



## 人权理事会

## 第五十一届会议

2022年9月12日至10月7日

## 议程项目4

## 需要理事会关注的人权状况

## 阿拉伯叙利亚共和国问题独立国际调查委员会的报告\*、\*\*

## 概要

本报告所述期间，阿拉伯叙利亚共和国问题独立国际调查委员会继续记录该国各地严重侵犯基本人权和违反人道法的行为。在政府控制区，仍经常发生任意拘留情况，包括单独拘禁并施加酷刑与虐待，也有导致死亡的情况。位于该国西北部的流离失所者营地条件恶劣，使许多人别无选择，被迫返回在前线地区的家园，而那里正在发生敌对行动，有不分青红皂白袭击平民的情况，已夺去无数人的生命，且袭击目标包括食品来源及水资源。东北部的战事仍在继续，土耳其及其支持的部队与叙利亚民主力量经常相互轰炸。达伊沙对 Al-Sina'a 监狱发动的袭击是其自 2019 年失去所占领土以来采取的最大规模军事行动，造成数百人死亡。霍尔营地和罗杰营地中约 37 000 名儿童的状况日益恶化，谋杀行为增多、武装对抗频发，更加剧了这一状况。叙利亚正面临冲突开始以来最严重的经济及人道主义危机，加剧了该国平民的悲惨处境。阿拉伯叙利亚共和国仍非流离失所者能安全回返的地方。

\* 因提交方无法控制的情况，经协议，本报告迟于标准发布日期发布。

\*\* 本报告附件不译，原文照发。



## 一. 任务与方法

1. 本报告根据人权理事会第 49/27 号决议提交，其中阿拉伯叙利亚共和国问题独立国际调查委员会<sup>1</sup> 介绍了 2022 年 1 月 1 日至 6 月 30 日期间进行调查所得出的结果。
2. 委员会采用既定方法，遵循各类调查委员会及人权调查的标准做法，主要调查途径是以面对面及远程方式进行了 501 次第一手访谈。收集并分析了多个来源的文件、报告、照片、录像、卫星图像。<sup>2</sup> 参考了各国政府和非政府组织的来文以及联合国的报告。委员会还书面或在会中请阿拉伯叙利亚共和国政府、冲突各方、联合国会员国就各种事件、动态、事态发展提供信息。<sup>3</sup> 委员会如有合理的理由相信发生的事件与所述相符，且在可能的情况下相信侵权行为是指明的当事方所为，则认为达到了证据标准。
3. 委员会的调查工作仍在受到限制，原因包括未获准进入该国，还包括担心受访者得不到保护。在所有情况下，委员会均仍遵循“不造成损害”的原则。
4. 委员会感谢所有提供信息者，特别是受害者和证人。

## 二. 政治、军事、人道主义方面的事态发展

5. 2 月下旬，阿拉伯叙利亚共和国进入了冲突的第十一个年头，<sup>4</sup> 发生更多军事行动和恐怖活动的威胁已然增大。<sup>5</sup> 联合国人权事务高级专员办事处(人权高专办)报称，从 2011 年 3 月至 2021 年 3 月，叙利亚冲突据记录导致 350 209 人死亡，其中包括 143 350 名已确认身份的平民。
6. 5 月 23 日，土耳其总统埃尔多安宣布计划再次入侵，随后发生了军事升级、相互轰炸、各方动员，地点包括泰勒里法特、曼比季、艾因伊萨、泰尔塔姆。1 月 20 日，达伊沙对东北部 Al-Sina'a 监狱发动袭击，显示该恐怖团体有能力实施复合式袭击并继续构成威胁。
7. 在政府控制区，特别是在该国南部，继续存在不安全状况。据记录在德拉发生了数十起杀害前反对派领导人以及政府军事和安全人员的事件。俄罗斯部队的重新部署表明目前的安全安排是脆弱的，继续依赖与政府有关联的民兵和武装团

<sup>1</sup> 委员为：保罗·塞尔吉奥·皮涅罗(主席)、哈尼·梅加利、林恩·韦尔奇曼。

<sup>2</sup> 阿拉伯叙利亚共和国政府不时就令人关切的局势向秘书长、安全理事会主席等方发出同文信。委员会分析了该国政府 2022 年 1 月 1 日至 6 月 30 日期间发来的 16 封此类信件。

<sup>3</sup> 委员会 2022 年 7 月 6 日致函阿拉伯叙利亚共和国政府，请其就有关问题和事件提供信息(见附件八)，但未获答复。委员会还向其他冲突方和联合国其他会员国提出 10 项索取信息的要求，并感谢这些方面作出的答复和进行的其他沟通。

<sup>4</sup> 见 [A/HRC/21/50](#)，附件二，第 1 至 3 段。

<sup>5</sup> 叙利亚政府在俄罗斯、伊朗等外国部队支持下控制约 70% 的领土，但非国家武装团体控制阿拉伯叙利亚共和国北部、西北部和东北部的大片领土和人口中心，而以色列、土耳其、美利坚合众国各自对叙利亚部分领土保持有效控制(见附件二)。

体也表明了这一点。这些民兵和武装团体的行为包括参与了大肆发展的毒品贸易。伊德利卜和阿勒颇西部的暴力事件仍在继续，亲政府部队与反对派武装团体(包括被联合国定为恐怖组织的“沙姆解放组织”)之间相互炮击。<sup>6</sup> 然而，亲政府部队的空袭次数大幅度减少。

8. 平民每天所面临危险的一个例子是，2019年至2022年4月全国据报发生了12 350起爆炸物和地雷事件。最近，6月11日德拉发生地雷爆炸，据报造成10人死亡，28人受伤。<sup>7</sup> 叙利亚政府报告说其已清除“50 000多个爆炸装置、84 000枚未爆炮弹、45 000枚各种地雷，在约735 000公顷叙利亚领土上排除了地雷和爆炸物”。<sup>8</sup>

9. 除了战争延绵不断，叙利亚人还面临着十多年经济衰退的顶点，而腐败、冠状病毒病(COVID-19)大流行、单边制裁、黎巴嫩和图尔基耶的经济危机使情况更加严重。经济状况和人道主义局势当前处于冲突开始以来最糟糕的阶段，估计有1 460万人需要人道主义援助。2020年以来食品价格上涨了800%，进一步限制了人道主义机构满足日益增长需求的能力。<sup>9</sup> 大马士革机场在疑似以色列实施的空袭后关闭也限制了这一能力。<sup>10</sup> 该国一些地区发生了反对生活条件持续恶化的抗议活动。

10. 安全理事会2022年7月12日第2642(2022)号决议重新授权通过巴布哈瓦提供跨界援助，但时间已迟，且期限仅为6个月。目前的授权将在仲冬时节到期，那时需求通常处于最高水平，因此必须作出适当安排。

11. 欧洲的刑事诉讼案中有一些突出的定罪判决，<sup>11</sup> 但对叙利亚政府、武装团体、列名恐怖主义团体、外国势力犯下的严重侵犯人权行为和战争罪并未加以全面追责。4月27日，媒体公布了叙利亚军事情报局2013年在塔达蒙处决至少41人的画面，清楚地提醒人们注意在整个冲突期间不断犯下了各种暴行。

12. 3天后(4月30日)，阿萨德总统颁布第7号法令，对该法令颁布前犯下的恐怖主义罪行实行大赦。<sup>12</sup> 在宣布这一消息的同时，一些被拘留者获得释放，<sup>13</sup> 此举值得欢迎，但也缺乏透明度。一些叙利亚家庭仍在寻求被拘留或失踪的亲人的信息。

<sup>6</sup> 2016年7月该团体将名称从“胜利阵线”改为“沙姆法塔赫阵线”，2017年初又改为“沙姆解放组织”，但委员会仍认为该团体是安全理事会第2170(2014)号决议所指认的那个恐怖主义实体，与全球的基地组织有关联(见A/HRC/46/54，第7段，脚注13)。

<sup>7</sup> 见 <https://reliefweb.int/report/syrian-arab-republic/united-nations-country-team-syria-statement-landmine-explosion-daraa-enar>。

<sup>8</sup> 2022年7月5日的信(见上文脚注2)。

<sup>9</sup> 见 <https://www.wfp.org/news/11-years-conflict-hunger-historic-levels-millions-syrians-hang-thread>。

<sup>10</sup> 见 <https://reliefweb.int/report/syrian-arab-republic/united-nations-resident-coordinator-and-humanitarian-coordinator-syria-imran-riza-statement-closure-damascus-airport-enar>。

<sup>11</sup> 例如见 <https://www.domstol.se/en/nyheter/2022/03/kvinna-doms-till-sex-ars-fangelse-for-grovt-folkkrattsbrott-och-grov-krigsforbrytelse/>(瑞典语)。

<sup>12</sup> 见 <http://www.parliament.gov.sy/arabic/index.php?node=5516&cat=22968&>(阿拉伯文)。

<sup>13</sup> 虽然没有全面数据，但民间社会组织报称释放了大约几百名被拘留者，其中有妇女，也有被拘留时尚未成年者。

13. 委员会继续主张设立一个机构，负责将向各种非政府组织和人道主义组织提出的申诉汇总起来，以便切实有效地追踪查明失踪人员，同时向其家属提供援助。<sup>14</sup> 在编写本报告时，委员会预计秘书长将很快发表大会第 76/228 号决议所要求的报告，内容是“如何加强努力，包括通过现有措施和机制查明……失踪人员的命运和下落”。

### 三. 阿拉伯叙利亚共和国中部、西部、西南部

14. 政府控制区普遍不安全，安全部队、当地民兵、外国民兵控制着检查站、拘留中心，并滥用权力，通过勒索获取收入。这些做法还蔓延到犯罪集团。6 月 10 日，疑似以色列对大马士革机场的空袭阻碍了人道主义物资和相关货物的运送。<sup>15</sup>

15. 据记录，仍存在任意逮捕、殴打、失踪、骚扰、勒索行为，包括针对返回者的此类行为。许多叙利亚人仍面临被拘留及随后遭受虐待和酷刑这一普遍的风险。<sup>16</sup> 居民遭受侵权的情况还有：被任意利用安全检查限制自由和住房方面的权利、<sup>17</sup> 被剥夺生计和基本服务、易受勒索、财产被没收，还包括难民在寻求安全、可持续、有尊严地返回政府控制区方面收到阻碍。

#### A. 任意拘留(包括拘留期间遭受虐待、被施酷刑、死亡)以及强迫失踪

16. 拘留期间实施酷刑和虐待的现象仍普遍存在，地点包括 Sednaya 监狱和叙利亚情报部门管理的几个拘留设施。<sup>18</sup>

17. 据幸存者讲述，牢房过度拥挤，COVID-19 等各种疾病频发，得不到医疗、食物，没有水及卫生设施。一些前被拘留者还报告说，他们受到酷刑和虐待，如电击、焚烧身体部位、被折叠放进汽车轮胎、被长时间吊起来(通过用一个或两个肢体)，往往还被用各种刑具(包括棍棒或电缆)毒打，而且这些情况在本报告所述期间仍在发生。本报告所述期间被释放的被拘留者还报称在拘留期间有人死亡。

18. 本报告所述期间，Tadamon 的第 227 号军事情报处进行了入室搜查，一些人被殴打数小时，然后在 Kafr Sousa 被单独监禁数月。被拘留者被剥夺了卫生设施、食物、医疗服务。1 名被拘留者目睹了几起拘留期间死亡的案件，包括 1 名俄罗斯公民在遭受虐待和酷刑后死亡。上述被拘留者最终通过行贿获释。

19. 与上述情况类似，有 9 名男子因不按义务服兵役或在服役时叛逃而被拘留并遭受酷刑和虐待，其中 1 名人被捕时年仅 17 岁。这些案件中包括在大赦后返回

<sup>14</sup> 人权高专办，“联合国叙利亚问题调查委员会：会员国必须抓住时机建立失踪人员机制”，2022 年 6 月 17 日。

<sup>15</sup> 见 S/2022/545；另见 <https://reliefweb.int/report/syrian-arab-republic/united-nations-resident-coordinator-and-humanitarian-coordinator-syria-imran-riza-statement-closure-damascus-airport-enar>。

<sup>16</sup> 委员会注意到阿拉伯叙利亚共和国政府不承认出于良心拒服兵役的权利，这违反了《公民权利和政治权利国际公约》第十八条；另见 CCPR/CO/84/SYR，第 11 段。

<sup>17</sup> A/HRC/45/31，脚注 37。

<sup>18</sup> A/HRC/46/55，第 33、34 段。

的叛逃者被逮捕的情况。一些前被拘留者回忆说自己被单独监禁了几周到几个月，不能与家人或律师接触。最终被带上法庭的人报称自己被迫签署了事先没有机会阅读的书面“供词”。

20. 关于拘留期间死亡的人数，大多数死者的亲属在多年后才得知亲人已死亡。

21. 2月，一些来自东古塔的家庭从民事登记处获得了30多人的死亡证明，这些人在2018年被转移到集体避难所后失踪。<sup>19</sup> 所获证明提供了据称的死亡日期，但未详述死亡情况。几名男子的死亡证明标有相同的死亡日期(2019年)，可能表明是被处决的，正如政府夺回东古塔时有人所指称的那样。<sup>20</sup> 这些人的遗体没有归还家属，也没有迹象表明对这些案件进行了任何调查。

22. 在约旦边境的鲁克班难民营，援助物资的运送继续受阻。数十个家庭无奈之下只能离开难民营，靠走私者协助到达或穿越政府控制区，以获得基本服务，特别是医疗服务。委员会记录了3起个人在离开营地后被政府部队逮捕拘留的案件。1名年轻人2018年离开营地，其家人最近被告知他在大马士革的塞德纳亚军事监狱死亡。2022年3月，另一名男子在被捕数周后在霍姆斯一个拘留中心死亡。还有一名男子离开鲁克班营地寻求医疗，于2020年8月在阿勒颇一个检查站被捕，至今失踪。

23. 叙利亚《宪法》禁止酷刑，2022年3月30日政府通过第16/2022号法律，正式将酷刑定为刑事犯罪，就其规定了重大刑事制裁措施。<sup>21</sup> 然而，新法律并未具体提及对军事和安全人员的豁免，也未具体提及虐待问题，而只是笼统提到受害者及幸存者可提出申诉、寻求赔偿，并规定他们有权受到保护以免遭到报复。

24. 社交媒体上对官方政策的批评越来越多，在传统上支持政府的地区也是如此。2022年4月，为回应此种批评颁布了一项关于网络犯罪的新法令。该法规定被视为反对宪法和政府政策的网上言论属刑事犯罪，可判处7至15年监禁和罚款。<sup>22</sup> 6月初，内政部在网上宣布有11人因在脸书上传播“虚假信息”并与政府控制区外的用户互动而被拘留。<sup>23</sup> 2022年初，德拉省一个转发当地新闻的即时通讯群组的近200名订户根据早先的逮捕令被传唤，并被要求保证不对政府发出抗议，其中2名订户被扣留约2个月。

25. 政府大力严格控制民间社会组织活动的途径还包括：逮捕非政府组织工作人员、没收资产、未经正当程序而解散各种组织。

26. 被拘留者的家属为使亲属获释而向包括法官在内的国家官员或中间人行贿。这些官员或中间人以查明被拘留者下落或使其获释作为勒索钱财的借口。涉案金

<sup>19</sup> 见阿拉伯叙利亚共和国问题独立国际调查委员会关于围困和收复东古塔的会议室文件(可查阅 [www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session38/list-reports](http://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session38/list-reports))，第63段。

<sup>20</sup> 同上，第61段。

<sup>21</sup> 见CAT/C/SYR/CO/1，第5段。在通过此法律之前，叙利亚政府提到《刑法典》关于施加暴力或造成痛苦(轻罪)的第391条，表示该条涵盖了将酷刑作为刑事犯罪的规定。

<sup>22</sup> 第20/2022号法律；另见 [الرئيس الأسد يصدر قانوناً لتجريم التعذيب\(parliament.gov.sy\)](http://parliament.gov.sy)。

<sup>23</sup> 见 [توقيف \( 11 \) #شخص في حلب يتعاملون... - وزارة الداخلية السورية](https://www.facebook.com/parliament.sy/posts/10158888888888888) (Facebook)。

额达数万美元，收取贿赂的中间人在审前和审判阶段对司法判决施加影响。1 名被情报机构拘留 5 年后于 2022 年获释的酷刑受害者说：

“我的家人不得不卖地来为我获释支付贿金。我获释了，但欠着 6 000 美元，因为家人是从一位朋友那里借钱来行贿的。我需要很多钱来治疗因受酷刑而出现的健康问题，我已经一无所有了。”

上述案件证实，对被拘留人员实施酷刑和虐待这种危害人类罪和战争罪仍在发生，包括采用的做法造成被拘留人员死亡，还包括任意拘留和强迫失踪。

## B. “旅行安全许可”

27. 安全进出政府控制区，甚至只是在这些地区内自由行动，都需要获得“安全许可”。<sup>24</sup> 此情况继续妨碍行动自由，使寻求返回家园的难民和流离失所者面对又一个挑战。

28. 一些活动分子和记者被阻止出国旅行，另一些获得旅行许可的人在返回时受到审讯。以下人员得不到安全许可：前反对党成员；被视为批评政府的人，包括其亲属；耶尔穆克营地和达赖亚等曾被视为反对派据点的居民区的前居民。

29. 安全许可还成为获得基本财产和住房权的先决条件。无法获得安全许可的前被拘留者在以前居住的地区(包括霍姆斯市部分地区)无法签订租赁协议。<sup>25</sup> 此外，还规定必须有安全许可才能获得授权书，而律师必须有授权书才能代表在政府控制区以外居住者处理财产事务，如出售、继承、租赁、购买财产。<sup>26</sup>

30. 安全许可程序在实施时可能具有歧视性，导致须通过该程序者被剥夺住房、土地、财产权、行动自由，在某些情况下还被剥夺离开和返回自己国家的自由。<sup>27</sup>

## C. 没收财产

31. 阿拉伯叙利亚陆军继续使用以前没收的私人财产，包括哈马省和代尔祖尔省不再靠近前线的房屋。据记录，本报告所述期间代尔祖尔省还发生了新的扣押财产案件，包括第四师扣押财产的案件。一些住房被用来安置军事人员的家属。调查显示，被视为反对政府的叙利亚流离失所者受到这种做法的影响，无法返回家园。

32. 最近还有信息说阿拉伯叙利亚陆军 2021 年 5 月在政府夺回的地区(北部的哈塞克周边农村)大肆抢劫私人财产。收集到的信息表明第四师参与了这一行动。该师控制着被夺回地区的许多检查站。

33. 按照现行性别规范和歧视性继承做法，<sup>28</sup> 财产文件往往以男性家庭成员的名义登记，使妇女在试图获得保有权或获得继承权时特别容易受到伤害。配偶被拘

<sup>24</sup> A/HRC/45/31，脚注 37。

<sup>25</sup> A/HRC/46/55，第 82 段。

<sup>26</sup> A/HRC/49/77，第 48 段，提到 2021 年 9 月 15 日发布的通告。

<sup>27</sup> A/HRC/45/31，第 32 段。

<sup>28</sup> 《一般人身法》，第 268 条。

留或失踪的妇女<sup>29</sup> 很难获得家庭财产(包括被扣押或冻结的财产),<sup>30</sup> 尽管她们现在是唯一的养家人。<sup>31</sup> 在极少数情况下, 妇女向有关当局询问其被拘留配偶的下落或获取死亡证明时, 会受到骚扰和辱骂。

34. 上述政府部队没收私人财产可能构成掠夺, 而这属于战争罪。政府在敌对行动已停止地区未经适当程序或赔偿而没收财产可能构成侵犯住房权、土地权、财产权。

#### D. 德拉省持续存在不安全状况

35. 1月22日, 德拉省东部 al-Maliha-al-Gharbiya 的一个政府检查站遭身份不明的袭击者用轻武器袭击, 说明阿拉伯叙利亚共和国南部持续存在不安全状况。作为可能的报复, 政府军对附近的 Al-Hirak 村发动地面攻击, 很可能是迫击炮袭击, 造成在家中的 2 名妇女和 1 名女孩受伤。第二天政府军突袭该镇的几所房屋, 逮捕了 6 名男子。

36. 2022 年前 6 个月有近 150 人被捕, 实施逮捕者包括德拉省东部的刑事安全部门。有几名被捕者此前已与政府“和解”。据报拘留时间从几天到几个月不等, 被捕者未与家人或律师联系。其中许多人仍下落不明。据记录逮捕期间发生了酷刑、虐待(包括虐待妇女)、抢劫, 被捕者被转移到拘留中心后继续遭受酷刑和虐待。

37. 本报告所述期间, 身份不明的肇事者从车辆(最常见的是摩托车)上用小武器射击前反对派和亲政府部队成员的情况仍在继续, 有 100 多人被打死, 死亡人数于 2022 年 4 月达到高峰。<sup>32</sup>

38. 有合理的理由认为, 政府军在对 Al-Hirak 村的攻击中并无具体的军事目标, 可能构成了实施无差别攻击造成平民伤亡的战争罪。<sup>33</sup> 当事方故意杀害平民即构成谋杀这项战争罪。

## 四. 阿拉伯叙利亚共和国西北部

39. 在伊德利卜省和阿勒颇省西部, 亲政府部队与反对派武装团体(包括被联合国定为恐怖主义团体的沙姆解放组织)继续相互炮击。亲政府部队的袭击没有以前那么猛烈,<sup>34</sup> 但往往破坏或摧毁民用基础设施, 包括供水站等平民生存所不可或缺或物体。在委员会调查的 8 起袭击事件中(见附件三、附件四), 至少有 39 名平民被打死或打伤。流离失所者营地的生活条件继续恶化, 许多人无奈之下只能返回位于前线地区的家园, 而那里的敌对行动仍在破坏社区。

<sup>29</sup> A/HRC/42/51, 第 92 段。

<sup>30</sup> A/HRC/40/70, 第 80 至 82 段。

<sup>31</sup> 例如见“Death notifications in the Syrian Arab Republic”, 27 November 2018, para. 6, [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/DeathNotificationsSyrianArabRepublic\\_Nov2018.docx](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/DeathNotificationsSyrianArabRepublic_Nov2018.docx)。

<sup>32</sup> A/HRC/49/77, 第 33 段。

<sup>33</sup> 见红十字国际委员会, 关于习惯国际人道法的研究(规则 11、12、156), 可查阅 <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>。

<sup>34</sup> 见 A/HRC/44/61, 第五节。

40. 与此同时，沙姆解放运动对公共生活和服务供应(包括燃料供应)实施干预，使普遍处于贫困之中的平民更加痛苦。<sup>35</sup> 该团体正式规定限制公民空间，继续逮捕批评其统治的记者、活动分子等人员。委员会以前就曾指出该团体有这种明显的行事方法。

#### A. 亲政府部队无差别地直接攻击平民及民用基础设施

41. 据记录发生了几次影响到食品来源和水资源的袭击。1月1日夜间，一群流离失所的牧羊人在 Jisr al-Shughour 附近建立的临时营地遭空袭，造成1名妇女、2名女童死亡，至少10人受伤，其中包括6名儿童。这次袭击还杀死了大约100只羊(流离失所家庭的主要生计来源)。与目击者的证词一致，有视觉材料证实帐篷和一个混凝土房屋受损，后来在该处发现了2名受害者的尸体。卫星图像显示，在距受影响地区170米左右可能有一个军事目标。

42. 第二天(1月2日)中午左右，Arashani 供水站遭空袭被部分摧毁，有1人受伤。供水站被迫停止服务，至少225 000名居民的供水被切断约20天。该设施广为人知，位于小山上，很容易识别。有视觉材料证实设有供水站运作所需关键设备的主要建筑物遭到破坏，另一个设有机器的建筑物被完全摧毁。据了解该设施附近无军事目标。

43. 1月3日午后不久发生另一次空袭，Kafr Takhrim 郊区一个三层楼高的家禽养殖场和附近的农田被击中。1名妇女及其8岁的儿子受伤。目击者讲述了第一次空袭如何影响到离该养殖场约50米的一个地点，第二次空袭几乎摧毁了农场，还杀死了至少5 000只家禽。该家禽养殖场附近没有明显的军事目标。视觉材料证实家禽养殖场遭到严重破坏，周围环境也受到破坏。

44. 此后，5月12日上午杰贝勒扎维耶 Bzabour 镇附近另一处家禽养殖场遭遇空袭，1名平民受伤，养殖场被摧毁。

45. 根据航空观察员的报告及委员会获得的飞越数据，在这两次空袭发生的大致时间段于受影响地区观察到至少1架俄罗斯固定翼飞机。有合理的理由认为亲政府部队袭击了一处众所周知的供水站和家禽养殖场，故意将居民生存所不可缺少的目标作为攻击目标(见上文第41至44段)，这是被禁止的行为。<sup>36</sup>

46. 据记录 Ma'arat al-Na'asan、Afes 等前线村庄遭到地面袭击。2020年3月停火后，因该国北部流离失所者营地的生活条件不善，居民已返回这些村庄。然而，居民获得的喘息时间很短，因为炮击事件逐渐增加，且无人机经常在 Ma'arat al-Na'asan 上空飞行。受访者报告说这些村庄内没有军事目标。

47. 2月12日下午早些时候，Ma'arat al-Na'asan 外围一所住宅的院子遭到地面袭击，造成一家6口人死亡，其中包括2名儿童和2名妇女，另有2名女孩受伤。目击者讲述了其中一枚炮弹如何击中院子，杀死了聚集在外面喝下午茶的一家人。

<sup>35</sup> A/HRC/43/57，第33段；A/HRC/44/61，第90、91段；A/HRC/49/77，第69段。

<sup>36</sup> 红十字国际委员会的研究报告，规则54。



48. 有视觉材料证实这次爆炸的形态符合迫击炮弹的爆炸形态，很可能是 82 毫米口径迫击炮，为无制导火炮武器系统的一部分。据报这次袭击来自据知驻有政府军的米兹纳兹镇，距离前线对面的 Ma'arat al-Na'asan 仅 2.2 公里。此距离在 82 毫米口径迫击炮的射程之内。

49. 4 月 4 日接近中午时，一次地面袭击造成 4 名 12 至 14 岁的男童死亡。当时他们正在前往位于 Ma'arat al-Na'asan 镇居民区的阿迈勒学校。受访者说 1 枚导弹击中了在 1 名受害者家门口的这些儿童，当时他们正走在学生日常使用的一条主要道路上。阿迈勒学校距出事地点约 500 米，该校有大约 540 名一至九年级的男女学生。

50. 受访者表示，该次袭击来自已知由政府军控制的米兹纳兹镇，炮击时经常看到空中有无人机，表明政府军应该知道这条路经常被儿童使用。

51. 残留物照片显示袭击者使用了一枚反坦克导弹，其视线制导系统能够识别可见目标并直接向其射击。地形数据显示，前线与出事地点之间的高度和距离使政府军在向潜在目标开火之前能看到该处。在出事地点附近未观察到明显的军事目标。

52. 2 月 27 日中午时分，附近 Afes 镇的一个市场也遭到炮击，2 名平民死亡，另有 3 人受伤。据称炮弹是从 Afes 以东的 Duwair 村发射后越过前线的。据知该地有亲政府部队，其中包括俄罗斯部队和伊朗民兵。土耳其的军事哨所也设在附近。目击者的证词以及对损坏物和残余物的分析表明使用的是迫击炮。

53. 关于上述造成 4 名儿童在上学途中死亡这一令人震惊的事件(见上文第 49 至 51 段)，有合理的理由认为受害者是政府部队直接瞄准的目标，因此政府部队可能犯下了直接攻击平民的战争罪。<sup>37</sup> 在上述炮击居民区、击中住宅和市场、杀死多名平民的事件中，也有合理的理由认为亲政府部队犯下了对居民区发动无差别攻击、造成平民伤亡的战争罪。<sup>38</sup>

54. 2 月 16 日上午，过去多次以炮击扰乱经济活动的情况<sup>39</sup> 再次发生，造成至少 3 人死亡，2 人受伤，还严重损坏了 1 台民用车辆和 1 座农舍，几乎摧毁了附近位于 Tarmarin 镇和达纳镇之间的 1 处燃料库，使其无法使用。几处遭炮击地点彼此相距约 500 米，靠近农田。有多枚炮弹药击中该地，据称是 Krasnopol 制导炮弹。委员会收到的报告说这些炮弹是由驻扎在伊德利卜省西部农村地区的阿拉伯叙利亚部队第 46 团发射的。1 名受访者在事件前后还观察到一架无人驾驶飞机。

55. 有合理的理由认为政府军在严冬季节袭击燃料库的行为可能阻碍了平民获取生存所必需的物品。

## B. 沙姆解放组织的违规行为

56. 沙姆解放组织通过 7 个地方理事会控制伊德利卜省和阿勒颇省西部的部分地区，其中包括流离失所者营地所在地区。

<sup>37</sup> 红十字国际委员会的研究报告，规则 156。

<sup>38</sup> 红十字国际委员会的研究报告，规则 11、12、156。

<sup>39</sup> 另见 A/HRC/48/70，第 53 至 62 段。

57. 沙姆解放组织还继续垄断燃料市场和其他服务的提供。<sup>40</sup> 委员会以前曾报告过该团体如何向当地企业征税，从而也从其控制地区的经济活动中获利。燃料和其他商品的价格在全国范围内急剧上涨，严重影响到阿拉伯叙利亚共和国西北部，所以平民从邻近地区带入商品以满足基本需求。该团体成员经常在过境点没收或销毁这些物品，还拘留殴打民众，包括殴打儿童。2月10日，在靠近 Der Ballut Atmeh 营地的一个过境点附近，该团体成员开枪打死1名从阿勒颇北部向伊德利卜运送燃料的妇女。这次枪击事件在 Atmeh 难民营的居民中引发了暴力反应。沙姆解放组织使用重机枪予以弹压，打伤1名男童，逮捕了1名记者(罪名是摄影)和至少10名其他男子。

58. 沙姆解放组织还试图限制媒体自由和新闻自由，继续拘留记者和活动人士或其他公开反对其统治的个人。该团体的组织事务局向地方组织强加了正式协议，限制某些项目活动，导致这些项目有时被撤资、工作被终止。<sup>41</sup> 此外，该团体还迫使一些组织与该团体的安全总局或分局协调其活动和公众宣传行动。一些活动分子和地方组织也受到威胁，导致许多人停止了活动。另一些人以停止批评该团体为条件得以继续开展工作。

59. 在阿夫林等地(见下文第79至81段)，反性别暴力或应对一般性别问题的组织受到特别大的影响，包括暂停了一些活动、禁止男女共同参与的活动、查禁外联活动(包括查禁反性别暴力的外联活动)。

60. 沙姆解放组织为了限制公民空间，还限制言论自由，特别是活动人士和记者的言论自由，包括未经正当程序任意将其拘留且拘留待遇不良。<sup>42</sup> 活动人士和媒体工作者经常被该团体的安全总局拘留。被拘留者在拘留期间无法获得医疗服务，也不允许家人或律师与之接触。沙姆解放组织设立了一条通信线路，供家属查询被拘留亲属的情况，但家属报告说不知道受害者被关押在哪里。

61. 本报告所述期间，委员会继续收到关于沙姆解放组织成员没收财产的报告。报告显示该团体的住房事务总局(以前称战利品委员会)将人不在当地的业主的财产分配给其战斗人员，或出租给流离失所家庭。据称该团体在全省各地任命了几名经纪人，负责收租、管理财产合同、查明当地新腾空的房屋。被没收的主要是据认为支持政府或反对沙姆解放组织的流离失所者(包括基督徒)所拥有的财产。上述没收财产行为可能构成掠夺这种战争罪。流离失所者的财产权还受国际习惯人道法的特别保护，必须得到各方尊重，不得受到歧视。<sup>43</sup>

<sup>40</sup> A/HRC/43/57, 第33段; A/HRC/44/61, 第90、91段; A/HRC/49/77, 第69段; S/2021/68, 第16段。

<sup>41</sup> A/HRC/44/61, 第5段。

<sup>42</sup> 见1949年8月12日日内瓦四公约共同第3条;《公民权利和政治权利国际公约》, 第6、7、9、19条。

<sup>43</sup> 红十字国际委员会的研究报告, 规则133; 日内瓦四公约共同第3条。

## 五. 阿拉伯叙利亚共和国北部(不包括艾因阿拉伯)

### A. 开展敌对行动

62. 2022 年 1、2 月敌对行动有所升级，发生了几起炮击和简易爆炸装置袭击事件。委员会调查了阿勒颇省北部的 7 起事件，其中至少有 92 名平民伤亡，平民住宅、学校、清真寺、医疗设施、行政大楼也遭到破坏或毁坏(见附件三、附件四，第 33 至 49 段)。

63. 2 月 2 日下午早些时候，一个 BM-21 格拉德多管火箭炮系统发射了至少 8 枚火箭，发射地点可能在巴布市以西，例如政府控制的 al-Shalah 军事雷达基地或库尔德部队控制的 Nirabiyah 村。<sup>44</sup> 火箭破坏了巴布的多个地点，其中包括住宅区、2 个市场、1 座清真寺、1 家医院。有 2 枚火箭弹击中了一条购物街、附近的 al-Midani 医院及 al-Nasr 清真寺，造成至少 8 名男子和 1 名女孩死亡，24 人受伤，其中包括 2 名妇女。在 4 月 18 日发生的另一起事件中，炮击在幼发拉底河西岸附近(Jarablus 地区)造成 1 名男子受伤，之后 3 名救援人员在应召协助炮击事件受害者时受伤。叙利亚民主力量<sup>45</sup> 发表声明否认这 2 起袭击事件是其所为。<sup>46</sup>

64. 这些事件的肇事者可能犯下了几种战争罪，包括：攻击人口稠密区、发动无差别攻击、造成平民伤亡、将平民和医务人员作为攻击目标。

65. 在 6 月 1 日深夜发生的另一起事件中，Babesqa 难民营的一个弹药库爆炸后起火，造成 2 名平民死亡，其中包括 1 名 10 岁的身残女孩，另有 3 人受伤。该弹药库位于巴布哈瓦地区 Babesqa 村附近几个流离失所者营地之间，由叙利亚国民军 Falaq al-Sham 旅控制。<sup>47</sup> 目击者回忆说遇害儿童的尸体被发现时已完全烧毁，因为孩子无法逃出着火的帐篷。叙利亚国民军将弹药库设在如此靠近境内流离失所者营地之处，使居住在此类军事目标附近的平民受到伤害，可能违反了区分原则。<sup>48</sup>

66. 6 月 15 日，巴布的 1 位著名人道主义工作者在发动汽车时被车载简易爆炸装置炸死。当时他的车停在家门口，位于人口稠密区。这种简易爆炸装置袭击如是冲突方所为，就可能构成谋杀这种战争罪，也可能构成实施无差别袭击造成平民伤亡的罪行。

### B. 任意拘留及拘留条件，包括被拘留者死亡情况

67. 叙利亚国民军进一步在其控制的所有地区统一拘留做法。<sup>49</sup> 委员会还获悉叙利亚国民军一些成员已被叙利亚国民军军事法庭判刑，或正在接受调查，罪名包括 2018 年至 2022 年期间实施酷刑、谋杀、强奸、侵占财产。此举是为了确保就此类侵权行为追究责任。

<sup>44</sup> A/HRC/42/51，第 56 段。

<sup>45</sup> A/HRC/46/54，第 12 段。

<sup>46</sup> 见 SDF, Press release regarding the shelling on the Al-Bab City, 2 February 2022; and ANHA, “SDF: We did not target Jarablus”, 18 April 2022。

<sup>47</sup> A/HRC/42/51，第 16 段。

<sup>48</sup> 红十字国际委员会的研究报告，规则 23、24。

<sup>49</sup> A/HRC/46/55，第 41 段。

68. 宪兵和叙利亚国民军各旅继续逮捕据称与库尔德人民保护部队有联系的人，包括被库尔德人民保护部队、自治当局或阿拉伯叙利亚共和国政府或达伊沙什强行征召的人。受访者表示此类逮捕自 2021 年以来不断增多，之前叙利亚国民军宪兵对阿夫林军事法院授权的人以军事或民事身份支持自治当局的指控进行了调查。

69. 目前由叙利亚国民军控制地区的许多库尔德平民正在成为双重受害者。他们最初被库尔德人民保护部队强征入伍(包括在未成年时被强征入伍)，或在该部队 2018 年之前控制这些地区时被迫与库尔德自治当局发生联系，现在又遭叙利亚国民军逮捕、拘留。1 月初，叙利亚国民军哈姆扎师(第 23 师)在巴布附近逮捕 1 名被强征入伍的库尔德人民保护部队前成员。该受害人的家人在其被捕 3 个月后才找到他。家人通过行贿使他得以转移到阿夫林的 Maratah 监狱(该监狱由叙利亚国民军宪兵控制)。<sup>50</sup>

70. 叙利亚国民军告诉委员会现行法律制度充分保护平民免受违反禁令实施的任意逮捕，并且保护公正审判权(包括与法律顾问和家人接触的权利)，但有受访者报称以下情况：一些被叙利亚国民军派别和成员个人逮捕的人被单独监禁了 1 个月至 3 年；家属不被告知被拘留者的下落，包括被转移到土耳其的被拘留者的下落；<sup>51</sup> 寻求亲人情况或下落信息的家庭成员也受到威胁或逮捕；被拘留者未被告知逮捕理由，也不允许他们接触法律代表；被拘留者只有在其亲属行贿或对叙利亚国民军成员施加压力后才被允许与亲属接触，然后被拘留者被转移到中央监狱，如 Maratah 监狱。被拘留者只有在被这样转移之后才最终出庭，包括在阿夫林的军事法庭出庭。

71. 一些家属终于探望了关在 Maratah 监狱的亲人，说看到亲人身上有被毒打过的痕迹。

72. 一些男女幸存者(包括未成年人)也讲述了叙利亚国民军成员实施殴打和其他形式酷刑的情况，包括 2018 年至 2021 年期间在临时拘留设施实施强奸和其他形式性暴力的情况。这些新提供的信息是可信的。1 名曾被拘留的妇女讲述了她 2018 年在审讯中遭到穿土耳其制服、讲土耳其语的个人强奸和实施其他形式性暴力的情况。

73. 因叙利亚国民军成员实施酷刑和其他形式虐待，也导致一些被拘留者死亡。1 名受访者讲述了 2 月 24 日某阿拉伯部落 1 名成员如何在阿夫林被 Falaq al-Sham 旅逮捕，然后被带到该旅控制的军事哨所后打死。该团体发表声明，承认对此人在被拘留期间遭受酷刑而死亡负有责任，并宣布已逮捕被指控的肇事者，将其移交军事司法机构。

74. 在另一起案件中，1 名男子被叙利亚国民军某旅短暂拘留后获释，全身有被毒打的痕迹。此人不久后就死去了。

75. 委员会有合理的理由认为叙利亚国民军人员任意剥夺了一些人的自由。有些案件相当于强迫失踪。叙利亚国民军一些成员可能实施了酷刑、残忍待遇、侵犯

<sup>50</sup> 受害人的姐姐是自治当局的前雇员，自 2022 年 5 月以来一直被拘留。她被捕的地点是阿夫林附近一个由叙利亚国民军军警人员驻守的检查站。

<sup>51</sup> A/HRC/45/31，第 57 段。

个人尊严的行为，包括施加各种形式的性暴力，因而犯下了战争罪，而且已经是一种既定的模式。在某些情况下，此类行为导致了被拘留者死亡，可能相当于谋杀，也属于战争罪。

### C. 影响财产权的措施

76. 叙利亚国民军各旅往往在没收农地等财产的同时将人逮捕拘留，迫使许多人最终离开该地区，还不断阻止其返回。有些人报称归还了财产，但也有许多仍无法收回家园和土地。<sup>1</sup> 名雅兹迪族流离失所者解释说，他和家人之所以无法返回，是因为无法进入自己的房屋和土地，而这些房屋和土地自 2019 年以来一直被占领，当时家人在“和平之泉”行动期间逃离了有敌对行动的该地。<sup>52</sup> 另一些人讲述了类似的情况，即在逃离多年后被禁止收回其财产，还表示自己因担心被捕拘留而一般不愿要求归还其财产。一些受访者讲述了自己如何因受到逮捕威胁或其他逼迫而撤回了向各种非正式地方申诉委员会提交的申诉(这些委员会由来自宗教和部落实体以及叙利亚国民军的个人组成，<sup>53</sup> 处理勒索、侵吞财产、征款等问题)，撤回申诉的原因包括有可能遭到叙利亚国民军各旅的报复，因为申诉所针对的是这些旅的成员，而这些旅本身也参与申诉及赔偿审核工作。由于现存的性别不平等状况，妇女在这方面遇到更多挑战，因而不愿就财产侵权行为向这种全由男性组成的委员会寻求补救。1 名妇女在配偶去世后被迫将自己的房子让给另一家人，因为独自住在家里会被污名，但她未提出申诉，一是害怕受到恐吓，二是感觉结果会不利。

77. 冲突方没收私人财产可能构成掠夺这一战争罪，<sup>54</sup> 如基于歧视性理由，也属于违禁行为。

78. 叙利亚民主力量、土耳其、叙利亚国民军之间战斗最近加剧，在距该前线不到 10 公里的 Dawouydia 村(雷斯艾因)，叙利亚国民军各旅及土耳其地面部队继续将平民财产用于军事目的。<sup>55</sup> 最近的卫星图像证实该村内仍有土耳其军事基地，而且可能向北扩展了(附件六)。库尔德居民至少从 2020 年起就被阻止返回达乌迪亚，其房屋也遭到摧毁。<sup>56</sup> 自那时以来，他们还无法耕种邻近的农田，其赔偿诉求迄今为止也遭到拒绝。土耳其部队不为征用私人财产支付费用的行为可能构成了违反国际人道法的行为。<sup>57</sup>

<sup>52</sup> A/HRC/43/57，第 12 段。

<sup>53</sup> 同上，第 41 段；A/HRC/49/77，第 91 段。

<sup>54</sup> 红十字国际委员会的研究报告，规则 52。

<sup>55</sup> A/HRC/45/31，第 51 段，附件二。

<sup>56</sup> 同上。

<sup>57</sup> 海牙第四公约《陆战法规和习惯公约》第五十二条及其附件《关于陆战法规和习惯的章程》，海牙，1907 年 10 月 18 日。

## D. 对基本自由的限制

79. 包括宪兵在内的叙利亚国民军成员还在阿勒颇几个地区限制言论自由和集会自由。妇女权利活动家(包括男性和女性)在试图参与公共生活时遭到叙利亚国民军成员和官方宗教人员的暴力侵害和暴力威胁,削弱了他们切实参与社区活动、为社区作出贡献的能力。<sup>58</sup>

80. 一些妇女权利活动家由于担心自己的安全而避免公开谈论自己的工作,或退出倡导性别平等的地方组织。库尔德裔妇女活动家受到的影响尤其严重,一些人停止了对公共生活的所有参与,因为她们也担心被叙利亚国民军逮捕拘留(见上文 B 节)。<sup>59</sup> 在此情况下,应对性别暴力问题的组织(例如提供法律援助或保护的组织)极为孤立。遭受性暴力者不但在社会上遭到污名化,而且没有幸存者收容所可去求助,也不愿向上述全由男性组成的申诉委员会寻求补救,因为这些委员会不能有效解决问题。

81. 关于本报告所述的侵犯行为,委员会指出土耳其在其实际控制区有责任尽可能确保公共秩序和安全,并有责任向妇女和儿童提供特别保护。土耳其仍对这些领土上所有个人的应得人权负有义务。<sup>60</sup>

## 六. 阿拉伯叙利亚共和国东北部

### A. 开展敌对行动

82. 该国东北部“和平之泉”行动和“幼发拉底之盾”行动地区的前线沿线以及土耳其边境沿线的居民继续面临不安全状况和敌对行动(见附件二)。鉴于达伊沙发动的袭击越来越多(包括 1 月 20 日对 Al-Sina'a 监狱的袭击),叙利亚民主力量和库尔德安全部队继续在哈塞克市及其周边农村开展追捕达伊沙团伙的行动,有时协同联军开展行动。

83. 在土耳其可能入侵阿拉伯叙利亚共和国东北部的情况下,几个地区的战斗仍在继续,包括哈塞克省 Abu Rasayn 及其周围地区。<sup>61</sup> 叙利亚国民军与土耳其部队和叙利亚民主力量之间频繁发生互炸事件,土耳其使用无人机的情况呈增多趋势。

84. 在上述事件中,委员会记录了 3 次炮击、1 次无人驾驶飞机袭击(见附件三、附件四)。例如,1 月 8 日中午左右艾因阿拉伯中心的 3 个地点以及艾因阿拉伯以东沿土耳其边界的村庄同时遭到炮击。1 名平民男子被打死,12 名平民受伤,伤者包括 4 名男子、5 名妇女、3 名儿童,其中 1 名 4 岁儿童失去了一条腿。平民财产也受到严重破坏,影响到一处市场及食品制造设施。在一个有平民受伤的村庄拍摄的爆炸残余物照片显示使用的是无制导 120 毫米迫击炮。从该武器的射程

<sup>58</sup> 委员会以前曾报告过具有极端主义意识形态的武装团体如何努力将妇女排除于公共生活之外(例如见 A/HRC/43/57, 第 88 至 90 段)。

<sup>59</sup> 另见 A/HRC/43/57, 第 88 至 90 段。

<sup>60</sup> A/HRC/45/31, 第 67 至 69 段。

<sup>61</sup> 另见 A/HRC/49/77, 第 97 段。

判断，可能是从土耳其境内发射的。<sup>62</sup> 有合理的理由认为这种使用无制导爆炸武器袭击城市地区和村庄的行为构成了以无差别攻击造成平民伤亡的战争罪。

85. 还有一个例子是，与对以往一些事件的调查结果相同，<sup>63</sup> 2月24日土耳其无人机在阿姆达与卡米什里间公路上进行了一次袭击，目标可能是附近1处军事检查站或车辆，弹着点就在公路上1辆民用公共汽车旁边。车上至少有3名妇女和1名男子受伤，均为平民。弹药残留物照片经查验表明袭击中使用了1枚土耳其制造的导弹(MAM-L型)。从无人驾驶飞机上应可观察到袭击现场有一辆民用公共汽车，因此土耳其武装部队在此次袭击中可能未采取一切可行的预防措施。

86. Al-Sina'a 军事监狱位于哈塞克市东南方，被认为是阿拉伯叙利亚共和国东北部关押达疑似达伊沙战斗人员和其他据称与该团体有关联个人的最大监狱。1月20日袭击发生时，有近4000名男性被叙利亚民主力量关押在那里，其中包括约700名男童，分属多个国籍(主要是伊拉克和叙利亚)(见附件五)。

87. 达伊沙的袭击引发了监狱哗变，人数不详的达伊沙战斗人员和被拘留者逃到监狱周围的居民区，随后发生了战斗。截至1月23日，约有6000名平民逃离了Al-Zuhour以及Al-Taqaddum/East Ghwayran的社区。1月30日，叙利亚民主力量在美国地面部队和国际打击达伊沙联盟空中支援下发起称为“人民之锤”的进攻，<sup>64</sup> 最终夺回了对监狱和邻近地区的完全控制。除了监狱建筑群外，一些民用设施也受到空袭和激烈暴力行动的影响，其中叙利亚民主力量使用了T-62坦克，美国使用了F-16战斗机、阿帕奇直升机、布拉德利战车。监狱周围几乎所有的街区都发生了冲突。卫星图像证实监狱附近居民区的40座民用建筑物遭到破坏或摧毁，包括被军用推土机破坏或摧毁。

88. 目击者报告说看到几十具被拘留者的尸体被放在一辆卡车上运往沙漠，还有穿着囚服的儿童尸体。叙利亚民主力量报告说有近500人死亡，其中包括约120名监狱工作人员、叙利亚民主力量成员、374名“达伊沙恐怖分子被拘留者及战斗人员”、4名平民。<sup>65</sup> 达伊沙在一份声明中声称其杀死了200多名监狱工作人员。几个消息来源证实监狱内的工作人员被达伊沙杀害，尸体残缺不全。一名寻找曾在Al-Sina'a监狱担任警卫的亲属的男子说：“我为确定他的身份，花了3天时间查看残缺不全的尸体。有几个人被焚烧了，有些人没有头，没有手，或者没有脚。这是一次可怕的经历”。

89. 有合理的理由认为达伊沙犯下了故意杀害监狱工作人员(包括斩首、肢解尸体)以及在居民区杀害平民的战争罪，肢解尸体是国际人道法所禁止的，可能构成战争罪。<sup>66</sup>

<sup>62</sup> 同日，土耳其国防部宣布在某地发动了一次袭击，“消灭了恐怖分子”，但未指明地点；见土耳其国防部(@tcsavunma)，可查阅 <https://twitter.com/tcsavunma/status/1479902333387649024>。

<sup>63</sup> A/HRC/49/77，第99段。

<sup>64</sup> 见 [www.inherentresolve.mil/Home/Article/2908322/desperate-attacks-make-daesh-weaker-coalition/](http://www.inherentresolve.mil/Home/Article/2908322/desperate-attacks-make-daesh-weaker-coalition/)。

<sup>65</sup> 见 <https://sdf-press.com/en/2022/01/the-sdf-general-command-statement-regarding-the-last-terrorist-attack-on-al-sinaa-prison-by-daesh/>。

<sup>66</sup> 红十字国际委员会的研究报告，规则113。

90. 达伊沙战斗人员在居民区寻求庇护，使平民面临风险，可能违反了国际人道法，<sup>67</sup> 而叙利亚民主力量和国际打击达伊沙联盟则在行动中对平民财产造成了重大破坏。受害家庭尚未得到任何援助以重建及修复其受损财产或取得赔偿。

91. 此外，侵犯数百名儿童的最基本权利，将其关押在可能受到攻击的军事设施内，可能意味着未采取一切可行措施保护和照顾受武装冲突影响的儿童。<sup>68</sup> 死亡儿童的人数尚未确定。

## B. 任意剥夺自由，包括强迫失踪

92. 在阿拉伯叙利亚共和国东北部仍拘留着 10 000 多名疑似达伊沙战斗人员和据称与该团体有关联的其他男子，其中许多人被单独监禁。<sup>69</sup> 有多达 1 000 名被拘留者在被捕时尚未成年，其中一些人现已年满 18 岁。被拘留的外国人(其中许多是伊拉克人)没有法律追索权。<sup>70</sup>

93. 其中一些外国被拘留者未与家人或法律顾问取得外部联系，只有人道主义行为体转递的信件除外，但这些信件充其量是偶尔才有的。某家庭 2022 年 5 月收到一封日期为 2021 年 10 月的信，其中被拘留者表示他已了解到“一种名为 COVID-19 的新疾病……肯定正在对世界产生重大影响”。

94. 此外，一些家庭认为最初被达伊沙绑架的失踪亲属可能被叙利亚民主力量拘留着。他们报告说自治当局拒绝证实或否认拘留了他们失踪的家人。

95. 多达 1 000 名被拘留者在被捕时尚未成年，其中一些人现已年满 18 岁，被关押在至少 10 个拘留中心，<sup>71</sup> 其中包括哈塞克市的 Al-Sina'a 监狱、卡米什里的 Alaya 监狱，两者均为叙利亚民主力量管理的军事拘留中心。被拘留者大多是伊拉克人和叙利亚人，也包括另外 20 个国家的人。消息来源报称自治当局打算为伊拉克和其他非叙利亚男童建造 15 至 16 个新拘留(“改造”)中心，直至将其遣返。

96. 患有精神病、营养不良、肺结核的被拘留男童被关押在过度拥挤的环境里，得不到适当的医治。<sup>72</sup> 直到 5 月仍有几名受伤男童需要得到基本治疗，其中包括 1 月袭击 Al-Sina'a 监狱时受伤的男童。据报道，7 月中旬有 1 名澳大利亚少年死亡。<sup>73</sup> 相关调查仍在进行中。

<sup>67</sup> 红十字国际委员会的研究报告，规则 15、23。

<sup>68</sup> 红十字国际委员会的研究报告，规则 135；《儿童权利公约》，第 38 条第 4 款。

<sup>69</sup> A/HRC/49/77，第 108 段。

<sup>70</sup> A/HRC/45/31，第 77 段；A/HRC/48/70，第 109 段；A/HRC/49/77，第 109 段；另见 North Press Agency, “Trial of ISIS detainees under discussion with global collation – AANES”, 23 June 2022, 可查阅 <https://npasyria.com/en/79449/>。

<sup>71</sup> 委员会并不知道所有地点，但据报其中包括关押儿童人数最多的 Al-Sina'a 监狱，还包括 Alaya 监狱、Derik(Al-Malikiya)女子监狱、Helat 中心、Al-Houri 中心；另见 A/HRC/49/77，第 108 段；A/HRC/48/70，第 108 段。

<sup>72</sup> 见 A/HRC/49/77，第 108 段。

<sup>73</sup> 人权高专办，“联合国专家对澳大利亚男童在叙利亚拘留所死亡感到震惊”，2022 年 7 月 25 日。



97. 近 58 000 人(包括约 17 000 名妇女和 37 000 名儿童)仍被非法关押在霍尔营地和罗杰营地。<sup>74</sup> 其中 17 000 多名儿童是伊拉克人。由于 COVID-19 大流行和阿拉伯叙利亚共和国各地经济崩溃, 难民营原已不良的人道主义状况急剧恶化。没有正常供水, 卫生设施不足, 缺乏适当的营养、医疗、住房, 营地的帐篷经年风吹雨打, 需要修理。在一些地区, 10 个家庭共用 1 个厕所。儿童的日常生存仍十分艰难。

98. 霍尔营地的不安全状况正在恶化。委员会了解到 1 月 1 日至 7 月 19 日期间至少发生了 26 起谋杀案, 查明了至少 9 名男受害人、13 名女受害人的身份, 其中包括 1 名被枪杀的库尔德红新月会男护士。1 名在红十字国际委员会工作的男医生被刺伤, 但幸免于难。据报该难民营发生了致命冲突, 包括 2 月 7 日国内安全部队与难民营居民之间发生冲突, 还包括 3 月 28 日国内安全部队与达伊沙成员发生冲突, 造成 3 名平民死亡, 至少 13 人受伤, 其中包括 5 名儿童。有时, 不安全情况导致临时封锁难民营并暂停向难民营居民提供人道主义援助。难民营中儿童的状况尤其令人关切。他们缺乏足够的医疗保健和受教育机会, 许多人因营地内的暴力行为而遭受心理创伤。营地中的男童一旦进入青春期, 就有可能被转移到军事拘留中心, 与成年的据称前达伊沙战斗人员在一起, 注定要被无限期拘留, 而没有法律追索权。数十名 10 至 12 岁男童被与其母亲分开, 被关在霍尔营地附属建筑物中, 其中一些男童被置于成年男子也被拘留在內的军事拘留所。

99. 由于难民营的条件恶劣, 造成一些人死亡, 其中包括成年妇女。2021 年 12 月 15 日, 1 名有 6 岁女儿的法国妇女因缺乏足够的医疗护理而在罗杰营地死于糖尿病并发症。另一些妇女(包括来自澳大利亚和加拿大的妇女)患有重病, 甚至有危及生命的健康问题, 却无法获得所需的医疗服务。

100. 委员会赞扬一些国家 2022 年初以来遣返了外国妇女和儿童中的本国国民(见附件七), 并敦促继续作出这种努力。<sup>75</sup>

101. 有合理的理由认为叙利亚民主力量违反了人道对待一切未参与或不再参加敌对行动个人的义务以及正当程序权, 将疑似达伊沙战斗人员单独监禁, 使其无法获得适当的医疗服务。<sup>76</sup> 在某些情况下, 叙利亚民主力量可能实施了相当于强迫失踪的行为。

102. 数以百计的儿童被关押在叙利亚民主力量管理的拘留中心, 因而违反了国际法, 也违反了这些儿童的最高利益。此外, 将被关在霍尔营地的男童转移到军事拘留所和其他设施的决定, 似乎完全是基于其性别和年龄, 而不考虑其作为儿童的地位, 也没有任何明显的迫切安全原因, 因此该决定违反了国际人道法, 也构成了性别歧视。<sup>77</sup> 将儿童重新安置到所谓的“改造”中心, 虽然改善了其日常生活, 但并未就非法拘留他们作出补救。

<sup>74</sup> A/HRC/49/77, 第 109 段。

<sup>75</sup> 人权高专办, “叙利亚: 联合国专家敦促 57 个国家从脏乱不堪的难民营遣返妇女和儿童”。

<sup>76</sup> 日内瓦四公约共同第 3 条。

<sup>77</sup> 同上。

103. 在霍尔营地和罗杰营地继续无差别拘留近 58 000 人是没有道理的，等于非法剥夺自由。这一群体中的 37 000 名儿童被剥夺了作为儿童的最基本权利。<sup>78</sup> 有合理的理由认为这两个营地的条件可能构成残忍或不人道待遇，而营地内不断恶化的安全状况和被拘留者面临的相关风险也日益增加，使情况进一步恶化。<sup>79</sup> 叙利亚民主力量还必须采取更多措施防止和调查营地内的杀戮事件。<sup>80</sup> 在某些情况下，特别是在无法获得适当医疗服务的情况下，营地的条件可能不仅构成对健康权的侵犯，而且(鉴于据报一些被拘留妇女的生命面临迫在眉睫的危险)构成对人身完整权和生命权的侵犯。

### C. 对基本自由的限制

104. 在库尔德人内部关系紧张这一背景下，记者、媒体机构、政党遭到自治当局或身份不明者的逮捕或袭击，或在工作中受到限制。

105. 2 月 5 日，自治当局执行委员会媒体部吊销了 Rudaw 媒体网络的许可证，指控其提供错误信息和煽动仇恨，导致其在阿拉伯叙利亚共和国的办事处即刻关闭。此前，Rudaw 的办公室 2021 年 9 月遭到纵火袭击，其记者 2021 年 12 月被短暂逮捕。<sup>81</sup> Rudaw 的执照 2014 年至 2018 年期间曾被吊销过一次。Rudaw 一直在报告阿拉伯叙利亚共和国东北部反对自治当局的抗议活动。

106. 此外，3 月中旬，自治当局媒体部门还口头发布决定，称目前记者如希望在该地区进行报道，则须加入自由媒体联盟。据称这是为了落实自治当局总理事会 2021 年 5 月 18 日批准的新媒体法(2021 年第 3 号)。这使人们对该决定可能对媒体工作者的独立性产生影响感到关切。

107. 至少有 2 名记者 2 月份被身份不明的人绑架，当时据报还发生了其他类似事件。其中 1 人被关押了 2 个月，包括在疑似的秘密拘留所被单独监禁。

108. 2022 年 4 月 18 日至 21 日，库尔德斯坦民主党叙利亚支部、库尔德全国委员会、Yekiti 库尔德斯坦党在 Dirbasiyah、Al-Malikiyah、艾因阿拉伯、哈塞克市、泰勒塔米尔的办公室均遭袭击。共有 7 个不同的政党场所被纵火。在一个案件中，政党工作人员被不明身份袭击者用枪逼迫离开办公室。

109. 有合理的理由认为叙利亚民主力量对记者的表达自由实施了不当限制，包括吊销一家媒体的许可证致其关闭，还包括采取其他措施影响独立的新闻报道。

<sup>78</sup> 红十字委员会研究报告，规则 118、135；《儿童权利公约》，第 3 条、第 37(b)条。

<sup>79</sup> A/HRC/49/77，第 113 段。值得注意的是，2022 年 2 月儿童权利委员会认定法国未能遣返被关押在叙利亚难民营多年、生命受到威胁的法国儿童，侵犯了他们的生命权，也侵犯了他们免受不人道和有辱人格待遇的权利。委员会认为，法国有义务而且有能力采取积极行动将这些儿童遣返，以保护其免于紧迫的生命危险，并使其不受非人道和有辱人格待遇的权利免遭侵犯(CRC/C/89/DR/77/2019-CRC/C/89/DR/79/2019-CRC/C/89/D/109/2019)。法国虽然未在正式声明中提及委员会的决定，但于 7 月 5 日从阿拉伯叙利亚共和国东北部遣返了 35 名儿童和 16 名母亲。见 <https://www.diplomatie.gouv.fr/en/country-files/syria/news/article/repatriation-of-children-and-mothers-from-north-east-syria-05-jul-2022>。

<sup>80</sup> 1949 年日内瓦四公约共同第 3 条；红十字国际委员会的研究报告，规则 118；《公民及政治权利国际公约》第六条。

<sup>81</sup> 见 A/HRC/49/77，第 105 段。

## 七. 建议

110. 委员会重申其以前的建议，并特别呼吁冲突各方：

(a) 尊重国际人道法，特别是停止对平民和民用物体的无差别直接攻击，尤其是停止攻击平民生存所必需的物体，并采取一切可行的预防措施尽量减少对平民的伤害；

(b) 对本国部队卷入的导致平民伤亡事件进行独立、公正、可信的调查，切实对侵权行为责任人追责，确保不再发生，并公布调查结果；

(c) 在所有拘留地点停止实施酷刑和其他残忍、不人道或有辱人格的待遇或处罚，包括停止实施性暴力和性别暴力，停止一切形式的单独监禁和其他违反正当法律程序的行为，释放被任意拘留者，确保通过公平审判对实施此类违法者追责；

(d) 停止一切强迫失踪行为，根据安全理事会第 2474(2019)号决议采取一切可行措施找到所有被拘留和(或)失踪者，确定其命运或下落，确保与其家人的联系；

(e) 确保人们能迅速、安全、不受阻碍、无条件地获得人道主义救济，为阿拉伯叙利亚共和国境内已陷入赤贫的平民特别是境内流离失所者提供亟需的人道主义援助；

(f) 简化处理民事文书的行政程序，如财产登记和继承程序，使所有叙利亚人包括配偶失踪、消失或被杀害的妇女都能平等办理此类程序并负担得起相关费用；

(g) 在其控制的地区尊重和保护人的基本权利，包括生命权、人身自由权、安全权、言论自由权、和平集会权、结社权、行动自由权，不以性别、出身、宗教或政治见解或其他见解为由加以歧视。

111. 委员会呼吁支持或以其他方式影响冲突各方的会员国采取行动，确保所支持冲突方尊重权利、遵守法律，同时呼吁这些会员国按其在习惯国际人道法、1949年8月12日日内瓦四公约共同第1条、其他相关条约下所承担义务制止冲突方实施侵权行为，包括采取以下行动：

(a) 将冲突方公开宣布并尊重符合国际人权法和国际人道法标准的行为规则作为提供支持的条件；

(b) 如有合理的理由认为冲突方犯下了违反国际人道法的行为，包括战争罪，或预期提供的支持可能被用来犯下或促成进一步违反国际人道法的行为，则不向冲突方提供武器、军事支助、资金或其他形式的支持；<sup>82</sup>

(c) 切实将采取可核查内部措施遵守国际人道法作为向冲突方提供任何支持的条件，例如定期审查个人因持续的“紧迫安全原因”而被拘留的情况，确保个人不被非法剥夺自由。

<sup>82</sup> 例如见 A/HRC/36/55、A/HRC/42/51、A/HRC/46/55，第 113 段。

112. 此外，委员会还建议联合国会员国：

(a) 促进建立承担国际任务的独立机制，负责协调合并与失踪人员包括强迫失踪人员相关的申诉案；

(b) 鉴于因涉嫌与达伊沙有关联而被关押在阿拉伯叙利亚共和国东北部的本国国民生活条件恶劣，将其遣返回本国，特别是遣返与母亲在一起的儿童，以符合这些儿童的最高利益；如相关个人面临被任意拘留或人身伤害(包括死刑)的危险，则不得予以遣返；

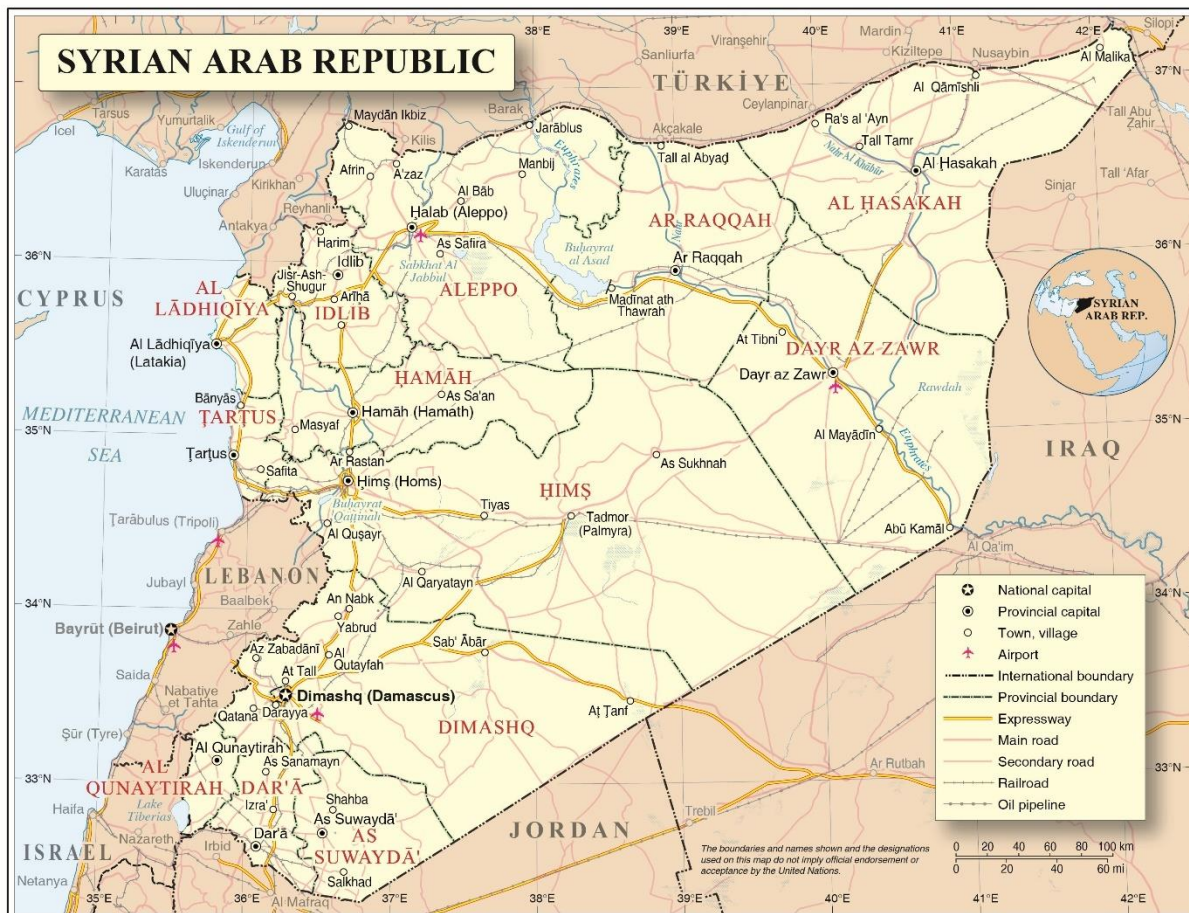
(c) 继续努力问责，包括确保在立法、调查、司法、检察方面具备有效的基础设施，并为此进行投资；

(d) 确保叙利亚难民是自愿、安全地回返，不面临遭受人身伤害或基本人权被侵犯的风险；

(e) 对制裁的影响进行独立评估，减轻对平民日常生活的意外影响，包括简化繁琐的人道主义豁免程序。

Annex I

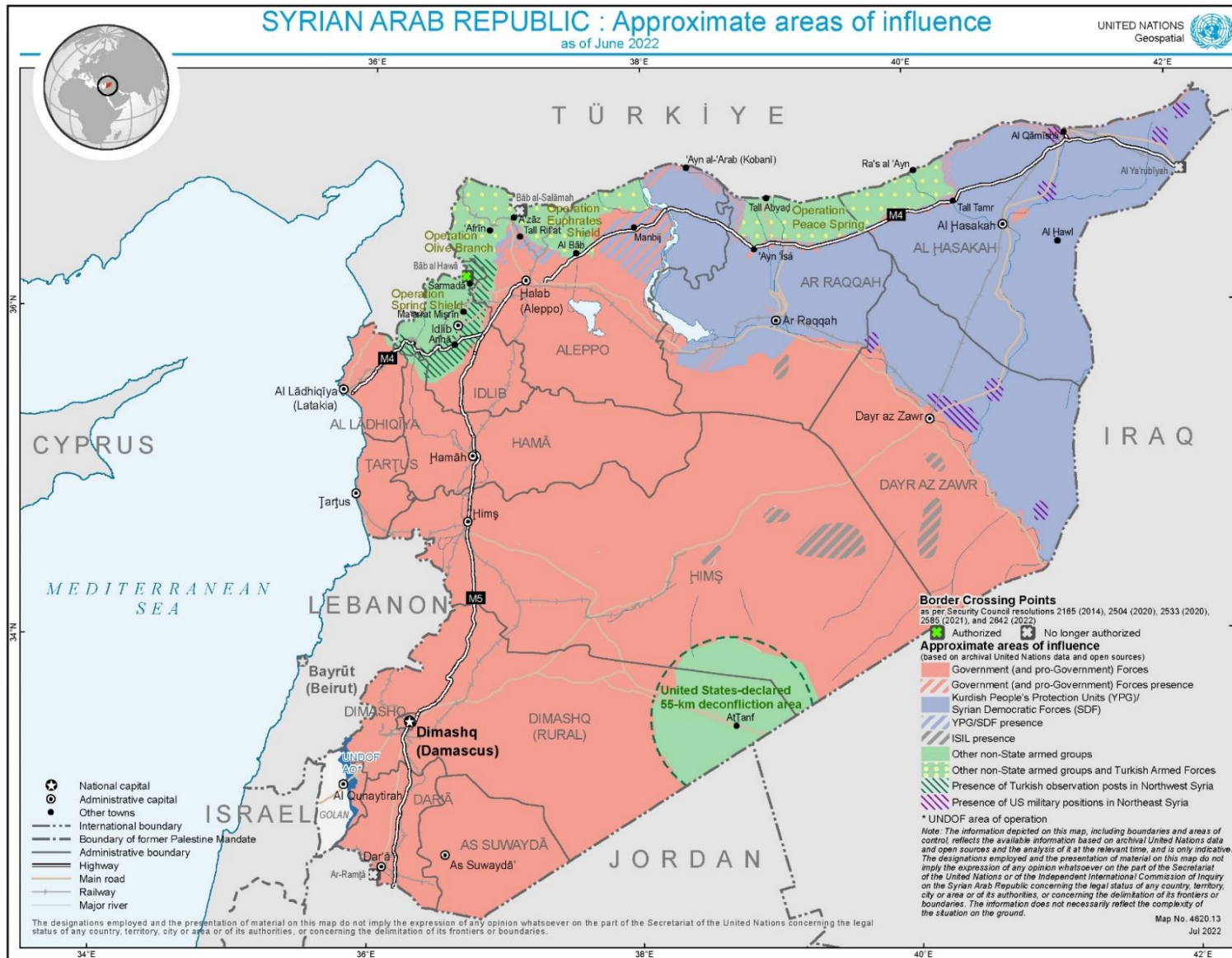
Map of the Syrian Arab Republic



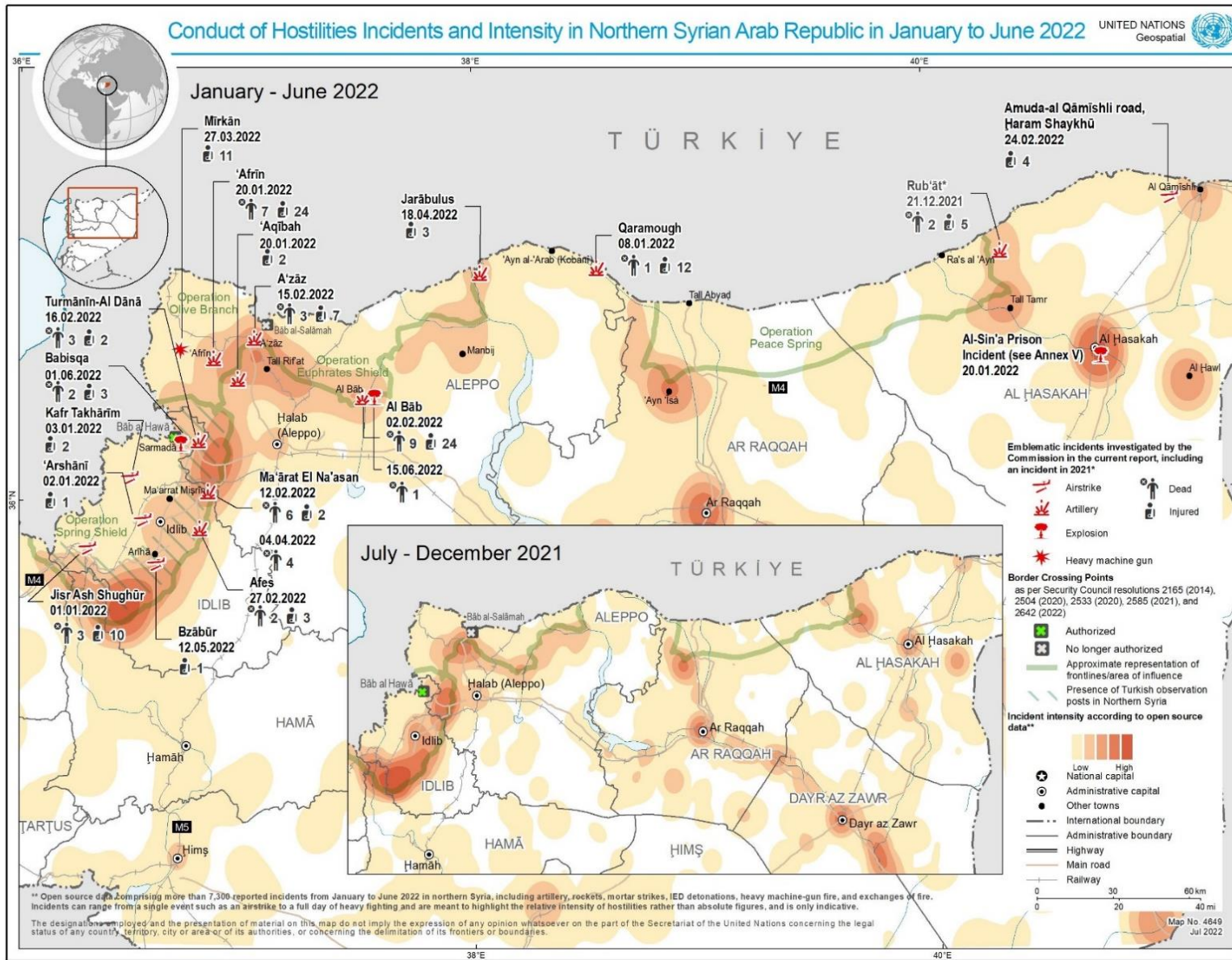
Map No. 4204 Rev. 4 UNITED NATIONS August 2022

Office of Information and Communications Technology Geospatial Information Section

# Annex II Approximate areas of influence: July 2022



# Annex III Conduct of hostilities incidents and intensity in the north: January–June 2022



## Annex IV

### **Details of emblematic civilian casualty incidents in the north of the Syrian Arab Republic<sup>1</sup>**

#### **A. Idlib governorate**

##### **Airstrikes affecting civilians and civilian infrastructure, including objects indispensable to the survival of the civilian population**

###### **Makeshift displacement camp, Jisr al-Shughour area, 1 January 2022**

1. On 1 January, between 1:30 a.m. and 2 a.m., airstrikes landed at a makeshift camp in the area of Nahr Al-Abyad, Jisr al-Shughour, where a small group of shepherds, displaced from rural Aleppo, had settled. The families were living in some 10 tents scattered in a squared-off area, some 10 to 15 meters from each other, amidst open fields. One of the displaced families had moved into an abandoned concrete room, situated between the tents, to keep themselves and their children warm from the cold weather.
2. One woman, a mother of four, and two girls aged seven and two years and a half were killed during the attack, and at least 10 others were injured, including six children. The majority of the tents were subsequently destroyed, in addition to the concrete room that collapsed over a child victim. One interviewee told the Commission how, as the munitions exploded, fragments flew at him, while he was rushing to bring his children to safety. Another witness described how his family was awoken in the middle of the night by the sound of explosions, leaving his small children terrified and screaming in fear. Also killed in the attack were around 100 sheep, which were the main source of livelihood for the displaced families.
3. Consistent with witness testimonies, photographs and video footage obtained and analysed by the Commission confirmed the damage to the tents, in addition to the destruction of the concrete room where the bodies of two of the victims, including the child, were later found. No impact was observed near the affected locations where the tents used to stand.
4. Satellite imagery, taken two days after the attack and analysed by the Commission, indicated a possible military objective, likely a fighting position, around 170 meters from the affected area.
5. Flight spotters' reports obtained by the Commission indicated that at least one Russian fixed-wing aircraft was observed in the affected area at the time of the attack.

###### **Arashani water station, Idlib city, 2 January 2022**

6. On 2 January, at around 12 p.m. airstrikes partially destroyed the Arashani water station, injuring one person, and forcing the station out of service. One witness described how the first airstrike caused significant damage to the building, including to the main water pump and a generator, while the second strike destroyed the well's control system, thus cutting off supplies to at least 225,000 residents in Idlib city for around 20 days. The electronic boards and wires at the station were also destroyed as a result of the explosion.
7. The facility was well known, located on a hill and easily identifiable. Information received by the Commission suggested that, although aircraft were approaching the facility, interviewees could hardly believe that such a well-known water station would be attacked.

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<sup>1</sup> As documented in annex III.



8. Consistent with witness testimonies, photographs and video footage showed damage to the main buildings housing critical equipment and machinery. Satellite images collected prior to and after the attack, as well as audiovisual material, confirmed that the attack struck two monolithic structures, in addition to a tin shed erected on one of the impacted buildings.



**Top:** Satellite image of the Al-Arashani water station, 12 November 2021©2021 Maxar Technologies.

**Bottom:** Satellite image showing the damaged water station, 16 January 2022©2022 Maxar Technologies.

9. While the main structures appeared to remain standing after the attack, one, housing critical technical equipment, was partially damaged, leading to the collapse of its (inner) eastern wall. A smaller concrete room and the tin shed under which equipment and machinery was held were completely destroyed in the attack.

10. Consistent with witness testimonies, historical satellite imagery of the compound showed what appeared to be civilian vehicles regularly parked in the yard of the facility. A recently collected satellite image (taken less than two months before the attack) did not reveal the presence of military vehicles or unusual activities in the area.

11. Flight spotters' reports obtained by the Commission indicated that at least one Russian fixed-wing aircraft was observed in the affected area at the time of the attack.

**Poultry farm, Kafr Takhrim, 3 January 2022**

12. On 3 January, at around 2:30 p.m., airstrikes hit a three-story poultry farm and adjacent agricultural lands on the outskirts of Kafr Takhrim, less than 20 kilometres from the Arashani water station. One woman and her 8-year-old son were injured as a result.

13. Witnesses recalled how the first strike impacted an area some 50 meters away from the farm, causing partial damage to a nearby house where a family of displaced persons was living. Minutes later, as people were running outside the farm, a second airstrike hit the farm building directly, almost destroying it, along with surrounding olive trees, in addition to killing at least 5,000 birds.

14. Consistent with interviewee statements, satellite imagery taken earlier on the day of the attack showed no signs of military activity or apparent military objectives located near the poultry farm. The farm was situated near a road that was often used for the transportation of food items from the farm to the town. Consistent with witness testimonies, photographs and video footage confirmed the large-scale destruction of the farm, as well as the damage to the house.

15. Flight spotters' reports and overflight data obtained by the Commission indicated that at least one Russian fixed-wing aircraft was observed in the affected area at the time of the attack.



Satellite imagery of Kafr Takharim area (3 January 2022 Jilin-1 © CGSTL). Analysis by UNOSAT.

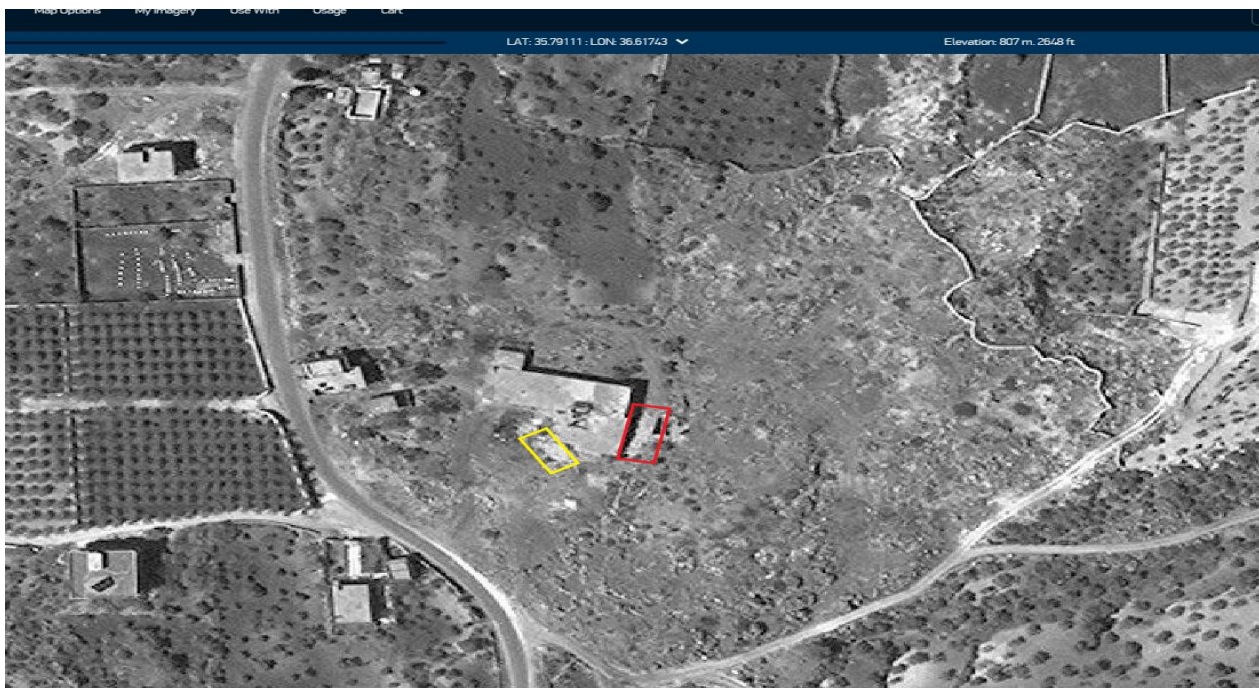
**Poultry farm, Bazbour, 12 May 2022**

16. On 12 May, between 9 a.m. and 10 a.m., airstrikes struck another poultry farm near the town of Bazbour (near Ariha), Jabal al-Zawiya, injuring one civilian and destroying the facility. The victim was reportedly in a nearby house when the airstrike occurred. At least 250 birds were also killed in the attack. Video footage published on the internet as well as satellite imagery from before and after the attack showed the destruction of the farm, as well as debris and the impact on the building, in line with a witness interview. No military objective was seen nearby and one interviewee described the facility as civilian.

17. Flight spotters' reports and overflight data obtained by the Commission indicated that at least one Russian fixed-wing aircraft was observed in the affected area at the time of the attack.



Satellite imagery of the farm, showing building intact, 3 April 2022©2022 Maxar Technologies.



Satellite imagery showing damage to the building, 19 June 2022©2022 Maxar Technologies.

## Ground attacks affecting frontline villages

### Residential house, Ma'arat al-Na'asan, 12 February 2022

18. On 12 February, there was a ground attack on the yard of a residential house on the outskirts of Ma'arat al-Na'asan, close to frontlines, killing a family of six, including two children, aged between 5 and 6 years, and two women, and injuring two other girls. Residents had returned to Ma'arat al-Na'asan during the March 2020 ceasefire because of the inadequate living conditions in the displacement camps in the north of the Syrian Arab Republic. The respite was, however, short-lived, as shelling incidents gradually increased, and drones were often seen flying over Ma'arat al-Na'asan.

19. Witnesses recalled that the first munition hit agricultural land behind the house, while the second exploded in the yard, killing the family who had gathered outside for afternoon tea.

20. Witnesses described seeing the headless body of one of the female victims in front of the house, as well as children's clothing and blood-stained teacups scattered across the yard. Witnesses also told the Commission how, as they were approaching the house, residents were calling on people to come help them transport the wounded. One interviewee recalled the overwhelming scent of blood and gunpowder as he entered the house, while also seeing the body of one of the victims next to the jacket of a child left on the ground.

21. Interviewees told the Commission that no military objectives were located inside the village. Photographs and video footage obtained by the Commission indicated an impact consistent with the use of a mortar, likely an 82-mm calibre, part of an unguided artillery weapon system. The attack reportedly originated from the town of Miznaz, only 2.2 km from Ma'arat al-Na'asan across the frontline, where government forces are known to be present. The distance is within the range of an 82-mm calibre mortar.

### Market area, Afes village, 27 February 2022

22. On 27 February, around noon, a market was shelled in Afes, between Miznaz and Saraqib (a strategic town at the junction of the M4 and M5 highways), both controlled by the Government. Two civilian men were killed as a result, including one who was the primary income earner in a household of six, and three others were injured.

23. One interviewee described how the first munition struck a house, while another fell on the market, 1.5 meters away from him. The explosion caused multiple shrapnel wounds to his body and a nerve injury to his left arm. The body of one of the victims was found inside his shop at the market, one hour later, after he had bled to death from a shrapnel injury to his heart.

24. As with the situation in Ma'arat al-Na'asan, many people had returned to Afes despite frequent shelling and the recurrent presence of drones flying over the village. Interviewees reported that no military objectives were located inside the village, and that the munitions were fired across the frontline, allegedly from Duwair village, east of Afes, where pro-government forces, including Russian forces and Iranian militia, were known to be present. Turkish military posts were also located nearby, while drones were often seen flying over the village. Consistent with witness testimonies, military analysis of damage and remnants found at the affected location revealed the use of a mortar weapon.

### Residential area, near a school in Ma'arat al-Na'asan, 4 April 2022

25. On 4 April, at 11:15 a.m., a ground attack impacted another residential area in Ma'arat al-Na'asan, killing four boys aged 12–14 as they were on their way to al-Amal school.<sup>2</sup> Interviewees recounted that one missile struck the children as they had gathered in front of the home of one of the victims on a main road frequently used by civilians, including by school

<sup>2</sup> See also <https://www.savethechildren.net/news/response-killing-four-children-idlib-syria>.

children on a daily basis. Al-Amal school, which serves around 540 girls and boys, from first to ninth grade, was located around 500 meters from the affected location.

26. Witnesses, including family members, described seeing the dismembered bodies of the children scattered on the ground, some unrecognizable due to multiple shrapnel injuries to their face and body. Blue United Nations Children's Fund (UNICEF) school bags, books and notebooks were found dispersed along the road. One interviewee recalled seeing the severed limbs of the dead children that the explosion had thrown into different directions as he was desperately looking for the body of his own son. When he eventually found the body of his child, it was covered with shrapnel wounds but he was able to recognize him. Another man was seen kissing the feet of his deceased son, as this was the only part of his body that had remained intact. A number of the victims' classmates also went, as rescuers, as family members were removing the bodies of the boys.

27. Interviewees told the Commission that the attack originated from the town of Miznaz, known to be controlled by government forces, around two km away from Ma'arat al- Na'asan. Drones were often seen during shelling, suggesting that government forces would have been aware that the road was frequently used by children.

28. Consistent with witness testimonies, satellite imagery that was taken the day before did not reveal any apparent military objective or military activity in the area impacted by the guided missile. Photographs of remnants obtained by the Commission indicate that the weapon used was an anti-tank missile, with "line-of-sight" guidance that allows for the identification of and direct firing at a visible target. Topographic data analysed by the Commission showed that the altitude at the impact site was around 332 meters, while the possible firing position was 376 meters. The height and the distance of around two km between the frontline and the impacted site would have allowed government forces to view the potential target before firing at it.

29. While the exact source of fire could not immediately be identified, the positioning of the point of impact at the edge of an open field, with multi-story buildings to the south and south-west, provided a clear line of sight from the direction of government-controlled areas, to the north and north-east.

#### **Farmhouse near a fuel depot near the towns of Tamarin and Dana, 16 February 2022**

30. On 16 February, at around 10 a.m., shelling killed at least three men and injured two others, in addition to severely damaging a civilian vehicle and a farmhouse. In addition, it almost destroyed a nearby fuel depot between the towns of Tarmarin and Dana, forcing it out of service. The affected locations were situated within a radius of around 500 meters from each other, near agricultural fields. The Sham al-Khair camp, run by Hay'at Tahrir al-Sham and known to be hosting widowed women as well as children, was also located nearby.

31. One interviewee recalled how, after he lost consciousness when a munition hit his vehicle, he woke up to see the dismembered body of one of his friends cut in half and the burnt body of another, propelled at least five meters away as a result of the explosion. It took at least 10 hours for the rescuers to extinguish the fires ignited when the remaining munitions hit the fuel depot.

32. Multiple munitions struck the area, allegedly consisting of Krasnopol guided artillery shells.<sup>3</sup> Reports received by the Commission indicated that the munitions were fired by the 46th regiment of the Syrian Arab Forces, stationed in western rural Idlib. A drone was also observed by one interviewee, before and after the events.

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<sup>3</sup> Artillery shells with a guidance system of the Krasnopol or Krasnopol-type are launched from a standard artillery gun and are then guided to the precise target by a laser aimed at the target by a drone; see [A/HRC/49/77](#), para. 58.

33. Interviewees reported that the fuel depot was used to process, refine and store oil from the north-east of the Syrian Arab Republic for transportation to Idlib governorate through the northern Aleppo countryside. The facility is allegedly owned by the Watad petroleum company, through which Hay'at Tahrir al-Sham maintains a monopoly over the import and distribution of fuel in the area. Its affiliation notwithstanding, interviewees stated that the fuel facility was serving civilian purposes and being operated by civilian staff only, and it could not therefore be solely viewed as a legitimate military target.

## **B. Northern Aleppo and the Ra's al-Ayn and Tall Abyad regions<sup>4</sup>**

### **Residential areas, including a school and a market, Afrin city, 20 January 2022**

34. On 20 January, at around 4 p.m., at least six rockets struck several residential areas in the centre of Afrin, killing one man, one woman, two girls and three boys, and injuring at least 24 others, including three women, and at least three girls and one boy. Interviewees reported that the majority of casualties occurred when three rockets hit areas known to be densely populated, including the Zaydiya neighbourhood, al-Siyasiyah Street and a popular market on Rajo Street. At least three other rockets impacted al-Ittihad school, an electricity company and the health directorate, causing significant material damage.

35. Witnesses described how, when the shelling hit al-Siyasiyah Street, at least three people were killed and a nearby building was also struck. The affected location was well-known among the residents and was frequently crowded with people as it led to Rajo market and other main streets in Afrin. One child and two men were also injured at the same location.

36. Photographs and video footage of both the damage and weapon remnants indicated the use of an unguided rocket artillery system with wide-area effects, such as a BM-21 Grad type multiple-barrelled rocket launcher. Consistent with open-source analysis and satellite imagery, the direction of fire, as well as the range of the weapons used, indicated that the rockets may have been fired from the area of Tell Rif'at, located some 20 km from Afrin, where Kurdish forces,<sup>5</sup> as well as Syrian and Russian forces, were present. The distance is within the range of a multiple-barrelled rocket launcher.<sup>6</sup>

### **Residential areas, including markets, a hospital and a mosque, Bab, 2 February 2022**

37. On 2 February, at around 3 p.m., at least eight rockets damaged multiple locations in Bab (Aleppo), including residential areas, two markets, a mosque and a hospital. At least eight men and one girl were killed, and 24 others were injured, including two women, as two rockets hit a shopping street, al-Midani hospital and al-Nasr mosque. Witnesses recalled how many of the casualties occurred near a shopping street, with damage so significant that it took almost two days to remove the rubble from affected areas.

38. Analysis of the damage and remnants indicated that, as was the case of Afrin, rockets were fired from an unguided rocket artillery system, a BM-21 Grad multiple-barrelled rocket launcher. Satellite imagery, open-source analysis and footage of impact sites suggest that the rockets were likely fired from a location west of Bab. Interviewees told the Commission that both government forces (al-Shalah radar military base) and Kurdish forces (Nirabiyah village)

<sup>4</sup> Incidents described in sects. B and C may pertain to the same conflict between the authorities in control of northern Aleppo and the Ra's al-Ayn and Tall Abyad regions on the one hand and the authorities in the north-east of the Syrian Arab Republic on the other hand.

<sup>5</sup> [A/HRC/42/51](#), para. 56.

<sup>6</sup> See annex II to the present document; see also [A/HRC/49/77](#), para. 78.

were located to the west, around 11 km from Bab. The distance is within the range of a multiple-barrelled rocket launcher.

39. The Commission notes that, later the same day, Syrian Democratic Forces issued a statement denying responsibility for the attack.<sup>7</sup>

#### **Residential areas, including a clinic, in A'zaz, 15 February 2022**

40. On 15 February, at around 4 p.m., at least four projectiles struck several locations in western A'zaz, including a public park, as well as the area adjacent to the city council, where a shopping mall, a dental clinic and one administrative building were located. At least three civilian men were killed and seven others injured, including one boy.

41. Interviewees told the Commission that the first two munitions struck a public park and a street between the A'zaz shopping mall and the city council, less than 200 meters away, causing minor damage to a minivan and the road. A few minutes later, a third explosion hit the entrance of the dental clinic and an empty electrical facility. Consistent with witness testimonies, closed circuit television footage obtained by the Commission showed civilians escaping the area of the shopping mall and attempting to hide inside the clinic. Two of the victims were subsequently killed inside the clinic.

42. Analysis of weapon remnants indicated the use of rockets, likely unguided, allegedly fired from a location south or south-east of A'zaz, possibly Tell Rif'at, where the Syrian and Russian forces as well as Kurdish forces<sup>8</sup> were present. Open-source analysis suggested that the latter operate a large military facility south of A'zaz, some five km from the affected locations.

#### **School, Mirkan village, 27 March 2022**

43. At around 4 p.m. on 27 March, 11 children, aged 6–12 years, were injured when a munition impacted near a school in the village of Mirkan, near Afrin. One interviewee described how, as he was picking his daughter up from school, he heard a loud explosion and saw another girl who was bleeding near the school.

44. Photographs and video footage of unexploded munitions analysed by the Commission indicated the use of a heavy machine gun with a calibre of 12.7 mm and a range of up to two km, likely located within areas controlled by the Syrian National Army.

#### **Babesqa camp for displaced persons, Bab al-Hawa area, 1 June 2022**

45. On 1 June, at around 11 p.m., two civilians, including a 10-year-old girl with physical disabilities, were killed and three others injured in the Babesqa camp, amid a fire that erupted following an explosion of an ammunition depot located in between several displacement camps in the Bab al-Hawa area.

46. Interviewees reported that Babesqa camp comprised some 10 to 15 sites, accommodating between 1,000 to 3,000 displaced persons who lived in tents or blocks with plastic roofs. Satellite imagery analysed by the Commission showed an apparent military site north-west of Babesqa village, consisting of at least two compounds, one of which is wedged between nearby displacement camps. Interviewees reported that the facility was indeed an ammunition depot, controlled by the Falaq al-Sham division of the Syrian National Army, which is also in control of the area. Historical satellite imagery, moreover, indicated that the site construction began in 2016, while the camps surrounding it were built in 2020. Temporary

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<sup>7</sup> Press release on the shelling of the city of Bab (see <https://sdf-press.com/en/2022/02/press-release-regarding-the-shelling-on-the-al-bab-city/>).

<sup>8</sup> A/HRC/42/51, para. 56.



tents were also built in 2018, some 100 metres away. Heavy military equipment and tanks were present when the facility was being built, along with armoured vehicles parked inside the compound once construction work was finished.

47. Consistent with witness statements, satellite imagery confirmed damage to several house structures inside the camp caused by the explosion and flying shrapnel. Witnesses recalled how the body of the killed child was found completely burnt, as she was not able to escape the fire that engulfed the tent she was living in. Interviewees who helped evacuating the displaced to nearby villages recalled consecutive explosions and flying shrapnel, with fires erupting shortly thereafter, damaging tents and living blocks. The body of a man was found later in one of the damaged tents, bearing multiple shrapnel injuries.

#### **Humanitarian worker, city of Bab, 15 June 2022**

48. On 15 June, at around 9 a.m., a vehicle-borne improvised explosive device killed a well-known humanitarian worker in Bab. Interviewees reported that the victim's vehicle, parked in front of his home, exploded as he started the engine. A witness to the incident recalled how the victim had lost his legs as a result of the explosion. He later succumbed to his wounds in a hospital in Bab.

### **C. North-east of the Syrian Arab Republic**

#### **Shelling of Rub'āt village, 21 December 2021<sup>9</sup>**

49. On 21 December 2021, at approximately 4 p.m., an attack was made on Rub'āt village, located 3 km from Ras al-Ayn in Hasakah governorate, under the control of the Syrian Democratic Forces control. The attack affected multiple members of the same family, killing a mother and her daughter and injuring five other members of the family, one man, one woman and three children, including one girl, by shrapnel from a shell that fell in front of the family home. The village is located on the frontlines, and the attack occurred during ongoing fighting between the Turkish Armed Forces, the Syrian National Army and the Syrian Democratic Forces. Other civilian casualties in Asadiya village were reported but could not be confirmed.

50. One person who saw the bodies of those who died tried to remove them, but struggled as, in his words, "they were falling apart in my hands".

51. Because of the shelling on the village, many households were displaced. The shelling also affected the ability of families to provide for themselves: the insecurity impeded access to agricultural land; their farm animals were killed; and the long-term impact of their injuries made physical labour difficult.

#### **Shelling of multiple locations and villages in Ayn al-Arab on 8 January 2022**

52. On 8 January, at 12:30 p.m., three locations in the centre of Ayn al-Arab, Aleppo governorate, were simultaneously shelled by unguided 120 mm projectiles, including the Road of Industry, Bank Square and the road that leads to the south of the city. The villages of Qaramogh, Tall Hajib, Sarzouri, Al-Khane and Koltaba along the Turkish border were also hit. One civilian man from Al-Khane was killed, while four men, five women and three children were injured, including a 4-year-old boy in Qaramogh, who lost his leg. Civilian property was

<sup>9</sup> The incident occurred before the current reporting period, but investigations were finalized within the period.

<sup>10</sup> The Ministry of Defence of Türkiye announced the same day that it had launched an attack where "terrorists were neutralized", although the location was not made clear (see <https://twitter.com/tcsavunma/status/1479902333387649024>) (in Turkish).

severely damaged by the shelling, including a food production company. A shell also fell close to a vegetable market. Analysis of the damage and photographs of the remnants from one of the villages where civilians were injured indicated that 120 mm unguided mortar ammunition was used.

53. Victims of the incident describe how the shelling came quickly and struck close to their family dwelling. One described how a boy who was present during the shelling has been left traumatized: “When we take him to the yard, he is still horrified and when he sees the place in front of the house, he screams: ‘here it is, it is coming ... the bomb!’. He is afraid”.

54. The range of the weapon and distance from other front lines indicate that the shelling may have been fired from Türkiye.<sup>11</sup>

#### **Drone strike hits bus near Qamishli on 24 February 2022**

55. On 24 February, between 10 a.m. to 10.30 a.m., a civilian bus carrying 14 passengers from Amuda to al-Qāmishli was damaged by an explosion that occurred while it was close to the village of Haram Shaykhū in Hasakah governorate, an area under the control of the Syrian Democratic Forces. The strike was possibly targeting a nearby military checkpoint or vehicle. At least four individuals (one man and three women) on the bus, which was carrying 15 people, were injured by shrapnel in the incident. The bus was also damaged.

56. Analysis of photos of the remnants of the weapon used indicate that a Turkish manufactured air-to-surface MAM-L missile fired from a Turkish drone caused the injuries and damage. This type of attack is in line with the Commission’s findings that drone attacks by Türkiye are on the increase in the north-east of the Syrian Arab Republic controlled by the Syrian Democratic Forces.

## Annex V

### Attack on Al-Sina'a prison<sup>1</sup>

#### Introduction

1. On the evening of 20 January 2022, Da'esh launched a coordinated and multipronged assault on Al-Sina'a military prison, located to the south-east of Hasakah city. The attack unleashed by Da'esh triggered a prison mutiny and an unknown number of Da'esh fighters and detainees escaped to residential areas around the prison, where fighting ensued. The final number of escaped detainees has not been made public, although a spokesperson for the Syrian Democratic Forces stated they had recaptured approximately 3,500 "terrorist detainees".<sup>2</sup>

2. A counter-offensive, called the "People's Hammer", launched by the Syrian Democratic Forces, supported by United States ground troops and with air support from the international counter-Da'esh coalition (henceforth the "coalition"),<sup>3</sup> involving severe clashes, eventually took back full control of the prison and adjacent areas on 30 January. The final casualty figures released by the Syrian Democratic Forces indicated that 4 civilians, 40 Syrian Democratic Forces soldiers and 77 prison staff were killed, in addition to 374 "Da'esh terrorist detainees and combatants".<sup>4</sup> The number of Syrian Democratic Forces soldiers killed was updated to 43 on 6 February.

3. In addition to the prison complex itself, several civilian facilities were damaged by airstrikes and intense violence, namely the Technical Institute and the Faculty of Civil Engineering and Economics of Euphrates University, a petrol station, the Ghuwayran minibus station and grain silos. Almost all the neighbourhoods around the prison<sup>5</sup> witnessed clashes. Satellite imagery confirmed damage or destruction to 40 civilian buildings in neighbourhoods adjacent to the prison, including by military grade bulldozers. Approximately 6,000 people from the neighbourhoods of Al Zuhour and Al Taquaddom/East Ghuwayran were displaced.

#### Al-Sina'a prison and its population

4. Al-Sina'a prison, a former vocational training college, is considered the largest prison holding suspected Da'esh members and other individuals allegedly affiliated with the group detained by the Syrian Democratic Forces in the north-east of the Syrian Arab Republic. Close to 4,000 male individuals, including boys (predominately Iraqi and Syrian), are believed to have been held there at the time of the attack.

<sup>1</sup> See map of the incident under para. 30 below.

<sup>2</sup> Syrian Democratic Forces, Press Centre, "Sweep operations and gathering of information are ongoing in Al-Sina'a prison in al-Hasaka", 27 January 2022 (see <https://sdf-press.com/en/2022/01/sweep-operations-and-gathering-of-information-are-ongoing-in-al-sinaa-prison-in-al-hasaka/>).

<sup>3</sup> In 2014, an international coalition of more than 60 Member States joined together to combat Islamic State in Iraq and the Levant (ISIL) through a variety of means, including air strikes.

<sup>4</sup> See <https://sdf-press.com/en/2022/01/the-sdf-general-command-statement-regarding-the-last-terrorist-attack-on-al-sinaa-prison-by-daesh/>.

<sup>5</sup> Al-Zuhour, Al-Taquaddum/East Ghuwayran, 16 Tishreen, Al-Thawra and Al-Madina Al-Riyadhya/Sports City neighbourhoods.

5. In 2019, when the Syrian Democratic Forces last provided figures, some 700 boys, 400 Syrians, 200 Iraqis and other foreign nationals, were detained at the prison. Some have since turned 18. At the time of the attack, the youngest children were only 12 years old.

6. Prior to the attack, the prison was overcrowded and failed to meet international standards. The juvenile wing was run down and illness, such as tuberculosis, was rife. Children were malnourished and had limited access to fresh air and outside contacts.<sup>6</sup>

## Attack by Da'esh

7. The attack commenced at approximately 7 p.m. on 20 January when two suicide bombers detonated an explosive-laden truck at the entrance and another next to a prison wall. Da'esh fighters were then able to break into the inner parts of the prison and take control of whole sections. After taking over the prison armoury, Da'esh fighters attacked and destroyed other parts of the prison, including setting fire to a medical facility, as well as an administrative building, showers and cleaning facilities and parts of a newly built prison block not yet in use. Meanwhile, fierce battles involving light and heavy weapons took place by the prison walls. Da'esh members also reportedly took over four 4x4 vehicles equipped with heavy machine-guns and burned 25 other vehicles.

8. In a statement, Da'esh claimed responsibility for killing more than 200 prison staff during the initial stages of the operation. The Syrian Democratic Forces reported that 77 prison staff and guards were killed by "Da'esh terrorist detainees" inside the prison. Several sources confirmed that prison staff inside the prison were killed by Da'esh and their bodies mutilated. A man searching for a relative who had been employed as guard in the prison said "I spent three days looking at mutilated bodies to identify him. Several were burned, and some had no head, hands or feet. It was a terrible experience".

9. Outside the prison, Da'esh fighters launched a series of ground attacks. Fuel tankers at a petrol station were set on fire by Da'esh on 20 January. By 22 January, they had embedded themselves in nearby civilian areas surrounding the prison, notably the Technical Institute and the Faculty of Civil Engineering and Economics, both part of Euphrates University. The Syrian Democratic Forces managed to retake those locations on 24 January, after fierce clashes involving the use of heavy weapons and airstrikes by the coalition.<sup>7</sup> The nearby grain silos also fell under Da'esh's control.

10. According to the Syrian Democratic Forces, Da'esh fighters and escaping detainees hid in houses in residential neighbourhoods adjacent to the prison, namely Al-Zuhour, Al-Taqaddum, 16 Tishreen, Al-Thawra and Al-Madina Al-Riyadhiya. Clashes in those areas ensued between Da'esh groups and the Syrian Democratic Forces.<sup>8</sup>

11. Interviewees described the fear and terror that the attack and subsequent arrival of fighters and detainees caused to the local population, evoking memories of previous Da'esh attacks on civilians. Da'esh fighters summarily executed at least one resident who had remained in his home.

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<sup>6</sup> A/HRC/49/70, para. 108; see also report of the Lead Inspector General to the United States Congress, May 2022, p. 68–69 ([https://media.defense.gov/2022/May/03/2002988582/-1/-1/1/OIR\\_Q2\\_MAR2022\\_GOLD\\_508.PDF](https://media.defense.gov/2022/May/03/2002988582/-1/-1/1/OIR_Q2_MAR2022_GOLD_508.PDF)).

<sup>7</sup> The satellite images analysed by the United Nations Satellite Centre show clear destruction of these two civilian facilities with heavy weapons.

<sup>8</sup> International Committee of the Red Cross (ICRC), study on international humanitarian law, rule 23.

## Syrian Democratic Forces and coalition operations

12. The Syrian Democratic Forces sought to retake control of the prison and surroundings as well as nearby civilian neighbourhoods, establishing a security cordon and new checkpoints throughout the city. Clashes continued for days. On 23 January, the General Command of the Syrian Democratic Forces announced that their forces were in control of the perimeter of the prison. On 24 January, the Syrian Democratic Forces sent T-62 tanks into Hasakah city to support operations, a rare occurrence.

13. The coalition supported the Syrian Democratic Forces with intelligence, surveillance and reconnaissance assistance and air support, including the use by the United States of F-16 jets, Apache helicopters and the deployment of Bradley Fighting Vehicles.<sup>9</sup> The coalition also stated that it had provided medical treatment for injured “Da’esh affiliates” who had surrendered.<sup>10</sup>

14. Airstrikes by the coalition on the prison and civilian areas occurred over several days. On 21 January, the coalition carried out airstrikes in Hasakah city in support of the Syrian Democratic Forces,<sup>11</sup> reportedly destroying the building of the Technical Institute, part of the Euphrates University located close to the prison complex. On 25 January, airstrikes again targeted the prison. Satellite imagery confirms that airstrikes impacted Da’esh positions at the Faculty of Civil Engineering and Economics and the Technical Institute during the counter-offensive launched by the Syrian Democratic Forces and the coalition.

### Retaking of the prison

15. Fierce fighting occurred in the effort to take back control of the prison, leading to casualties: witnesses described seeing scores of bodies driven out of the prison on trucks. Some 50–80 dead bodies were later observed being moved between vehicles by the Syrian Democratic Forces. Some wore orange prison jumpsuits while others were dressed in civilian clothing, also worn by prisoners at the prison. Two witnesses reported almost all the corpses were intact and unbloodied, many of their faces and bodies black with soot. They were placed into a gravel truck and driven to an unknown location towards the desert.

16. The Syrian Democratic Forces and the coalition stated that different precautions were taken when retaking the prison, including the use of non-lethal methods such as tear gas and water to prevent casualties, and ongoing negotiations with those resisting. Large groups of detainees, including boys, were seen being rounded up following surrender. The Syrian Democratic Forces referred to the long duration of the operation as an indication of the attempts made to negotiate the surrender of Da’esh fighters and to avoid civilian casualties.<sup>12</sup>

<sup>9</sup> According to the Pentagon, the United States “provided some support, real time surveillance, some airstrikes, and some ground support, mostly in the form of Bradley Fighting Vehicles positioned to help assist security in the area”, 25 January 2022, statement by Pentagon spokesperson (see <https://www.defense.gov/News/Transcripts/Transcript/Article/2911445/pentagon-press-secretary-john-kirby-holds-an-off-camera-press-briefing/>).

<sup>10</sup> Operation Inherent Resolve, “Regarding the situation in Hasakah, Syria”, 30 January 2022 (see <https://www.inherentresolve.mil/Media-Library/Article/2917023/regarding-the-situation-in-hasakah-syria/>).

<sup>11</sup> See statement by Pentagon spokesperson, 21 January 2022 (see <https://www.defense.gov/News/Transcripts/Transcript/Article/2908195/pentagon-press-secretary-john-kirby-holds-a-press-briefing/>)

<sup>12</sup> See coalition statement on 30 January 2022 (see <https://www.inherentresolve.mil/Releases/News-Releases/Article/2917023/regarding-the-situation-in-hasakah-syria/>).

17. Both the Syrian Democratic Forces and the coalition stated that child detainees had been killed inside the juvenile wing, alleging they were being used as human shields by Da'esh. Audio testimony from one Australian 18-year-old reviewed by the Commission indicated that he had been injured and witnessed at least two boys being killed during fighting in the juvenile wing.<sup>13</sup>

18. Sources reported that the bodies of two adolescent boys, identifiable as detainees through their clothing, were found in a neighbourhood in eastern Ghuguayran district on 30 January. The circumstances of their death remain unclear.

19. Neither the Syrian Democratic Forces nor the coalition have released the numbers of dead and injured adult detainees, or child detainees, although the Syrian Democratic Forces informed the Commission that an investigation was under way.

### **Operations outside of the prison**

20. By 23 January, some 6,000 civilians had fled the Al-Zuhour and Al-Taqaddom/East Ghuguayran neighbourhoods, some of them at the request of the Syrian Democratic Forces, and also out of fear of being used as human shields by Da'esh.

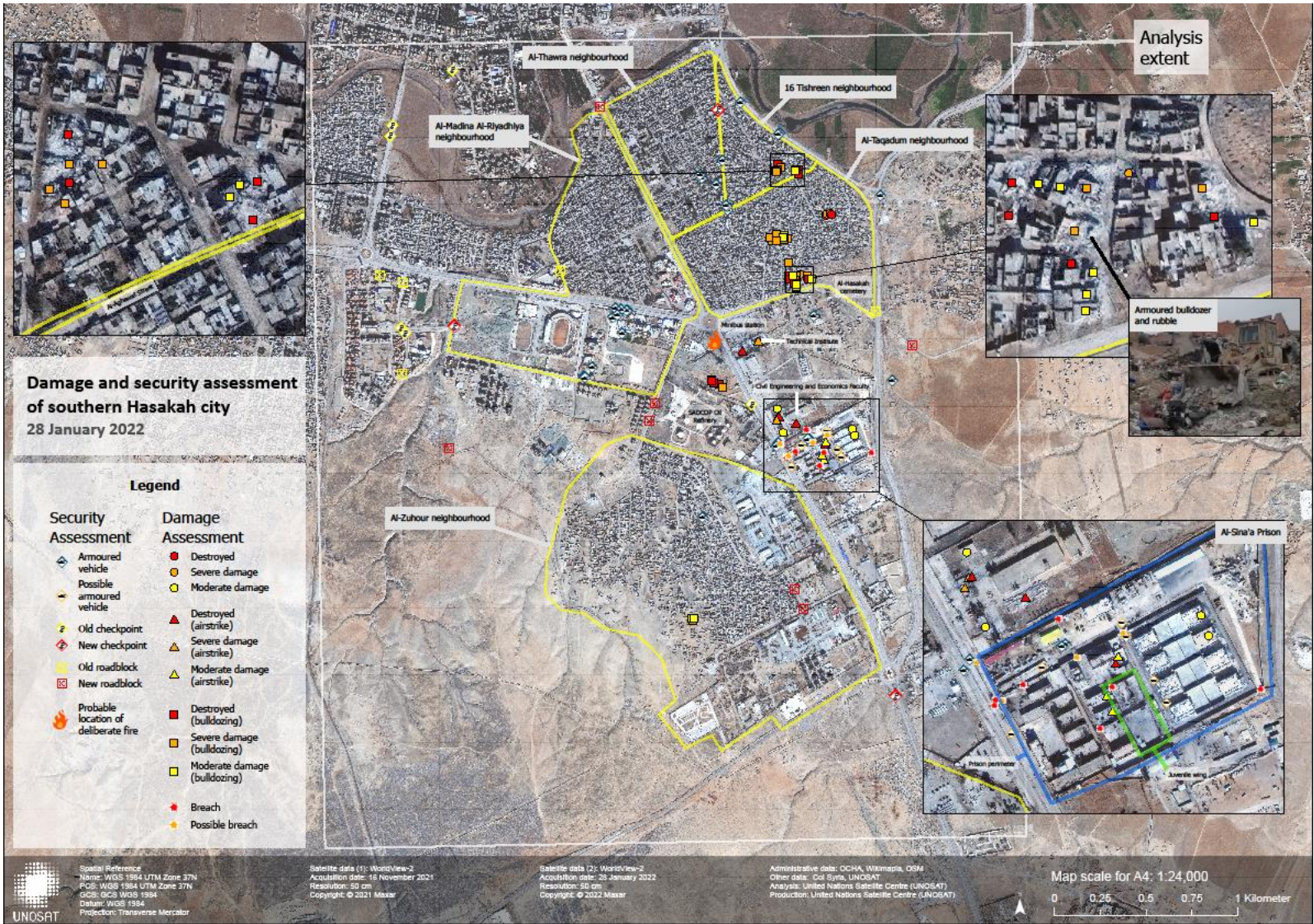
21. In view of the presence of Da'esh in civilian areas, the Syrian Democratic Forces carried out clearance and screening operations and raids in residential neighbourhoods surrounding the prison, which led to arrests and seizure of personal identification documents. According to Syrian Democratic Forces commanders, hundreds of people were arrested during such combing operations following the prison break.

22. Multiple sources, including returning internally displaced persons, reported the destruction of civilian property in 16 Tishreen, Al-Taqaddom/East Ghuguayran and Al-Zuhour neighbourhoods near the prison. Satellite imagery confirmed damage or destruction to 40 civilian buildings, including by military grade bulldozers. Significant damage occurred in proximity to an area referred to locally as "Cemetery Street" in Al-Taqaddom/East Ghuguayran, as well as near Al-Aghawat Street in the 16 Tishreen neighbourhood. Several multi-story buildings, a pharmacy and a bakery were all reportedly affected.

23. Despite reports that a committee had been established by local authorities to assess damage to civilian property in the area, at the end of June, residents informed the Commission that they had not yet received compensation for the damage to their homes.

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<sup>13</sup> See Save the Children Press release of 24 January 2022 (see <https://www.savethechildren.net/news/save-children-calls-evacuate-700-boys-syria-s-guweiran-prison-due-intense-fighting>). On 17 July 2022, Human Rights Watch reported that the child had died (see <https://www.hrw.org/news/2022/07/17/detained-australian-teenager-dies-northeast-syria>).



## Annex VI

### Property destruction in the north of the Syrian Arab Republic: satellite imagery

#### 1. Dawoudiya village, Ras al-Ayn<sup>1</sup>

Expansion of the military base, north of Dawoudiya, between late 2021 and early 2022



Satellite image of the military base, 3 February 2022 ©2022 Maxar Technologies.

<sup>1</sup> See present report, para. 78: to be compared with [A/HRC/45/31](#), annex II, sect. D.



## 2. Ayn al-Hissan, Ras al-Ayn<sup>2</sup>

### Destruction of a farm in March 2022, with indication of missing structures



Satellite imagery of the farm: 3 February 2022 and 20 May 2022 ©2022 Maxar Technologies.

<sup>2</sup> See present report, para. 78.

## Annex VII

## Table of repatriations of foreign children and women

Repatriation of foreign children and women from camps run by the Syrian Defence Forces in the north-east of the Syrian Arab Republic (as of June 2022)<sup>1</sup>

<i>Countries and areas</i>	<i>Repatriated children (range)<sup>a</sup></i>	<i>Countries and areas</i>	<i>Repatriated women (range)<sup>a</sup></i>
Kazakhstan, Russian Federation, <sup>d, g</sup> Uzbekistan <sup>d</sup>	201–500	Not applicable	201–500
Not applicable	101–200	Kazakhstan, Uzbekistan	101–200
Germany, <sup>g</sup> Kosovo <sup>2</sup>	51–100	Not applicable	51–100
Albania, <sup>g</sup> Belgium, <sup>g</sup> France, Sweden <sup>g</sup>	26–50	Not applicable	26–50
Denmark, Finland, <sup>d</sup> Netherlands <sup>g</sup>	16–25	Germany <sup>g</sup>	16–25
Australia, Bosnia and Herzegovina, North Macedonia, Norway, Sudan, <sup>d</sup> United Kingdom of Great Britain and Northern Ireland, <sup>g</sup> United States of America, <sup>d</sup> Ukraine <sup>d</sup>	6–15	Belgium, <sup>g</sup> Netherlands, <sup>g</sup> Russian Federation, Sweden <sup>g</sup>	6–15
Austria, <sup>g</sup> Canada, Italy, Maldives, <sup>g</sup> Nigeria, Trinidad and Tobago, South Africa, Switzerland, State of Palestine	1–5	Afghanistan, Albania, <sup>g</sup> Denmark, Finland, <sup>d</sup> Maldives, <sup>g</sup> North Macedonia, Norway, Sudan, United States of America, Ukraine	1–5
Indonesia, Morocco, <sup>e</sup> Tajikistan	To be determined <sup>b</sup>	Morocco <sup>e</sup>	To be determined <sup>b</sup>
Afghanistan, Algeria, <sup>f</sup> Azerbaijan, Bangladesh, China, Egypt, <sup>f</sup> Estonia, <sup>f</sup> Georgia, India, Iran (Islamic Republic of), Kyrgyzstan, Lebanon, Libya, Malaysia, Pakistan, Philippines, Poland, Portugal, Romania, <sup>f</sup> Saudi Arabia, <sup>f</sup> Senegal, Serbia, Somalia, Tunisia, Turkey, Viet Nam, <sup>f</sup> Yemen	None <sup>c</sup>	Algeria, <sup>f</sup> Australia, Austria, Azerbaijan, Bangladesh, Bosnia and Herzegovina, Canada, China, Egypt, <sup>f</sup> Estonia, <sup>f</sup> France, Georgia, India, Indonesia, Iran (Islamic Republic of), Italy, Kyrgyzstan, Lebanon, Libya, Malaysia, Nigeria, Pakistan, Philippines, Poland, Portugal, Romania, <sup>f</sup> Saudi Arabia, <sup>f</sup> Senegal, Serbia, Somalia, South Africa, Switzerland, Tajikistan, Trinidad and Tobago, Tunisia, Türkiye, United Kingdom of Great Britain and Northern	None <sup>c</sup>

<sup>1</sup> The table does not reflect the repatriation of Iraqi nationals, who form the largest group of foreigners in camps in the north-east of the Syrian Arab Republic.

<sup>2</sup> References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

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Ireland, Viet Nam,<sup>f</sup> Yemen, State of  
Palestine, Kosovo

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<sup>a</sup> Figures are based on information submitted by States in response to communications by United Nations special procedures (<https://spcommreports.ohchr.org/Tmsearch/TMDocuments>), submissions to the Commission (see ft. 4) and a compilation of open-source data by the United Nations (until 30 June 2022).

<sup>b</sup> Repatriations have reportedly occurred, without indication of the number of individuals.

<sup>c</sup> The countries listed here are those for which the Commission received information that citizens were held and for whom there is no indication of any repatriation.

<sup>d</sup> Based on an average value due to differing information between sources.

<sup>e</sup> Eight individuals were reportedly repatriated, without specification as to the number of children and women.

<sup>f</sup> According to information submitted by States in response to communications by United Nations special procedures (<https://spcommreports.ohchr.org/Tmsearch/TMDocuments>), the national authorities have no indication as to the presence of citizens in north-east of the Syrian Arab Republic or are still trying to determine such presence.

<sup>g</sup> Repatriations reported during the reporting period, 1 January–30 June 2022.

## Annex VIII

# Correspondence with the Government of the Syrian Arab Republic

UNITED NATIONS



NATIONS UNIES

Independent International Commission of Inquiry on the Syrian Arab Republic

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

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Established pursuant to United Nations Human Rights Council Resolution S-17/1 (2011) and extended by resolutions 19/22 (2012), 21/26 (2012), 22/24 (2013), 25/23 (2014), 28/20 (2015), 31/17 (2016), 34/26 (2017), 37/29 (2018), 40/17 (2019), 43/28 (2020), 46/22 (2021), and 49/27 (2022)

REFERENCE: COISYRIA/18/2022

The Secretariat of the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva and specialized institutions, and has the honour to refer to Human Rights Council resolutions S-17/1 establishing the Commission and 49/27, adopted on 1 April 2022, extending its mandate until 31 March 2023.

The Commission takes this opportunity to thank the Permanent Mission for your Government's past assistance in furtherance of its mandate. In the same spirit, it requests your Government's assistance should there be information available to share regarding incidents or events impacting the human rights of persons in the Syrian Arab Republic that could aid ongoing investigations.

At present, the Commission seeks information on human rights violations and abuses in light of its upcoming mandated report to the Human Rights Council session in September 2022, which will cover events between 1 January and 30 June 2022.

In this regard, the Commission requests any information your Government may be able to share regarding the incidents listed in the Annex I to this note, which allegedly occurred in Damascus, Aleppo, Idlib, Dar'a, Hasakah, Raqqa and Deir-ez-Zor Governorates during this time period. Furthermore, the Commission would welcome information concerning attacks and shelling by armed groups and other armed actors entailing civilian casualties (in addition to the information provided on the aforementioned incidents). The incidents listed in Annex I are also included in Note Verbales addressed to the Permanent Mission of the Russian Federation to the United Nations Office and other Specialized Institutions in Geneva.

The Commission further notes law no.15 of 28 March 2022 which amends several articles of the general penal code in a manner that could criminalize certain media activities while law no. 20 of 18 April related to cybercrimes contains provisions to similar effect. The Commission kindly requests a copy of this law and any related subsidiary legislation or decrees and your Government's response concerning how this law is compatible with the Syrian Arab Republic's international legal obligations, in particular the right to freedom of expression and opinion as well as the right to a fair trial in the event of prosecution for such offences.

In relation to Legislative Decree no. 7 of 30 April 2022, the Commission would like to obtain further information on the application of this amnesty and poses questions for your Government's kind response in Annex II.

Further, the Commission requests any information you can provide on the process related to security clearance (*ishara amnya/mawafaqa amnya*) for private persons including in relation to freedom of movement (within Syria and for international travel), in relation to obtaining powers of attorney and undertaking other legal procedures, and in connection with housing, land and property rights, including how such persons can contest decisions taken related to such security clearance.

Furthermore, the Commission notes the publication of law no. 16 of 29 March 2022 that criminalizes torture. The Commission kindly requests a copy of this law and any subsidiary legislation or decrees as well as your Government's response as to how this law is compatible with the Syrian Arab Republic's international legal obligations, in particular in relation to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The Commission also kindly reiterates its request for information on measures to prevent or investigate any known alleged detention related violations and abuses, including alleged deaths occurring in custody, as well as practical steps taken to increase human rights protections for current or former detainees and their families. For this purpose, please see the attached standard questionnaire (which the Commission previously shared in its Note Verbale numbered COISYRIA/32/2020 of 16 October 2020) in Annex III.

Further, in relation to the recent publication of footage related to the alleged massacre in Tadamoun, Damascus in April 2013 and reports that a person has been taken into Government custody in relation to that incident, the Commission requests any information you can provide on the suspect, the charges under which they are held, and any other steps taken in relation to investigating the incident and holding alleged perpetrators accountable.

In relation to housing, land and property, the Commission has received reports of the ongoing military seizure and use of housing, land and property of displaced civilians in Government-controlled areas of Hama and Deir-ez-Zor Governorates, dating from 2012. These alleged seizures have been continuous for some years and continue in areas far from current frontlines. The Commission requests any information your Government may be able to share regarding the ongoing military use of civilian property by the Syrian Arab Army or affiliated militias in either Governorate.

Lastly, the Commission has observed the easing of conditions for return of displaced people from Yarmouk camp, Damascus Governorate. We note that, for many, return to the area is conditional upon obtaining security clearance. The Commission seeks further information about the criteria upon which security clearance is granted in this context.

In order for the information to be received and processed ahead of its next reporting obligations, the Commission would kindly request that any inputs be received by 26 July 2022. We remain ready to discuss the most appropriate means by which to obtain the above information, including through meetings or briefings.

The Commission also takes this opportunity to reiterate its request for access to the territory of the Syrian Arab Republic to fulfil its mandate, including to facilitate dialogue in relation to requests such as contained in the present communication. The Commission further seeks to engage your Government on modalities for access to areas of the Syrian Arab Republic currently outside of Government control.

For any questions regarding the details of this request or opportunities to collaborate, please contact the Secretariat, at [ohchr-coisyrria@un.org](mailto:ohchr-coisyrria@un.org).

The Secretariat of the Commission of Inquiry avails itself of the opportunity to renew to the Permanent Mission of the Syrian Arab Republic the assurances of its highest consideration.

Geneva, 6 July



L.A.

Permanent Mission of the Syrian Arab Republic  
to the United Nations Office at Geneva and specialized institutions

## Annex I

### Incidents alleged to have occurred in Idlib governorate

- On 1 January 2022, airstrikes allegedly impacted a camp for displaced persons in al-Nahr al Abbiyad, Idlib governorate. One woman and two children were reportedly killed, and 10 others were injured, including six children.
- On 2 January 2022, airstrikes allegedly impacted the al-Arashani water station, located west of Idlib city, injuring one person. The water station was subsequently rendered out of service.
- On 3 January 2022, airstrikes allegedly damaged a poultry farm and adjacent agricultural land located in the outskirts of Kafar Takharim northwest of Idlib city, causing injury to one woman and her son. A residential house was allegedly destroyed, and 5000 birds were killed as a result.
- On 3 February 2022, at around 1 a.m., the United States carried out a publicly acknowledged military operation near Atmeh, Idlib governorate, targeting Da'esh leader Abu Ibrahim al-Hashimi al Qurayshi. While he died in the course of the operation, allegedly after detonating an explosive device, 13 other persons, including six children and four women, were also reportedly killed, and at least one girl was injured.
- On 12 February 2022, at 13.30 p.m., alleged artillery shelling killed six family members, including at least two children and two women, who had gathered in the yard of a residential house located in Ma'arat Al-Na'san town, Idlib governorate.
- On 16 February 2022, around 10.15 a.m., shelling allegedly struck a fuel depot near Dan'a town, Idlib governorate. The ensuing explosion was reported to have killed four civilians.
- On 27 February 2022, at around 12 p.m., two civilians were killed and another two were injured when a shell reportedly exploded in a market in Afes village, Idlib governorate.
- On 4 April 2022, at around 11.15 a.m., alleged shelling killed four children near al-Amal school, in Maaret Al Naasan town, some 22 km. northeast of Idlib city.
- On 12 May 2022, airstrikes allegedly impacted a poultry farm near Bzabor town, Jabal al-Zawya area, Idlib governorate, reportedly injuring one civilian, damaging the farm and killing a number of farm animals.
- On 2 June, two civilians, including one girl, were allegedly killed in an explosion in Babesqa camp, Bab al Hawa area. Preliminary information received by the Commission indicated that this was the result of an explosion of an ammunition depot located in-between the camp sites.

### Incidents alleged to have occurred in Aleppo governorate

- On 8 January 2022, an alleged shelling killed one civilian and injured 12 others, including one child, in Ain Al-Arab (Kobani) city and neighbouring village of Qara Mogh and others in Aleppo governorate.
- On 20 January 2022 in the afternoon time, an alleged shelling injured at least one civilian injured in Tel Rifaat in northern rural Aleppo governorate.
- On 20 January 2022, an alleged rocket attack impacted Afrin city, killing six individuals, and injuring 24 others.
- On 2 February 2022, rockets reportedly impacted al-Bab city, Aleppo governorate, killing eight individuals, and injuring 24 others, including an unidentified number of women and children.
- On 15 February 2022, an alleged shelling injured at least four civilians in Tel Rifaat, Aleppo governorate.
- On 15 February 2022, alleged shelling impacted Azaz town, Aleppo governorate, killing at least two civilians, and injuring others.
- On 15 February 2022, alleged IED exploded in Azaz town, Aleppo governorate, injuring one civilian and three children.
- On 28 February 2022 at approximately 8:00 a.m., an alleged shelling injured one civilian in Al-Tokhar town north of Manbij, Aleppo governorate.
- On 23 March 2022, rockets reportedly impacted southern parts of Azaz town, Aleppo governorate. One woman and one police officer were killed and four others, including police officers, were injured.

- On 27 March, shelling allegedly resulted in the injury of 11 children in front of a school in Mirkan village (Afrin area), Aleppo governorate.
- On 18 April, three rescuers were reportedly injured near the west bank of the Euphrates River in Jarablus, Aleppo governorate. Preliminary information received by the Commission indicate that one man was killed and another injured prior to this incident.
- On 9 June, a sniper allegedly shot and killed a woman while she was collecting plants in the Al-Sawami area on the outskirts of Al-Bab city in rural Aleppo governorate.
- On 15 June, one humanitarian worker was allegedly killed when an IED exploded in al-Bab city, Aleppo governorate.

#### **Incidents alleged to have occurred in Dar'a and Damascus Governorates**

- On 23 January 2022, alleged shelling impacted a residential area in Al Hirak and in Mliha Al Gharbya towns, east of Dar'a, resulting in the injury of one woman and her three children.
- On 15 March 2022, at approximately 5 a.m., alleged shooting in a residential area west of Jasem, west of Dar'a, resulted in one death and the injury of at least three children and one woman.
- On 10 June 2022, in the morning, airstrikes allegedly impacted the Damascus International Airport in rural Damascus, rendering the airport inoperable with, according to the UN Resident Coordinator, "severe humanitarian implications".

#### **Incidents alleged to have occurred in Hasakah and Raqqa governorates**

- On 21 December 2021, an alleged shelling killed up to three civilians, including at least one woman, and injured at least four others in Zirgan village in Tel Tamr countryside, Hasakah governorate.
- On 30 December 2021, an alleged shelling killed at least three civilians, including at least one child and one woman, and injured at least five others in Zirgan village in Tel Tamr countryside, Hasakah governorate.
- On 22 January 2022 in the morning time, an alleged shelling killed at least two civilians,
- On 23 January 2022 in the morning time, an alleged shelling injured four civilians, including two women and two children, in Alimat village in Ain Issa countryside, Raqqa governorate.
- On 1 February 2022 at approximately 9:00 p.m., an alleged airstrike injured at least four civilians in Takil Bakil village near Al-Malkiya in Hasakah governorate.
- On 2 February 2022, an alleged shelling injured two civilians in Ain Diwar town near Al-Malkiya in Hasakah governorate.
- On 2 February 2022, an alleged shelling injured at least one civilian, a woman, in Kolya village in the Tel Tamr countryside, Hasakah governorate.
- On 2 February 2022, an alleged shelling injured one child in a village in the countryside of Tel Tamr, Hasakah governorate.
- On 9 February 2022, an alleged drone strike killed at least one child and injured three other civilians in Bahira town near Amuda in Hasakah governorate.
- On 24 February 2022, an alleged drone strike injured at least four civilians, a male driver and three female passengers, in a civilian vehicle on the Qamishli-Amuda road in Hasakah governorate.
- On 27 February 2022 in the morning time, an alleged shelling injured one civilian in Um Al-Khair town in the countryside of Tel Tamr, Hasakah governorate.
- On 6 April 2022, an alleged shelling injured at least three civilians in Al-Asadiya village in the countryside of Abu Rasayn/Zirgan, Hasakah governorate.
- On 24 April 2022, an alleged shelling killed one child and injured at least one other civilian in Bandar Khan village, Raqqa governorate.
- On 17 May 2022, an alleged shelling injured five civilians in Qartage village in the countryside of Ain Issa, Raqqa governorate.



- On 22 May 2022, an alleged shelling injured three civilians in Tel Tamr town, Hasakah governorate.
- On 1 June 2022, an alleged shelling injured three civilians in the villages of Gorek and Sheshi in the countryside of Tal Abyad, Raqqa governorate.
- On 5 June 2022, an alleged shelling injured three civilians in Abu Naitouna village in the countryside of Ain Issa, Raqqa governorate.

#### **Incidents alleged to have occurred in Deir Ezzor governorate**

- On 17 January 2022, at approximately 10:00 p.m., in Al-Hawaij town in Deir Ezzor governorate, at least one civilian was allegedly shot dead during a raid.
- On 8 February 2022, in the morning time in Al Bseira town in Deir Ezzor governorate, at least one civilian, a child, was allegedly shot dead during a raid. Another civilian was allegedly injured in the same incident.
- On 22 February 2022, at dawn in Al-Dahla town in Deir Ezzor governorate, one civilian was allegedly shot dead during a raid.
- On 28 March 2022, at approximately 1:00 a.m. in Thiban town in Deir Ezzor governorate, one civilian was allegedly shot dead during a raid.

For each of the incidents above, the Commission requests the following information, while cognizant that the information requested may relate to sensitive security and military information:

1. Acknowledgment of involvement in any of the above incidents, and in relation to those, detailed information on precautionary measures aimed at ensuring that military sensitive areas are located far away from residential and civilian areas and other measures taken to avoid or minimize civilian harm in each operation
2. Any available overflight and/or operational strike records for the dates and locations of each incident.
3. Satellite, surveillance or other imagery for each target and for both pre- and post-operations review and analysis.
4. Information on internal investigations, reviews, or other process evaluating the compliance of each incident with international humanitarian law, where applicable, your forces' rules of engagement, and if so, whether any such reviews resulted in disciplinary or criminal proceedings against particular individuals or revisions or amendments to rules of engagement or other internal procedures to increase civilian protection.

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## Annex II

### Questions regarding Legislative Decree n.7, dated April 30, 2022

The Commission would appreciate additional information regarding Legislative Decree n.7, dated April 30, 2022 issued by President Bashar al-Assad granting a general amnesty for terrorist crimes committed by Syrians before April 2022, in particular regarding the following questions:

#### 1. Questions regarding the release procedure:

- a) Which authority is competent to determine who should be released?
- b) How are families informed, including those living abroad, of the release of their relatives?
- c) What documents are detainees provided with upon release in order to attest to their identity, the applicability of the amnesty and their release?
- d) Has the Syrian Government considered coordinating the releases with an independent detention monitoring body to ensure that the process is transparent and conducted in a way that respects the rights of the detainees and their families?

#### 2. Questions regarding the beneficiaries of the Amnesty Decree

- a) How many detainees have already been released following the issuance of the current Decree? Where and when have they been arrested and where had they been most recently detained?
  - o How many women detainees have been released and/or will benefit from the current Decree?
  - o How many children detainees (under the age of 18) have been released and/or will benefit from the current Decree?
- b) How many of the detainees benefitting from the amnesty had been convicted under Law 19 of 2012 and/or laws 305 and 306 that were applicable before 2012, and based on what charges?
- c) Does the Amnesty Decree also apply to those charged in absentia and who are currently living abroad or otherwise outside Government-controlled areas (in territories under the control of SNA, HTS and SDF)?
- d) If so, regarding individuals living abroad, how have they been informed?
- e) Do they need to seek any document from the embassy in the country they are residing to prove the applicability of the amnesty before their return (to ensure that they will not be arrested upon return to Syria)? Alternatively, can their families residing in Syria request to issue a document/certificate regarding the applicability of the amnesty from the competent authorities for them on their behalf?
- f) Does the Amnesty Decree include defectors (military/political defectors)?
- g) How many individuals have so far been excluded under the Decree's exclusion clauses:
- h) Crimes leading to the death of a human being as provided for under Act No. 19 (2012) concerning counter-terrorism;
- i) Crimes under the Penal code promulgated by Legislative Decree No. 148 (1949) and amendments thereto.
- j) Is any future Amnesty Decree planned in relation to other specific crimes, apart from terrorism, such as political or security crimes?

#### 3. Questions regarding the impact of the Amnesty Decree on the released person:

- a) What is the status of former detainees having benefitted from the Amnesty Decree in terms of their security record and the security clearance process?
- b) What is the impact of the Amnesty Decree on the freezing of funds, confiscation of property and related measures, taken pursuant to Article 11 and 12 of Law 19 of 2012? Are the released detainees, and their families free to dispose of their assets? If so, are the detainees duly informed of how and where to address related claims?

- c) Upon their release, are the released detainees informed on how and where to address possible claims regarding their treatment in detention, including ill-treatment, torture and sexual violence? What procedural guarantees have been put in place to ensure a prompt and effective investigation, as well as prosecution and punishment of those found responsible for committing such violations? What are the avenues for reparations in this regard?
- d) Are there any measures of rehabilitation in place in order to support the social reintegration of the released detainees?

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### Annex III

#### LIST OF QUESTIONS FOR EACH DUTY-BEARER OR PARTY WITH REGARD TO THE SITUATION OF IMPRISONMENT AND DETENTION IN THE SYRIAN ARAB REPUBLIC SINCE MARCH 2011:

The United Nations Independent International Commission of Inquiry on the Syrian Arab Republic (hereinafter the Commission) would appreciate receiving information with regard to the situation of imprisonment and detention in the Syrian Arab Republic, including key detention-related recurrent human rights concerns since March 2011, for the purposes of its upcoming special report on detention. This report was requested by the UN Human Rights Council in its resolutions 44/21 of 17 July 2020 and 45/L.45 of 2 October 2020, and mandated to cover *inter alia*:

- detention-related violations and abuses such as extrajudicial killings, torture and other;
- cruel, inhuman or degrading treatment or punishment, enforced disappearance, and other;
- human rights violations and abuses suffered by persons unlawfully or arbitrarily deprived of their liberty including sexual and gender-based violence;
- the particular vulnerabilities of children in detention;
- access to detention facilities for medical services and monitoring bodies;
- information concerning detainees to their families; and
- justice for those arbitrarily detained.

While the Commission understands that some of the information requested relates to sensitive security information, we would greatly appreciate any information possible on these matters to aide in our task of undertaking a comprehensive inquiry.

In particular, the Commission would appreciate receiving:

#### Legal framework applicable to detention in the Syrian Arab Republic since March 2011:

1. Information concerning legislation, policies, directives, orders or other instruments concerning the administration and management of detention facilities and detention conditions, including amendments or modifications since March 2011.
2. Information on legislation, policies, directives, orders or other measures regarding safeguards for detainees, including to (i) be informed of the charges against them and of their rights; (ii) have prompt access to a lawyer; (iii) notify a relative or other person of their choice of their arrest; (iv) be brought promptly before a judge.
3. Information concerning legislation, policies, directives, orders or other instruments related to complaints systems and accountability for allegations of abuses in places of detention.

#### Statistics on detention-related violations or abuses since March 2011:

4. Annual statistical data per year - disaggregated by sex, ethnic/national origin, and age category (under 18, 18-65, over 65 years of age) - on the number of pre-trial detainees and convicted prisoners and the occupancy rate at all places of detention that you operate or control inside the Syrian Arab Republic, including:
  - a) The name, location, size (in terms of detainee capacity and square meters) of each place of detention, including specialised detention facilities (e.g., juvenile detention centres, women's detention centres, medical facilities with the capacity to hold detainees).
  - b) Number of persons held in relation to political or security crimes, including terrorism-related offenses and offenses related to violations of the laws of war, versus persons detained for 'ordinary' crimes
5. Annual statistical data per year regarding persons released from detention and the total length of time detained upon release, disaggregated by age, gender, and pre-trial or post-conviction status.

- a) As a subset of the total number of persons released from detention, the number of persons released on the basis of amnesties adopted between March 2011 and the present.
6. Annual statistical data per year regarding deaths in custody, and information on the manner in which those deaths were investigated.
7. Annual statistical data per year regarding transfers or extraditions of detainees or prisoners from the territory of the Syrian Arab Republic to other locations.
8. Information regarding children in detention, whether such detention has been used as a measure of last resort and limited to the shortest possible period, and measures taken to ensure that juveniles are separated from adults in all places of detention.

**Prevention of detention-related violations or abuses:**

9. Information regarding measures taken or foreseen to prevent detention-related abuses or violations by your authorities/forces, including through guidance or inspections.
10. Information concerning access to detention facilities provided to monitoring bodies (such as civil society organizations, the UN or the ICRC) to undertake independent visits.
11. Information concerning access to detention facilities provided for medical services.
12. Information concerning contact with and access to detainees for their families.
13. Information concerning measures taken to ensure respect for the principle of inadmissibility of evidence obtained through torture and ill-treatment.

**Investigation of detention-related violations or abuses; redress and support for victims**

14. Information concerning investigations carried out into the detention-related violations or abuses that were allegedly committed by your authorities/forces, to hold the perpetrators to account.
15. Information on remedies available to victims of detention-related violations or abuses committed by your authorities/forces.
16. Information on what protection and support mechanisms are in place for victims of detention-related violations or abuses (including legal, medical or psychosocial assistance).
17. Information on any measures adopted to encourage victims to safely report allegations of such violations or abuses.
18. Annual statistical data since March 2011 on the number of complaints, investigations, prosecutions, convictions and sentences imposed in cases of detention-related violations and abuses.

**Other:**

19. Information regarding measures taken to implement recommendations made with respect to detention by the Commission of Inquiry,<sup>1</sup> other UN human rights mechanisms or other relevant bodies since March 2011.

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<sup>1</sup> The Commission's reports are all accessible on [www.ohchr.org/coisyrria](http://www.ohchr.org/coisyrria) (under documentation), with the recommendations usually listed last, in bold. By way of example, in its most recent report (A/HRC/45/31) the Commission inter alia recommended all parties to close all makeshift and temporary places of detention; improve health conditions and ensure prisoner releases in the wake of the COVID-19 pandemic; cease torture and other cruel treatment including sexual violence in places of detention; take measures to reveal the fates of those detained and establish an effective channel of communication with families; and facilitate unfettered access for independent humanitarian, protection and human rights organizations to places of confinement or detention.