *Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association*, para. 51, delivered to the Human Rights Council, U.N. Doc. A/HRC/20/27 (21 May 2012); Hina Jilani, *Report of the Special Rapporteur on Human Rights Defenders*, para. 46, delivered to the General Assembly, U.N. Doc. A/59/401 (1 October 2004).

2 Universal Declaration of Human Rights, art. 20, General Assembly Resolution 217 (III) A, U.N. Doc. A/RES/217(III) (10 December 1948).

3 International Covenant on Civil and Political Rights, arts. 21, 22, 16 December 1966, 999 U.N.T.S. 171 (1966).

4 League of Arab States, Arab Charter on Human Rights, art. 24, 22 May 2004, reprinted in 12 International Human Rights Report 893 (2005) (for an English translation of the Arab Charter, see the University of Minnesota Human Rights Library, available at <http://www1.umn.edu/humanrts/instrree/loas2005.html>).

5 Human Rights Committee, General Comment No. 34: Article 19 Freedoms of Opinion and Expression, U.N. Doc. CCPR/C/GC/34 (12 September 2011); Maina Kiai, *Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association*, para. 63, delivered to the Human Rights Council, U.N. Doc. A/HRC/20/27 (21 May 2012); see also African Commission on Human and Peoples' Rights (ACHPR), *Report of the Study Group on Freedom of Association and Assembly in Africa*, 12 (20 May 2015), available at [https://www.achpr.org/public/Document/file/English/report\\_of\\_the\\_study\\_group\\_on\\_freedom\\_of\\_association\\_and\\_assembly\\_in\\_africa.pdf](https://www.achpr.org/public/Document/file/English/report_of_the_study_group_on_freedom_of_association_and_assembly_in_africa.pdf); Inter-American Commission of Human Rights, *Second Report on the Situation of Human Rights Defenders in the Americas*, para. 157 (31 December, 2011), available at <https://www.oas.org/en/iachr/defenders/docs/pdf/defenders2011.pdf>.

6 International Covenant on Civil and Political Rights, arts. 21, 22, 16 December 1966, 999 U.N.T.S. 171 (1966).

7 *Ibid.*, art. 21.

association or assembly.<sup>1</sup> The Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions stated that “[t]he only circumstances warranting the use of firearms, including during demonstrations, is the imminent threat of death or serious injury.”<sup>2</sup>

Even when restrictions on the rights to freedom of association and assembly satisfy the strict conditions established by international law, international instruments on duties in policing protests prescribe normative standards that further protect the rights to freedom of association and assembly. Principles and codes of conduct guiding law enforcement officials’ policing of protests and other peaceful assemblies include: Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,<sup>3</sup> the Code of Conduct for Law Enforcement Officials of 1979,<sup>4</sup> including its interpretive Commentary,<sup>5</sup> and the 1989 Guidelines for Effective Implementation.<sup>6</sup> Although these norms do not themselves constitute international law, they are authoritative interpretations of how international human rights treaty provisions, including the rights to freedom of assembly and association and the rights to life, govern law enforcement.<sup>7</sup>

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1 Christof Heyns, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, paras. 56- 60, 75 delivered to the Human Rights Council, U.N. Doc. A/HRC/26/36 (1 April 2014); See also *Caracazo v. Venezuela*, Inter-Am. C. H. R., Series C, No 95, para. 127 (2002), available at [http://www.corteidh.or.cr/docs/casos/articulos/Seriec\\_95\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/Seriec_95_ing.pdf).

2 Christof Heyns, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, para. 60, delivered to the Human Rights Council, U.N. Doc. A/HRC/17/28, (23 May 2011), available at <https://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A-HRC-17-28.pdf>.

3 United Nations Congress on the Prevention of Crime and the Treatment of Offenders, *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (7 September 1990), available at <https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>.

4 United Nations General Assembly, *Code of Conduct for Law Enforcement Officials*, Resolution 34/169 (17 December 1979), available at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx>.

5 International Network of Civil Liberties Organizations, *“Take Back the Streets:” Repression and Criminalization of Protest Around the World*, 56 (October 2013), available at [https://www.aclu.org/files/assets/global\\_protest\\_suppression\\_report\\_inclo.pdf](https://www.aclu.org/files/assets/global_protest_suppression_report_inclo.pdf).

6 United Nations Economic and Social Council, *Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials*, Resolution 1989/61 (24 May 1989), available at <https://digitallibrary.un.org/record/75546?ln=en>.

7 Although both the Code of Conduct and the Basic Principles are non-binding, UN Special Rapporteurs have treated the standards articulated in these documents as authoritative international soft law. See Christof Heyns, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, para. 36, delivered to the General Assembly, U.N. Doc. A/66/330 (30 August 2011), available at <https://undocs.org/A/66/330>.



The Code of Conduct for Law Enforcement Officials requires that officials “uphold the human rights of all persons.”<sup>1</sup> According to the Commentary on the Code, these human rights include those enumerated in the ICCPR.<sup>2</sup> The Basic Principles on the Use of Force and Firearms by Law Enforcement officials state that law enforcement officials “shall recognize that force and firearms may be used only in accordance with principles 13 and 14.”<sup>3</sup> Principle 13 states that when confronting non-violent unlawful assemblies, law enforcement officials “shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.”<sup>4</sup> During the “dispersal of violent assemblies,” enforcement officials “may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary.”<sup>5</sup> That is, the use of firearms is permitted only in circumstances involving the imminent threat of death or serious injury.<sup>6</sup> The U.N. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions has clarified that “the guiding principle in respect of the lethal use of force or firearms is defense of one’s own life or that of others” and that “in principle shooting indiscriminately into a crowd is not allowed and may only be targeted at the person or persons constituting the threat of death or serious injury.”<sup>7</sup>

Syria is party to the ICCPR<sup>8</sup> and the Arab Charter on Human Rights, which both explicitly guarantee the rights to freedom of association and assembly.<sup>9</sup> Syria has ratified other treaties, including the Convention on the Elimination of

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1 United Nations General Assembly, *Code of Conduct for Law Enforcement Officials*, Resolution 34/169, art. 2 (17 December 1979), available at <https://undocs.org/en/A/RES/34/169>.

2 *Ibid.*, art. 2, Commentary.

3 United Nations Congress on the Prevention of Crime and the Treatment of Offenders, *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, para. 12 (7 September 1990).

4 *Ibid.*, para. 13.

5 *Ibid.*, para. 14.

6 Christof Heyns, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, para. 56, delivered to the Human Rights Council, U.N. Doc. A/HRC/17/28 (23 May 2011) (“The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Basic Principles) state in Principle 9 that: ‘Law enforcement officials shall not use firearms against persons except in self-defense or defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.’”).

7 Christof Heyns, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, paras. 60-61, delivered to the Human Rights Council, U.N. Doc. A/HRC/17/28 (23 May 2011).

8 International Covenant on Civil and Political Rights, acceded on 21 April 1969, 999 U.N.T.S. 171 (1966).

9 *Ibid.*, arts. 21-22; League of Arab States, Arab Charter on Human Rights, art. 24, 22 May 2004, reprinted in 12 International Human Rights Report 893 (2005) (for an English translation of the Arab Charter, see the University of Minnesota Human Rights Library, available at <http://www1.umn.edu/humanrts/instree/loas2005.html>).

All Forms of Discrimination against Women<sup>1</sup> and the Convention on the Rights of the Child,<sup>2</sup> that recognize the right to freedom of association for particular groups of people.

In March 2011, the Syrian government fired on peaceful protesters in Daraa, a southern city near the border with Jordan.<sup>3</sup> Following the violence in Daraa, many other protests broke out across the country and were met with similar violence by the Syrian government. As the Syrian uprising evolved into protracted armed conflict, pockets of non-violent resistance persisted for years and were likewise met with government violence and suppression. Government violence against protesters has continued throughout the conflict.<sup>4</sup> These acts of violent suppression of protest violate the fundamental rights to freedom of peaceful assembly and association.

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Convention on the Elimination of All Forms of Discrimination against Women, *acceded on* 28 March 2003, art. 7(c), 18 December 1979, 1249 U.N.T.S. 13 (1979).

2

Convention on the Rights of the Child, *ratified on* 15 July 1993, art. 15, 20 November 1989, 1577 U.N.T.S. 3 (1989) (“1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly. 2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”).

3

Joe Sterling, *Daraa: The Spark that Lit the Syrian Flame*, CNN, 1 March 2012, *available at* <https://www.cnn.com/2012/03/01/world/meast/syria-crisis-beginnings/index.html>.

4

*Ibid.*

اليوم التالي  
لدعم الانتقال الديمقراطي في سوريا



THE DAY AFTER  
Supporting Democratic Transition In Syria

