



## 人权理事会

## 第五十二届会议

2023年2月27日至3月31日

议程项目4

需要理事会注意的人权状况

## 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

在本报告所述期间，阿拉伯叙利亚共和国问题独立国际调查委员会继续记录了在该国各地普遍违反人权和人道法的行为。几条前线冲突加剧，给平民造成灾难性后果。政府军在伊德利卜一个人口稠密的流离失所者营地使用了集束弹药，当时儿童正准备上学，因此造成至少7名平民死亡，至少60人受伤。在阿勒颇东部农村的Bab市，一次火箭弹袭击造成16名平民死亡，29人受伤。在政府控制的地区，特别是在南部，不安全状况持续存在，冲突和定点清除毫未减弱。继续发生任意逮捕、失踪和拘留期间死亡的事件，骚扰、勒索和其他侵犯人权行为则普遍存在。阿夫林和伊德利卜的平民，包括表达批评意见的人，也遭到任意拘留和隔离羁押，有些人被羁押的方式相当于强迫失踪。在东北部，大约56,000人，主要是妇女和儿童，仍被关押在条件极为恶劣的营地中。性暴力和性别暴力在全国各地继续存在，而立法框架未能有效地将这种暴力行为定为刑事犯罪。1,300多万人流离失所或成为难民，而90%的叙利亚平民生活在贫困之中，估计需要人道主义援助才能生存的人口有1,530万，这是自冲突开始以来贫困人口达到的最高水平。

\* 因技术原因于2023年5月15日重新印发。

\*\* 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，阿拉伯叙利亚共和国问题独立国际调查委员会<sup>1</sup> 在报告中提出了调查结果，涵盖期为 2022 年 7 月 1 日至 12 月 31 日。
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，主要依靠面对面和远程方式进行的 467 次第一手访谈；收集并分析了多个来源的文件、报告、照片、视频和卫星图像；<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。委员会还以书面形式并在会议期间，请阿拉伯叙利亚共和国政府、冲突各方和联合国会员国提供关于各种大小事件和事态发展的信息。<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犯人权行为是指明的当事方所为，便认为达到了证据标准。此外，委员会如有合理的理由认为发生了需要个人承担刑事责任的行为，它通常将这种行为归咎于冲突的一方，因为委员会本身不是一个司法或准司法实体，因此在报告中不对具体个人被指控的犯罪行为作出决定。
3. 委员会的调查工作仍然受到限制，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，委员会一贯遵循“不造成损害”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. 政治和军事发展

5. 过去六个月，阿拉伯叙利亚共和国<sup>4</sup> 多条前线的冲突加剧(见附件三)，表明全国军事升级的风险持续存在。虽然 2020 年 3 月的前线大体上依然存在(见附件二)，但国内和区域动态有可能改变脆弱的现状，并可能导致更多的平民伤亡、流离失所和暴力行为。
6. 仍然缺乏可信的政治进程，秘书长叙利亚问题特使裴凯儒警告说，这将进一步加剧冲突和不稳定。<sup>5</sup> 宪法委员会未能举行第九轮会谈。其他论坛，包括阿斯塔纳模式，也没有取得显著进展。
7. 与此同时，人道主义援助继续被政治化。虽然安全理事会于 2023 年 1 月 9 日延长了向 240 万人提供援助的跨境援助机制，<sup>6</sup> 但委员会重申，围绕下一次延长

<sup>1</sup> 委员会委员为：Paulo Sérgio Pinheiro (主席)、Hanny Megally 和 Lynn Welchman。

<sup>2</sup> 阿拉伯叙利亚共和国政府定期就令人关切的局势向秘书长、安全理事会主席和其他人发出同文信。委员会分析了政府在 2022 年 7 月 1 日至 12 月 31 日提交的 10 封此类信函。

<sup>3</sup> 委员会在 11 月 10 日的信函中要求阿拉伯叙利亚共和国政府就有关问题和事件提供信息(见附件七)，但没有收到答复。委员会还向冲突其他各方和联合国其他会员国提出了 10 项提供信息的请求，并对收到的答复和其他交流表示感谢。

<sup>4</sup> 该国的总体地图见附件一。

<sup>5</sup> 见 [https://specialenvoysyria.unmissions.org/sites/default/files/2022-11-29\\_secco\\_un\\_special\\_envoy\\_for\\_syria\\_mr\\_geir\\_o\\_pedersen\\_briefing\\_as\\_delivered\\_0.pdf](https://specialenvoysyria.unmissions.org/sites/default/files/2022-11-29_secco_un_special_envoy_for_syria_mr_geir_o_pedersen_briefing_as_delivered_0.pdf)。

<sup>6</sup> 见第 2672(2023)号决议，<https://press.un.org/en/2023/sc15168.doc.htm> 和 <https://www.ohchr.org/en/press-releases/2022/05/un-syria-commission-calls-security-council-ensure-live-saving-humanitarian>。

决定的考虑因素，必须仅以对人口需求做出的透明和公正的人道主义评估为指导。<sup>7</sup> 下一次延长决定应于 2023 年 7 月 10 日作出。

8. 该国 90% 的平民生活在贫困之中，因此人道主义需求尤为迫切，据估计，2023 年将超过 1,530 万人需要人道主义援助，而 2022 年为 1,460 万人。<sup>8</sup> 这是危机开始以来贫困人口达到的最高水平。此外，霍乱疫情仍在持续。<sup>9</sup>

9. 在经济危机日益加深、腐败普遍存在、严重制裁持续之时，一些政府官员和一些非国家武装团体越来越多地采用勒索、拘留、贩运毒品(包括芬乃他林)<sup>10</sup> 和其他非法活动来筹集资金。

10. 阿拉伯叙利亚共和国继续面临世界上最大的流离失所危机，1,300 多万人流离失所或沦为难民。<sup>11</sup> 虽然许多流离失所者在流离失所者营地的恶劣条件下勉强生存，但难民仍然越来越多地受到他们最初逃往的国家施加的压力。在存在安全风险、缺乏确定回返条件是否符合联合国保护门槛的制度，以及人口外流增加的情况下，要求他们回返的呼声仍在继续(见下文第 62-70 段)，包括在黎巴嫩和土耳其。<sup>12</sup>

11. 政府补贴的削减和频繁的停电引发了全国各地的示威游行，包括在苏韦达(见下文第 49 段)。

12. 在该国北部，以叙利亚民主力量<sup>13</sup> 为一方，土耳其和叙利亚国民军<sup>14</sup> 为另一方的相互攻击有所增加。11 月 20 日，土耳其国防部长宣布发起“爪剑”行动，目标是阿拉伯叙利亚共和国(和伊拉克)北部地区的一些地点，<sup>15</sup> 以回应 11 月 13 日据称在伊斯坦布尔发生的恐怖爆炸事件(见下文第 112 段)。对阿拉伯叙利亚共和国政府与土耳其政府之间可能达成和解的猜测越来越多，在此情况下，这两个国家的国防部长和俄罗斯联邦于 12 月 28 日在莫斯科举行了自战争开始以来的首次会晤，引发了阿拉伯叙利亚共和国北部部分地区的示威游行。

<sup>7</sup> 见 <https://www.ohchr.org/en/press-releases/2022/05/un-syria-commission-calls-security-council-ensure-live-saving-humanitarian>。

<sup>8</sup> S/2022/933, 第 3 段；以及 <https://reliefweb.int/report/syrian-arab-republic/under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-mr-martin-griffiths-statement-security-council-briefing-syria-29-november-2022>。

<sup>9</sup> 见 <https://reliefweb.int/report/syrian-arab-republic/syrian-arab-republic-who-syria-situation-report-15-cholera-outbreak-29-november-2022>。

<sup>10</sup> 见 [https://www.unodc.org/res/wdr2022/MS/WDR22\\_Booklet\\_4.pdf](https://www.unodc.org/res/wdr2022/MS/WDR22_Booklet_4.pdf)。

<sup>11</sup> 见 <https://www.unhcr.org/news/briefing/2022/3/623055174/eleven-years-mounting-challenges-push-displaced-syrians-brink.html>。

<sup>12</sup> 见 <https://twitter.com/LBpresidency/status/1283736213384560640?s=20&t=HTkc4q96CGbJDYthivj0ag>(阿拉伯语)和 <https://tccb.gov.tr/assets/dosya/2022-09-20-bm-konusma.pdf>。

<sup>13</sup> A/HRC/46/54, 第 12 段。

<sup>14</sup> A/HRC/42/51, 第 16 段。

<sup>15</sup> 见 <https://twitter.com/tcsavunma/status/1594121676551344129> (土耳其语)。

13. 由于杀戮和袭击继续针对平民、安全机构成员、亲政府人士和不再参与敌对行动、已“和解”<sup>16</sup>的反对派战斗人员，德拉省南部的不稳定状况也在继续(见下文四.B)。包括达伊沙在内的武装团体与亲政府部队之间的冲突还在继续，政府部队试图巩固对包括 Tafas 在内的某些地区的控制。政府军在 10 月发起了针对德拉省达伊沙成员的行动，10 月 15 日，该团体领导人 Abu al-Hassan al-Hashimi al-Qurayshi 在 Jasim 被打死。<sup>17</sup>

14. 在西北部，地面和空中行动仍在继续，造成平民伤亡，损坏包括粮食资源在内的民用基础设施(见下文四.A)。沙姆解放组织<sup>18</sup>在一名活动分子和他怀孕的妻子 10 月 7 日被谋杀(见下文第 99 段)后，利用叙利亚国防军各派之间的内讧，在阿拉伯叙利亚共和国北部的部分地区取得了重大进展。这在几个城市引发了广泛的抗议，随后土耳其进行了干预，寻求沙姆解放组织撤出。这是该组织近几个月来第二次试图扩大其控制的领土。这表明武装团体之间可能会继续争夺大片领土及影响力和从检查站获得的收入。

15. 在沙姆解放组织进入阿勒颇北部几天后，10 月 16 日，俄罗斯联邦航空航天防御部队对阿勒颇北部的军事目标，包括 Kafr Jannah、Qatima 和 I'zaz 西部地区附近的军事目标进行了空袭。

16. 据报道，以色列在代尔祖尔、大马士革、霍姆斯、哈马和拉塔基亚省进行了 15 次袭击，包括对阿勒颇和大马士革国际机场进行了袭击。据报道，8 月，伊朗民兵在阿拉伯叙利亚共和国南部的 Tanf 卫戍区附近和东北部的 Green Village 基地附近发动了袭击，而美利坚合众国军方说，他们在代尔祖尔对据称与伊朗伊斯兰共和国伊斯兰革命卫队有关联的团体使用的设施进行了空袭。<sup>19</sup>

### 三. 关于性暴力和性别暴力的最新情况

17. 人权理事会第 50/19 号决议请委员会考虑更新其关于性暴力和性别暴力的报告。<sup>20</sup> 由于污名化、保护问题和缺乏安全庇护所，接触性暴力和性别暴力幸存者的机会仍然极其有限。因此，性暴力和性别暴力行为很可能严重漏报，但人们普遍认为，在武装冲突持续、经济下滑、疫情和大规模人口流离失所的背景下，这种暴力行为有增无减。<sup>21</sup>

18. 委员会已认定，在政府控制的拘留设施中发生的强奸和其他形式的性暴力构成危害人类罪，并认定叙利亚国防军和叙利亚民主力量等武装团体的成员犯下了

<sup>16</sup> 关于“和解”，见 A/HRC/43/57 第 72 段和 A/HRC/36/55 第 20-22 段。

<sup>17</sup> 除其他外，见 <https://www.centcom.mil/MEDIA/PRESS-RELEASES/Press-Release-View/Article/3232259/death-of-isis-leader/>。

<sup>18</sup> 委员会继续将该团体视为安全理事会第 2170(2014)号决议认定的恐怖主义实体，与全球基地组织有关联(见 A/HRC/46/54，第 7 段，脚注 13)。

<sup>19</sup> 见 <https://www.centcom.mil/MEDIA/STATEMENTS/Statements-View/Article/3137354/statement-regarding-precision-strikes-in-syria/>。

<sup>20</sup> 委员会题为“‘我失去了尊严’：阿拉伯叙利亚共和国的性暴力和性别暴力”的会议室文件，可在委员会网页上查阅(<https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation>)。

<sup>21</sup> 见 [https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/voices\\_from\\_syria\\_2022\\_online\\_version\\_final.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/voices_from_syria_2022_online_version_final.pdf)。

强奸和其他形式性暴力的战争罪(另见下文各节)。<sup>22</sup> 在国家立法框架未能有效地将家庭暴力、婚内强奸和其他形式的性别暴力定为刑事犯罪的情况下, 这种暴力继续在全国各地发生。即使存在规定, 这些规定也没有得到有效执行。加之存在确保犯下包括强奸和其他形式性暴力在内罪行的国家安全人员事实上享有豁免权的法律,<sup>23</sup> 这使得法律框架更无法有效保护包括幸存者在内的受害者, 并成为追究责任的障碍。

19. 根据《刑法典》(第 489 条), 强奸是一种犯罪, 但社会的期望、普遍的性别规范和歧视性做法及习俗往往不鼓励受害者对犯罪者提起刑事诉讼。污名化还常常阻止强奸幸存者寻求必要的医疗援助、人身保护、心理或经济支持和补救。这也使得幸存者更有可能面临与传统和文化习俗相关的额外虐待或伤害。据驻阿拉伯叙利亚共和国的联合国代表们估计, 目前有多达 730 万人需要与性别暴力有关的服务, 其中绝大多数是妇女和女孩。<sup>24</sup>

20. 由于法律规定通奸应受惩罚, 强奸受害者还面临自己受到刑事调查的风险。国际专家机构发现, 此类法律可能会阻碍妇女举报强奸行为,<sup>25</sup> 委员会记录了强奸受害者因涉嫌自愿婚外关系而被警方拘留的案件。强奸受害者还因与“名誉”有关的原因受到自己家人的谋杀威胁, 或被迫与犯罪者结婚, 而不是追究责任。

21. 消除对妇女歧视委员会和禁止酷刑委员会敦促阿拉伯叙利亚共和国修改其关于以下事项的刑事立法: 即关于强奸犯如同意与受害者结婚可获得减刑的法律,<sup>26</sup> 以及关于婚内强奸、家庭暴力和其他形式性别暴力的法律。<sup>27</sup> 迄今为止, 这些建议基本上仍未得到执行, 政府继续违反《禁止酷刑和其他残忍、不人道或有辱人格的待遇或处罚公约》和《消除对妇女一切形式歧视公约》。

#### 四. 亲政府部队的袭击和政府控制地区的侵犯人权行为

22. 委员会记录了亲政府部队在伊德利卜和阿勒颇省西部进行的 20 次地面和空中袭击, 这些袭击造成 195 名平民伤亡, 包括 36 人死亡, 其中 12 人是儿童。袭击破坏或摧毁了粮食资源、流离失所者营地和一些住宅, 包括许多流离失所者在内的受害者最初在这些营地和住宅寻求庇护。

23. 同样, 政府控制区普遍不安全, 特别是在南部和西南部地区。亲政府部队与武装团体在德拉继续发生冲突并进行定点清除, 而在苏韦达则爆发了抗议活动。任意逮捕、失踪和拘留期间死亡仍在继续, 骚扰、勒索和其他侵犯人权行为则持续存在。这一点以及长期冲突的影响继续阻碍人们返回政府控制的地区。

<sup>22</sup> 例见会议室文件“‘我失去了尊严’”, 和 A/HRC/46/55, 表 4。

<sup>23</sup> 第 14/1969 第 69/2008 号法令。

<sup>24</sup> 见 <https://reliefweb.int/report/syrian-arab-republic/joint-statement-un-resident-coordinator-and-humanitarian-coordinator-syria-ai-el-mostafa-benlamlah-and-regional-humanitarian-coordinator-syria-crisis-muhannad-hadi-16-days-activism-enar>。

<sup>25</sup> 例见 <https://www.ohchr.org/en/statements/2012/10/statement-united-nations-working-group-discrimination-against-women-law-and?LangID=E&NewsID=12672>。

<sup>26</sup> 《刑法典》, 第 508 条。

<sup>27</sup> CEDAW/C/SYR/CO/2, 第 27 段和第 32 段; CAT/C/SYR/CO/1, 第 25–27 段。



## A. 阿拉伯叙利亚共和国西北部地区

24. 以下调查结果说明了在此期间亲政府部队在伊德利卜和阿勒颇西部实施的袭击和袭击模式。委员会核对了政府部队在 Barah、Ma'arblit、Obein、Dayr Sunbul、Darat Izzah、Kafr Ammah 和 Kafr Latah 发动的其他地面攻击(如附件四所述)，这些攻击可能构成战争罪(见下文第 33 段)。

### 政府军的地面攻击

25. 自 2012 年以来，委员会多次记录了在人口居住区使用集束弹药的情况。<sup>28</sup> 11 月 6 日，这些弹药袭击了 Kafr Jalis 附近人口稠密的 Maram 流离失所者营地，并影响了附近的其他六个营地。遗留物和影响分析表明，9N210 集束子弹药是从位于约 35 公里外 Nayrab 机场的 220 毫米 9M27-KUragan 火炮火箭系统发射的(见附件五)。至少 7 名平民被杀，包括 1 名妇女和 4 名儿童，至少 60 人受伤。多枚子炸弹散布在 5 公里范围内，当时儿童正准备上学，一个牲畜市场正在营业。帐篷、大篷车和食品供应也遭到破坏。委员会在营地内没有发现军事目标。<sup>29</sup>

26. 在另一起事件中，就在 8 月 19 日星期五祈祷之前，Bab 市遭到一次火箭袭击，涉及一枚 122 毫米 BM-21 Grad 多管火箭发射器，可能是从约 15 公里以西政府控制的 Husamyiah 发射的，造成 16 名平民死亡，其中包括 7 名 15 岁以下的儿童，29 人受伤，其中包括 10 名儿童。与以前确定的袭击拥挤市场的模式相一致，<sup>30</sup> 这次袭击破坏了 Suq al-Khamees 市场。Anfal、Rahib 和 Masari 居民区的 Ard Roum 小学和民房也受到影响(见附件五)。大多数伤亡发生在 Suq al-Khamees，这是一个没有任何已知军事目标的平民区。<sup>31</sup>

27. 平民在试图确保其基本生计时也遭到杀害或受伤。随着橄榄收获季节的临近，对农田的袭击加剧，包括在 Jabal al-Zawiyah，那里的家庭把作物作为主要收入来源。委员会记录了对粮食资源<sup>32</sup> 和人们用来运输货物或收获品的设备进行持续袭击的模式，包括使用精确制导弹药(见附件四)。袭击是在白天进行的，当时一些家庭，包括年仅 5 岁的儿童，正在开阔的田野采摘橄榄，从前线另一侧的政府阵地可以辨认出他们是平民。

28. 例如，10 月 20 日中午左右，一枚炸弹摧毁了一辆用于运输作物的农用拖车，两名 7 岁和 11 岁的男孩受伤，当时他们正和家人在 Ma'arblit 附近的农田采摘橄榄。调查发现附近没有军事目标，并发现使用了精确制导弹药，这些弹药可能是从前线东面的 Dadikh 政府阵地发射的。

<sup>28</sup> 例见 A/HRC/22/59 和 A/HRC/22/59/Corr.1, 第 21 段。

<sup>29</sup> 卫星图像显示距 Maram 营地约 1.5 公里有一处军事用地。

<sup>30</sup> 例见 A/HRC/31/68, 第 77 段。

<sup>31</sup> 叙利亚民主力量发表声明，否认对此次袭击负责：见 <https://sdf-press.com/en/2022/08/press-release-regarding-the-shelling-on-al-bab-city/>。另见 <https://www.syriaig.net/ar/2818/content/%D8%A8%D9%80%D9%8A%D8%A7%D9%86-%D8%AD%D9%88%D9%84-%D8%A7%D9%84%D9%85%D8%AC%D8%B2%D8%B1%D8%A9-%D8%A7%D9%84%D8%AA%D9%8A-%D9%88%D9%82%D8%B9%D8%AA-%D9%81%D9%8A-%D9%85%D8%AF%D9%8A%D9%86%D8%A9-%D8%A7%D9%84%D8%A8%D8%A7%D8%A8>(阿拉伯语)。

<sup>32</sup> A/HRC/51/45, 第 41 段。

29. 同样，9月23日，一枚炸弹在阿勒颇省的 Tadil 摧毁了另一辆农用车辆，炸伤5名家庭成员，包括两名妇女以及一名5岁男孩和一名7岁女孩，他们刚刚结束收获橄榄。调查没有发现附近有军事目标，并发现使用的精确制导弹药，是从驻扎在东面3公里 Urum al-Kubra 附近的阿拉伯叙利亚武装部队第46团发射的。

30. 地面袭击还继续在平民家中杀死或伤害平民，包括儿童(见附件四)。7月4日，从政府控制的 Miznaz 发射的一枚迫击炮弹在 Ma'arrat al-Na'san 造成一名孕妇死亡，两名儿童受伤，当时炮弹击中了他们的家。<sup>33</sup> 同样，7月30日，在阿勒颇省的 Kafr Ta'al, 另一名幼儿被炸死，他的父亲留下了长期身体残疾，当时他们正在喝茶，一枚弹药在他们家附近爆炸。受害者的亲属，即一名12岁男孩也被炸死，另一名男子受伤。

### 调查结果

31. 对于上述每起事件，委员会都要求政府提供信息，说明受攻击的地点包含军事目标，但没有收到这种信息。<sup>34</sup>

32. 委员会有合理的理由认为，政府军在人口稠密的境内流离失所者营地使用集束弹药(见上文第25段)，可能犯下了发动无差别攻击造成平民伤亡的战争罪。<sup>35</sup> 通过对 Bab 市使用无制导火箭(见上文第26段)，政府军恐吓平民，可能犯下了直接攻击平民和民用物体的战争罪。

33. 在 Ma'arblit (10月20日)、Tadil (见上文第28-29段)、Obein 和 Barah (见附件四)使用精确制导弹药进行攻击时，政府军也可能犯下了直接攻击平民和民用物体的战争罪，并因攻击平民生存不可或缺的物体而违反了国际人道法。<sup>36</sup> 政府这样做可能还侵犯了食物权。<sup>37</sup>

34. 政府军在炮击 Kafr Ta'al、Ma'arrat al-Na'san (见上文第30段)、Kafr Ammah、Kafr Latah、Dayr Sunbul、Darat Izzah 和 Ma'arblit (11月14日，见附件四)时，可能犯下了发动无差别攻击造成平民伤亡的战争罪。在 Ma'arrat al-Na'san、Kafr Ammah 和 Dayr Sunbul, 在没有军事目标的情况下，这种行为也可能构成对平民和民用物体的直接攻击。<sup>38</sup>

### 俄罗斯联邦航空航天防御部队的空袭

35. 7月22日早上6时左右，空袭摧毁了在 Jisr al-Shughur 区 Judaydah 的一所民房，炸死7名平民，包括住在那里的3名女孩和1名男孩。另有13人受伤，包括8名儿童。袭击发生时，家中至少有23名家庭成员，包括14名儿童。

<sup>33</sup> 同上，第48段。

<sup>34</sup> 见上文脚注3。

<sup>35</sup> 见 A/HRC/43/57, 附件二，第20段。

<sup>36</sup> 见 Jean-Marie Henckaerts 和 Louise Doswald-Beck, *Customary International Humanitarian Law: Volume I – Rules* (International Committee of the Red Cross/Cambridge University Press, 2005), rule 54。

<sup>37</sup> 《经济社会文化权利国际公约》，第十一条第二款。

<sup>38</sup> Henckaerts 和 Doswald-Beck, *Customary International Humanitarian Law*, rule 156。

36. 对房屋的第一次袭击由至少两枚炸弹组成，造成了大部分伤亡，并部分损坏了房屋、车辆和周围的橄榄树。大约 10 分钟后，当人们赶去帮助受害者时，由另外两枚炸弹组成的“双击”<sup>39</sup>空袭彻底摧毁了房屋。结果前去帮助最初受害者的一名男子和一名 15 岁男孩遇害。<sup>40</sup>

37. 后来，9 月 8 日上午 10 时 45 分左右，三次空袭击中了在 Hafsarjah 的一个石料切割作坊，炸死 7 名平民，包括 2 名男孩，炸伤 15 人，包括 2 名儿童。许多受害者属于同一家庭，他们一起在这个设施中工作。

38. 攻击由至少三枚炸弹开始，造成了大部分伤亡，此外还摧毁了作坊、设备和附近该家庭居住的房屋。与在 Judaydah 一样，15 分钟后，由两枚导弹组成的第二次袭击击中了同一地点，炸伤两名正在寻找废墟下尸体的平民。此后不久，第三次袭击击中了同一地区。

39. 卫星图像证实，受影响地点东北约 500 米处可能有一个军事场所，并证实了随后对其的破坏。关于石料作坊，受访者解释说，该设施是民用性质的，由来自 Hama 的一个流离失所家庭经营。一名受访者指出，在袭击发生前大约 10 天，这个家庭刚接管了作坊，而在此之前，这家作坊已经停业了近 7 个月。

40. 接下来的一周，即 9 月 17 日上午 9 时 30 分，空袭又袭击了 Hafsarjah 附近距上述石料作坊 350 米的两个石料作坊，炸伤一名平民。后来，10 月 11 日，空袭部分摧毁了 Z'ayniyah 的一个家禽养殖场。

41. 包括飞越数据和飞行员拦截在内的调查表明，至少有一架俄罗斯固定翼飞机在每次袭击的大致时间出现在受影响地区。7 月 22 日和 9 月 8 日袭击的残余物照片和损害评估表明，使用了高爆炸弹，可能是 FAB-500。自 2020 年 3 月停火协议以来，调查委员会没有记录到阿拉伯叙利亚共和国政府运营的飞机参与该国西北部的空袭。

### 调查结果

42. 对于上述每起事件，委员会都寻求表明受攻击地点含有军事目标的信息，但都没有收到这种信息。<sup>41</sup>委员会证实，在 Judaydah 和 Hafsarjah 遭到袭击的平民和民用物体附近，存在武装行为体或其他合法军事目标，但这些目标的距离足够远，可以清楚地分辨出来。关于后者，委员会审查了民用作坊与军事地点之间联系的可能性，因为它们离得较近，而且一再成为目标，但没有发现任何信息可以证明前者有军事目标。

43. 委员会因此指出，俄罗斯联邦航空航天防御部队没有将这些攻击指向特定的军事目标，可能犯下了发动无差别攻击造成平民伤亡的战争罪。<sup>42</sup>

44. 关于对 Z'ayniyah 一个家禽养殖场的袭击，航天航空防御部队没有提供关于潜在军事目标的说明。因此，他们可能违反了国际人道法，袭击了对平民生存不

<sup>39</sup> 关于“双击”，见 A/HRC/34/64, 第 39 段。

<sup>40</sup> 早上 6 时 45 分左右，空袭击中了离房屋约 1.5 公里处的一个可能的军事目标，从卫星图像可以看出，空袭损坏了一个检查站和一辆装有机枪的皮卡。

<sup>41</sup> 见上文脚注 3。

<sup>42</sup> A/HRC/43/57, 第 25 段。



可或缺的物体，延续了以前记录的亲政府部队的模式，<sup>43</sup> 并可能犯下了直接袭击平民物体的战争罪。

## B. 在政府控制区的侵犯人权行为

### 德拉、苏韦达和哈马的持续不安全状况

45. 在德拉省，继 7 月 17 日袭击一名已知反对派武装团体成员的住所，打死他的妻子并打伤他的孩子后，政府军与武装团体于 7 月和 8 月在 Tafas 发生冲突。冲突期间，政府军抢劫了农业设备，并据报道向当地农民勒索钱财，作为允许他们进入和耕种自己土地的条件，导致农作物受损。据报道，10 月份在 Jasim 也发生了类似的敲诈事件。

46. 8 月 16 日，西德拉中央委员会的一名成员在德拉省 Da'il 被枪杀，他的儿子受伤，这继续了身份不明的犯罪者针对反对派团体前成员和亲政府部队的模式。<sup>44</sup>

47. 在达伊沙领导人据报道于 10 月 15 日在 Jasim 死亡后，另有关于达伊沙在这一地区活动的报道；10 月 28 日，在德拉省的 Dar'a al-Balad，一名疑似达伊沙成员在一家房屋中实施自杀式爆炸，造成 4 名平民死亡，另有 5 人受伤。

48. 随后，11 月 1 日，亲政府部队与反对派武装团体在 Dar'a al-Balad 发生冲突，一名男孩在试图与其他家庭成员离开该地区时，被身份不明的犯罪者开枪打死，他十几岁的哥哥受伤。冲突持续了 16 天，期间一名记者也于 11 月 5 日遭枪击死亡。

49. 在苏韦达，12 月爆发了抗议社会经济状况恶化的示威活动，导致抗议者与安全部队之间发生对抗。12 月 4 日，抗议者冲进一座省政府大楼并放火，撕掉了巴沙尔·阿萨德总统的照片。安全部队以猛烈的炮火还击，导致一名抗议者死亡，十几人受伤。内政部报告称一名警察死亡。<sup>45</sup>

50. 在哈马，7 月 24 日举行了 Al-Suqaylabiyah 的 Haya Sophia 教堂落成典礼。在这一落成典礼上，一枚不明来源的炸弹(可能是从沙姆解放组织控制的地区发射的)，击中了教堂的地面，出席典礼的有国家官员和军事官员、俄罗斯军事官员、宗教要人和其他平民。据报道，这次袭击导致一名国防军<sup>46</sup> 战士死亡，一些平民受伤。

### 调查结果

51. 在没有合法军事目标的情况下针对 Dar'a al-Balad 一处私人住宅进行自杀式炸弹袭击，是对平民的直接袭击，这可能构成战争罪。政府阻止 Tafas 的农民使用自己的土地，导致作物被毁、收入损失和粮食价格上涨，这可能侵犯了民众的

<sup>43</sup> A/HRC/48/70, 第 64 段。

<sup>44</sup> A/HRC/49/77, 第 33 段；A/HRC/51/45, 第 37 段。

<sup>45</sup> 见 <https://www.facebook.com/syrianmoi/photos/1785143705203479>(阿拉伯语)。

<sup>46</sup> 关于国防军，见委员会题为“‘他们抹去了我孩子的梦想’: 阿拉伯叙利亚共和国的儿童权利”的会议室文件，第 32 段。可查阅委员会的网页(<https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation>)。

食物权。<sup>47</sup> 在苏韦达，没有对他人构成迫在眉睫死亡或严重伤害威胁的抗议者遭到枪杀，政府使用实弹应对抗议，这可能进一步构成对生命权的侵犯。在哈马，故意以教堂等文物或平民为目标可能构成战争罪，袭击军事目标导致平民伤亡，引起了人们对相称性和预防措施方面的关切。

### 任意拘留，包括虐待、酷刑和拘留期间死亡，以及强迫失踪

52. 继续有报告称政府部队进行任意逮捕和拘留，包括对此前已与政府“和解”的人进行任意逮捕和拘留。在 12 月 21 日宣布大赦“内部和外部逃兵役”罪之前，其他人因与征兵有关的原因被拘留。<sup>48</sup>

53. 在经济形势严重恶化的情况下，盛行向被拘留者亲属勒索钱财的做法。家人经常被迫求助于包括国家官员在内的中间人，试图找到被拘留的亲属，使他们被带见法官或获得释放。

54. 在某些情况下，国家当局最初的逮捕似乎是出于敲诈勒索的目的，包括基于未经授权使用外汇的指控进行拘留。<sup>49</sup> 在叙利亚镑对美元的汇率创下历史新低的情况下，一些人被安全总局逮捕，并被要求向中央银行支付大笔款项。

55. 司法程序中缺乏正当程序仍然令人关切，<sup>50</sup> 包括利用军事法庭起诉平民、长期审前拘留和隔离羁押、羁押期间逼供和强迫失踪。

56. 拘留期间的死亡也在继续，主要死因是虐待和酷刑，或缺乏医疗服务。一个家庭不被允许接触其患有慢性病的被拘留亲属，为他提供药物。据报道，他后来在拘留中死亡。2022 年 8 月，一名男子在 Tafas 的政府反达伊沙行动中受伤后被捕，在被军事情报局拘留一周后死亡。

57. 据报告在拘留中死亡的人，其家属也受到安全部门的恐吓，以阻止他们报告死亡情况，并受到胁迫不举行葬礼。

58. 政府一贯阻碍家属了解失踪亲人命运和下落的努力。<sup>51</sup> 家属继续在事发多年后发现其亲属在拘留中死亡的消息，有时不是由政府主动通知家属，而是碰巧在政府更新民事登记时发现。<sup>52</sup> 例如，一名 2013 年在东 Ghutah 被捕的大马士革农村省男子，据报于 2014 年死亡，其民事登记档案于 2018 年更新，却未告知其亲属这一变化。

59. 一些家庭收到亲属已在拘留期间死亡的非正式信息，但无法获得他们的遗体，甚至无法获得死亡证明。霍姆斯的一名男子和他的儿子与政府“和解”后，于 2021 年被拘留，他们的下落不明。另一名男子 2018 年在德拉与政府“和

<sup>47</sup> Henckaerts 和 Doswald-Beck, *Customary International Humanitarian Law*, rule 52.

<sup>48</sup> 见 <https://sana.sy/en/?p=293840>。

<sup>49</sup> 2013 年第 54 号法令，经 2020 年第 3 号法令修订。

<sup>50</sup> 另见委员会题为“眼不见，心不念：阿拉伯叙利亚共和国拘留期间死亡事件”的会议室文件，第 16 段。可查阅委员会的网页(<https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation>)。

<sup>51</sup> A/HRC/51/45, 第 70 段。

<sup>52</sup> 见 [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), 第 2 段。

解”，后在大马士革被政府安全部队逮捕并失踪。在本报告所述期间，两个家庭都收到信息，表明他们的亲属在羁押中死亡，但无法获得官方确认。

60. 更普遍的情况是，即使是基本的行政任务，如登记人口动态事件，也需要获得安全许可，这有助于扩大安全部门对人们日常生活的影响。例如，8月发布的司法部第22号通知，要求处理个人身份问题的法院，为申请与非自然死亡有关的死亡证明的个人获得安全许可。这引起人们的关切，即家庭，特别是那些被认为与反对派有关联的家庭，包括失踪的被拘留者的家庭，将面临更多的障碍，无法继续办理行政事务，同时为腐败和经济勒索提供了更多的机会。

### 调查结果

61. 委员会有合理的理由认为，政府继续对被拘留者实施谋杀、酷刑和虐待行为，包括造成拘留期间死亡的做法，以及任意监禁和强迫失踪，再次证实了危害人类罪和战争罪的持续模式。<sup>53</sup> 所有在国家关押下的死亡都必须接受独立、透明和全面的调查，否则可能构成对生命权的侵犯。在这一期间记录的案件中，正当程序权和公正审判权在叙利亚刑事司法系统中一直受到侵犯。

### 阻碍叙利亚难民和境内流离失所者回返的障碍

62. 据报道，2022年，在叙利亚难民中，回返的意愿进一步下降，主要原因是安全和安保方面的担忧。<sup>54</sup> 相反，越来越多的叙利亚人试图抵达欧洲，<sup>55</sup> 9月22日，一艘载有大批叙利亚人和其他人前往欧洲的走私船沉没，99人淹死，这一悲剧就证明了这一点。<sup>56</sup> 关于叙利亚警方和军事情报局任意拘留包括外国人在内的几名男性海难幸存者的指控正在调查中。

63. 虽然叙利亚当局在国际论坛上公开鼓励回返，<sup>57</sup> 但实际上，生活在政府控制区之外的想要回返的叙利亚难民、移民工人和流离失所者，却缺乏关于如何回返的明确和可获得的信息。没有提供任何资料说明获准返回所需的条件、负责签发此类许可的实体，以及在回返请求遭拒绝时，对此类决定提出上诉的可能性。<sup>58</sup>

64. 例如，那些希望返回霍姆斯、伊德利卜省和大马士革农村省政府控制区的人，不得经历涉及一系列当局的多重和重叠的许可程序。这种过程往往需要寻求安全机构的安全许可，<sup>59</sup> 或寻求身份的“解决”，<sup>60</sup> 或两者兼而有之，取决于回返者来自哪里、要去哪里以及他们的特征。一些人在返回之前不得求助于位于政府控制区的“身份解决”中心，以便通过代表他们的亲戚或朋友“解决”他们的身份。其他人在通过走私路线返回后，或在国际边境或过境点要求“解决身

<sup>53</sup> A/HRC/51/45, 第26段。

<sup>54</sup> 见 <https://data.unhcr.org/en/documents/details/93760>。

<sup>55</sup> 见 <https://euaa.europa.eu/latest-asylum-trends-asylum>。

<sup>56</sup> 见 <https://sana.sy/?p=1749248>(阿拉伯语)。

<sup>57</sup> 例见 <https://www.ohchr.org/en/press-releases/2022/09/committee-rights-migrant-workers-commends-syria-progress-legislation-last>。

<sup>58</sup> 见上文脚注3。

<sup>59</sup> A/HRC/45/31, 第32段, 脚注37; A/HRC/51/45, 第27–30段。

<sup>60</sup> 身份的“解决”是更广泛的“和解”过程的一部分, 见上文脚注16。

份”后，直接进入这些中心。但还有一些人被要求在返回之前提供居留安全许可，或者试图参加从黎巴嫩集体返回的倡议。

65. 一些叙利亚人的回返请求被拒绝。例如，10月26日和11月5日，两支叙利亚难民车队从黎巴嫩返回阿拉伯叙利亚共和国。据报道，在难民离开之前，黎巴嫩安全总局与叙利亚情报机构进行了协调，由后者决定哪些人可以获准返回。在车队出发前，以“犯罪”或“安全理由”拒绝了一些人的返回请求，但没有提供进一步的细节。没有告知他们对该决定提出上诉的任何正式程序。其他人在阿拉伯叙利亚共和国边境被拒绝允许入境。

66. 委员会还记录了拒绝境内流离失所的叙利亚人从反对派控制区返回他们在政府控制区的家乡的案例，尽管他们事先获得了批准。

67. 其他得知自己被当局通缉的人报告称，他们向中间人和安全部队成员支付了大量金钱，以避免回返后被逮捕——这被认为是返回政府控制区的唯一安全途径。

68. 此外，一些成功进入阿拉伯叙利亚共和国的回返者在返回后遇到侵犯人权行为。这包括任意拘留，在某些情况下伴随着经济勒索以获得释放。委员会记录了至少8名男子返回后被拘留的案件，其中一些人在支付大笔贿赂后被释放。一名在2022年初返回后已与政府“和解”的男子随后被拘留，并在拘留期间死亡，此前他被拒绝挽救生命的医疗服务。

69. 其他回返者报告说，他们不得不向当地政府官员行贿，以重新进入自己的住宅，否则根本无法进入自己的家。其他回返者看到他们的财产被邻居拿走，这些邻居对那些试图要回财产的人进行威胁。某人的房屋遭到严重破坏，这是对他坚持要求归还房子的报复。据报告，在另一起案件中，当地一个亲政府的民兵首领通过公开拍卖夺走土地，这是以前记录在案的侵犯人权模式的延续。<sup>61</sup> 对这些情况，缺乏补救措施或补救措施无效，因为当局不回应一些人提出的投诉，而其他人则称，他们担心如果提出投诉会遭到报复。

70. 鉴于上述情况以及本报告的总体调查结果，考虑到该国正在发生的侵犯人权行为，目前尚不具备确保自愿、安全、有尊严和可持续回返的条件。

## 调查结果

71. 政府未能提供回返所需程序的明确信息，隐瞒了作出不允许回返决定的理由，或未提供对此类决定提出上诉的可能性，因此可能任意剥夺了海外叙利亚人进入自己国家的权利。<sup>62</sup> 未能为回返提供便利，也可能构成违反习惯国际人道法的行为。<sup>63</sup>

72. 政府没收财产、拍卖产权，以及未经正当程序或赔偿就禁止进入房产，可能构成侵犯住房、土地和财产权。政府对第三方扣押财产的不作为或默许，可能构

<sup>61</sup> A/HRC/48/70, 第38–41段。

<sup>62</sup> 《公民及政治权利国际公约》，第十二条。

<sup>63</sup> Henckaerts 和 Doswald-Beck, *Customary International Humanitarian Law*, rule 132。



成违反保护上述权利的积极义务。这些作为和不作为，也可能违反尊重流离失所者财产权的习惯国际人道法义务。<sup>64</sup>

## 五. 沙姆解放组织在西北部地区的侵犯人权行为

73. 沙姆解放组织成员继续任意拘留平民，包括批评其统治的个人。在委员会记录的大多数案件中，有人被沙姆解放组织“安全总局”成员逮捕，并被关押在第33监狱分局(伊德利卜)，或关押在另一个据称附属于法院的拘留设施(萨尔马达)。幸存者将这两个设施描述为“秘密监狱”，被拘留者被关在牢房里，没有足够的食物，也没有医疗保健，被剥夺了获得法律咨询的机会，也不能与家人联系，只有一个案例除外。另经证实，萨尔马达中央监狱中有孕妇和儿童，包括婴儿。

74. 其他幸存者称，没有告知对他们的指控或逮捕原因，有些人被隔离羁押。那些因发表对该团体批评意见而被关押的人也被迫签署保证书，承诺不再批评该团体，才被获释。一名幸存者描述了他如何在2021年被隔离羁押，并在审讯期间被沙姆解放组织成员用塑料软管殴打。当地法院以谋杀罪判处他300下鞭刑和5年监禁，他否认犯有这一罪行。随后他被转移到另一监狱，在那里对他进行了登记，并允许他接触律师和与家人联系。然后，在有影响力的行为者施加压力后，他于9个月后获释。

75. 在本报告所述期间，委员会还收到多份一致和可信的报告，称包括妇女在内的被拘留者不断被沙姆解放组织行刑队处决。根据在沙姆解放组织控制下运作的法院作出的判决，受害者因谋杀、通奸或强奸等罪行被判处死刑。据报道，至少有两名儿童被判处死刑。调查还在进行中。

76. 沙姆解放组织还继续加强对当地各组织活动的控制，<sup>65</sup>并限制媒体工作者的工作，他们认为媒体工作者挑战他们的统治，贬低他们为居民提供安全或服务的能力。在处罚并随后压制批评性报道和恐吓记者时，该组织提到违反其媒体“法”，而该法律尚未公开。沙姆解放组织此种侵犯人权行为的受害者和目击者越来越不愿举报他们的经历。

77. 10月1日，沙姆解放组织的“媒体局”召集记者开会，宣布了禁止“东方新闻”运作的决定。在此之前，该媒体的出版物称沙姆解放组织为“民兵”，并描述了在该团体统治下的恶劣经济状况。有关联的记者被告知，禁止他们通过该媒体渠道发表文章。不遵守这一决定将导致采取“安全措施”，即根据媒体“法”进行逮捕。

78. 一名记者回忆说，过去一年，他因报道伊德利卜的生活条件以及据称沙姆解放组织犯下的侵犯人权行为，多次受到该团体及其“媒体局”的威胁、骚扰和审讯。“媒体局”暂停他的工作三个月，并暂时没收了他的记者证。他被告知，他通过工作“煽动暴力”并与“敌方媒体”合作，这违反了沙姆解放组织的媒体“法”，因此他可能面临逮捕。他必须签署一份保证书，承诺几个条件，包括停止公开谈论沙姆解放组织。

<sup>64</sup> 同上, rule 133。

<sup>65</sup> A/HRC/51/45, 第58–59段。



79. 同样，9月12日，沙姆解放组织成员殴打一名摄影师，并暂时没收了他的照相机，因为他拍摄了该团体成员殴打平民，并阻止平民通过 Bab al-Hawa 过境点进入土耳其的情况，而通过那一过境点进入土耳其是“和平大篷车”进军的一部分。

80. 为了进一步压缩公民空间，沙姆解放组织成员传唤、恐吓并短暂逮捕了包括一名记者在内的居民，因为他们在网上聊天群中对沙姆解放组织控制区的生活水平和服务提供情况发表了评论。这导致了居民的自我审查，他们因害怕报复而删除了社交媒体上的帖子。其他人受到网上诽谤运动的攻击(包括对促进性别平等工作的诽谤)，这些运动旨在对他们的工作散播不信任，限制他们的影响力。

### 调查结果

81. 委员会有合理的理由认为，沙姆解放组织成员继续任意剥夺人们的自由，并对一些人进行隔离羁押，并以相当于强迫失踪的方式拘留另一些人。沙姆解放组织经常剥夺基本的正当程序权利，<sup>66</sup> 并剥夺被拘留者获得食物和医疗保健的权利。此外，委员会有合理的理由认为，沙姆解放组织的成员可能犯下了酷刑和残忍待遇的战争罪，并在没有正规组成的法院宣布判决的情况下作出判决。普遍认为正规组成的法院可以提供不可或缺的所有司法保障。

## 六. 阿勒颇北部地区的袭击和侵犯人权行为

82. 在阿勒颇北部地区，针对平民的袭击仍在继续。委员会记录的 5 次袭击造成 60 人伤亡。尽管简易爆炸装置袭击明显减少，但平民在地面袭击中死亡或受伤，包括在流离失所者营地里他们的家中或在公共市场。叙利亚国民军成员还继续任意拘留平民，并对一些人施以酷刑，这在一些情况下也导致他们的死亡。

### A. 敌对行为

83. 7月至10月期间，至少有四次向阿夫林附近的 Kuwait al-Rahma 营地发射了多枚火箭，那里居住着约 1,500 名流离失所者。7月24日上午，一名男子被杀，两人受伤，其中包括一名妇女。10月29日，一名妇女被杀，一名男婴受伤。由于这些袭击，营地西部和西南角至少有两个住宅区被摧毁，另一个受到损坏。几乎所有的居民后来都在 10 月份离开了，他们表示担心再次成为目标，向阿夫林地方委员会提出了转移到其他地方的请求，但未获成功。目击者称该营地位于山上，为民用性质，附近没有军事目标。火箭可能是从营地以东约 15 至 16 公里的 Tall Rif'at 地区发射的，据报当时那里有库尔德武装团体<sup>67</sup> 和亲政府部队。

84. 11月22日，一枚也可能是从 Tall Rif'at 地区发射的火箭击中了 I'zaz 的一个商业区，即一家肉店前的所谓“土耳其街”，造成 5 名流离失所平民死亡，其中包括一名男孩，另有 5 人受伤。一些平民住宅和车辆也遭到损坏。

<sup>66</sup> Henckaerts 和 Doswald-Beck, *Customary International Humanitarian Law*, rule 100.

<sup>67</sup> 据报道包括库尔德人民保护部队和阿夫林解放军。另见 A/HRC/42/51, 第 56 段。叙利亚民主力量发表声明，否认对 7 月 24 日的袭击负责。见 <https://sdf-press.com/?p=37783> (阿拉伯语)。

## 调查结果

85. 关于对 **Kuwait al-Rahma** 营地的袭击，在没有任何军事目标迹象的情况下，且由于一再发动袭击，因此有合理的理由认为，这些袭击是直接针对并随后恐吓营地平民的，可能构成战争罪。关于对 **I'zaz** 的炮击，有合理的理由认为，这次袭击可能构成发动无差别攻击造成平民伤亡的战争罪。虽然没有任何一方声称对此负责，也没有足够的信息来确定犯罪者，但在这两起事件中，火箭很可能是从 **Tall Rif'at** 地区发射的，据报当时那里有库尔德武装团体和亲政府部队。

## B. 叙利亚国民军的侵犯人权行为

### 拘留，包括失踪和劫持人质

86. 叙利亚国民军各旅和叙利亚国民军宪兵队继续进行逮捕和拘留。被拘留的库尔德人经常被询问他们与库尔德人民保护部队的关系。许多人似乎是在试图进入土耳其时被逮捕的。被拘留者在叙利亚国民军不同的旅之间转来转去，他们无法获得律师，并被带上军事法庭。其中一些人后来被宣告无罪，但只是在向叙利亚国民军宪兵队成员支付了一笔钱之后才被释放。<sup>68</sup>

87. 受访者一致讲述了在审讯期间被殴打和蒙住眼睛，并被隔离羁押长达一年的时间。记录显示，在几个叙利亚国民军设施中存在酷刑和虐待行为，包括在 **Raju** 和 **Ra's al-Ayn** 的宪兵监狱，以及在 **Hawar Killis** 由 **Sultan Murad** 师运作的一所监狱。在某些情况下，这种做法导致被拘留者死亡，包括一名被自由沙姆人运动拘留的人。另一名被拘留者是一位健康状况不佳的库尔德律师，据报告 12 月在阿夫林被民警拘留期间死亡。他的尸体照片显示有瘀伤。叙利亚国民军告知委员会，调查结果表明死因是心脏骤停。据报道，另一名被拘留者遭受反复殴打，在得不到医疗死亡。

88. 叙利亚国民军再次告知委员会，被拘留者可以接触律师，与家人联系，人权组织也可以探访，防止酷刑的措施已经到位。

89. 受害者一致描述了恶劣的拘留条件，包括过度拥挤、获得食物、药品和卫生服务的机会有限。有两人描述说，当他们要求看医生或要求获得卫生用品时遭到殴打。幸存者报告说，有几个设施中关押了儿童，利用他们来打扫卫生、洗碗和分发食物。

90. 一名库尔德男子被关押在 **Hamzah** 师运作的临时设施中，被人用电缆殴打，没有食物和水，并被逼去打扫他们的房屋。几天后，他被转移到 **Ra's al-Ayn** 宪兵队，在那里他在夜间受到审讯，遭到殴打，双臂被吊在天花板上(*shabh*)，并被放在轮胎里(*doulab*)。三周后，他才被带见法官，并允许他与家人联系。他虽然被无罪释放，但仍被宪兵又关押了两个星期，直到他的家人为其释放向法院支付了 150 土耳其里拉的“费用”，并向宪兵指挥官支付了 2,500 美元。

91. 另一名库尔德幸存者在 8 月抵达 **Hawar Killis** 监狱，第一次审讯中就被蒙上眼睛，剥光衣服，遭到殴打，并被拔掉脚趾甲，这可能是 **Sultan Murad** 师的成员所为。他报告说，在同一次审讯中，一名土耳其官员帮忙将他吊在天花板上，通过翻译审讯他与库尔德人民保护部队的所谓联系，并威胁要强奸他。在土耳其官

<sup>68</sup> A/HRC/48/70, 第 81-82 段。

员进行审讯期间，叙利亚国民军成员殴打了他。该受害者被单独监禁了 20 多天，没有足够的食物和水。他还报告说，在他的家人向一名据称与叙利亚国民军有联系的中间人支付了数千美元后，他被释放。

92. 幸存者回忆说，其他被拘留者遭到叙利亚国民军长时间关押，没有任何机会与家人联系，有些人被关押了数年。一名父亲报告说，叙利亚国民军成员故意隐瞒他被拘留的儿子的下落，尽管以前曾允许他们联系。

93. 其他人似乎是因为勒索的目的而被逮捕，在向叙利亚国民军成员支付了一笔钱之后才被释放。在阿夫林，被叙利亚国民军成员逮捕的两名年轻人的父亲被迫付钱才能使他们获释。在另一个案件中，一名库尔德男孩的母亲在 Raju 被一名叙利亚国民军宪兵告知，她应支付 1,000 美元以换取该男孩获得释放，后来经谈判这个数额降了下来。

94. 叙利亚国民军成员还逮捕了那些表达反对或批评意见的人。一名阿拉伯男子因在社交媒体上批评军警而被捕，并于 7 月被 Jindayris 的一个军事法庭以诽谤罪判刑，包括对叙利亚国民军的诽谤。他在 10 月对该决定提出了上诉。

95. 8 月 12 日，据称叙利亚国民军向空中发射实弹，以驱散在 Jarabulus 的示威者，示威是为了抗议土耳其外交部长鼓励叙利亚内部对话的声明。<sup>69</sup> 第二天至少有 10 人被捕。<sup>70</sup>

### 性暴力和性别暴力

96. 委员会继续记录叙利亚国民军成员实施的强奸和其他形式的性暴力案件，包括针对儿童的案件。据称涉及叙利亚国民军成员的轮奸报告也在调查之中。

97. 委员会仍然感到关切的是，有报告称，往往重点放在犯罪者家庭与幸存者家庭之间基于名誉概念的和解，而不是为阻止此类犯罪而追究犯罪者的责任。这种和解有时会导致受害者与犯罪者的强迫婚姻——这是对受害者权利的再次侵犯。

### 谋杀

98. 9 月 14 日，一名 9 岁的伊拉克男孩被发现在遭到毒打和强奸后死亡，据称作案者是最近抵达 Ra's al-Ayn 的一名前武装团体战斗人员。该男子被逮捕并移交给 Ra's al-Ayn 的叙利亚国民军宪兵，随后宪兵队长发表公开声明，承诺对强奸进行“报复”。9 月 15 日，在宪兵将他转交给叙利亚国民军民警看管时，一群蒙面枪手拦住了运送他的汽车，并开枪将他打死。当天晚些时候，两名叙利亚国民军派别领导人公开赞扬这一杀人行为。<sup>71</sup>

<sup>69</sup> 见 [aa.com.tr](http://aa.com.tr) 叙利亚 الخارجية وزير مع أجزاها قصيرة محادثة عن يكشف أوغلو تشاوش

<sup>70</sup> 见 [https://twitter.com/gul\\_davut/status/1558078683998556160?s=21&t=L1KF9pSLs85y6GUtH81Flg](https://twitter.com/gul_davut/status/1558078683998556160?s=21&t=L1KF9pSLs85y6GUtH81Flg) (土耳其语)。

<sup>71</sup> 例见 [https://twitter.com/LBM\\_SY/status/1570529517005066245](https://twitter.com/LBM_SY/status/1570529517005066245) 和 <https://twitter.com/abohateem15/status/1570468500287950848> (均为阿拉伯语)。

99. 10月7日，一名阿拉伯裔媒体活动分子和他怀孕的妻子在 Bab 市骑摩托车时被杀害。目击者证实，受害者在被杀前因其活动收到了死亡威胁。10月10日，Hamzah 师发表声明，承认三名被指控的犯罪人是他们的部队成员。<sup>72</sup>

100. 叙利亚国民军告知委员会，它正在调查上述两起事件。

### 没收财产

101. 叙利亚国民军告知委员会，平民索还财产的程序已经到位。然而，受访者报告说，他们无法重新获得其财产，其中一些财产在 2018 年被没收；他们因索还财产而受到逮捕威胁；或被迫支付叙利亚国民军成员向寻求返回者征收的“费用”。

102. 独自生活并拥有财产的妇女尤其受到这种做法的影响。例如，一名老年丧偶妇女描述了沙姆军团的一名高级成员如何在 2022 年 10 月没收了她的橄榄作物，此前同一团体的另一名成员在 2018 年没收了她的家。该组织声称，作为一名寡妇，她不需要仅仅属于自己的家。另一名妇女描述了她如何仍在努力争取回到她在阿夫林的家，Ahrar al-Sharqiyah 的一名成员没收了她的家，此人问她为什么房子在一名妇女名下。

### 调查结果

103. 委员会有合理的理由认为，叙利亚国防军成员继续任意剥夺个人自由，将被拘留者隔离羁押，有些人的关押方式相当于强迫失踪。叙利亚国防军成员还继续实施酷刑，包括强奸、虐待、谋杀、劫持人质和掠夺，所有这些都可能构成单独的战争罪。委员会期待叙利亚国防军提供进一步的资料，说明努力追究其部队对这些行为的责任，同时尊重被告、受害者和证人的公正审判权。

104. 继续记录到土耳其官员参与审讯的情况，有些审讯涉及对被拘留者施加酷刑或虐待。<sup>73</sup> 土耳其受国际人权和人道法规定义务的约束，包括防止出现酷刑。<sup>74</sup> 土耳其部队可能违反了《关于陆战法规和习惯的章程》第 43 条和 1949 年 8 月 12 日日内瓦四公约共同第一条规定的义务。

## 七. 东北部地区的攻击和侵犯人权行为

105. 在阿拉伯叙利亚共和国东北部地区，特别是在叙利亚国民军与叙利亚民主力量控制地区之间的交火中，敌对行动造成了平民伤亡。<sup>75</sup> 据报道，7 月、8 月和 11 月，在土耳其“爪剑”行动开始的同时，平民伤亡人数增加。

106. 叙利亚民主力量继续任意拘留平民，包括据称与达伊沙组织有关联的个人及其家人(见下文七.B 节)。

<sup>72</sup> 存档声明。

<sup>73</sup> A/HRC/45/31, 第 54 段和 60 段；A/HRC/46/55, 第 41 段和第 45 段。

<sup>74</sup> A/HRC/46/55, 第 45 段。

<sup>75</sup> 据报道，在土耳其境内也发生了袭击事件，但这不属于委员会的职权范围。

107. 在本报告所述期间，还不断有招募儿童的报告，<sup>76</sup> 尽管叙利亚民主力量与负责儿童与武装冲突问题秘书长特别代表于 2019 年 6 月签署了行动计划，以结束和防止招募和使用 18 岁以下的儿童；<sup>77</sup> 自治当局执行委员会<sup>78</sup> 于 2020 年设立儿童保护办公室，且叙利亚民主力量正在努力结束这种做法，但招募儿童的情况持续存在。有些家庭向儿童保护办公室报告了年仅 14 岁的儿童被招募的案件，但被告知无法采取行动，因为这些儿童是被库尔德革命青年运动带走的。<sup>79</sup> 尽管家人提出请求，一些被招募儿童的下落仍然不明。

108. 在不同政党与团体之间关系持续紧张背景下，基本自由继续受到侵犯。例如，9 月 28 日在卡米什利举行的抗议活动，受到库尔德安全部队<sup>80</sup> 连同佩戴库尔德革命青年运动徽章的人镇压，他们殴打抗议者和一名记者，并损坏后者的设备。抗议是对据报道自治当局决定关闭教授叙利亚官方课程的学校和教育机构作出反应。<sup>81</sup> 10 月 19 日，联合国驻卡米什利总部遭到破坏，据报是由与同一运动有关联的个人所为。

## A. 敌对行为

109. 继续有报告称，在与土耳其接壤的地区或叙利亚国民军控制区附近，包括在 Tall Rif'at 以及 Ayn Isa 和 Tall Tamr 周围地区，地面袭击和无人机袭击造成了平民伤亡(见附件二和三)。

110. 在 8 月 6 日傍晚的一次这样的袭击中，一架无人机向卡米什利的 Al-Sina'ah 居民区的一辆白色平板卡车发射了一枚土耳其制造的 MAM 型(智能微型弹药)导弹，两名年龄分别为 15 岁和 17 岁的男孩和一名平民男子被打死，其中一名男孩的平民父亲在附近受伤。该车载有一名叙利亚民主力量战士和一名库尔德斯坦自由生活党指挥官，他们可能是袭击的目标，两人也都被打死。

111. 据报道，Ayn al-Arab 以西的一个土耳其边境哨所受到袭击，土耳其士兵被打死，随后，8 月 16 日上午，土耳其炮击影响到 Ayn al-Arab 的多个地点，包括 Kania Kurdan 居民区一家医院的院子，一名 2 岁男孩受伤。<sup>82</sup> 委员会回顾，在敌对行动期间，必须遵守对医疗设施的特别保护。据报道，当天上午，Ayn al-Arab 周围的几个村庄，包括 Zor Ava、Qaramogh、Qor Ali、Boban、Ashmah、Qoran 和 Sefttek，也受到影响，这些村庄离 Ayn al-Arab 大约五公里远，距离重兵把守的边境地区几百米。一名十几岁的男孩在 Zor Ava 村被打死，至少四名平民受伤，其中包括一名妇女。受访者还报告了更多的平民伤亡和民用建筑受损，包括一家面粉厂及其发电机。

<sup>76</sup> A/76/871-S/2022/493, 第 198 段。

<sup>77</sup> A/HRC/42/51, 第 23 段。

<sup>78</sup> A/HRC/45/31, 第 12 段。

<sup>79</sup> A/HRC/49/77, 第 105 段。

<sup>80</sup> A/HRC/39/65, 第 68 段。

<sup>81</sup> A/HRC/48/70, 第 106 段。

<sup>82</sup> 可能的军事目标也遭到袭击，包括距离医院约两公里的一辆汽车。



112. 11 月，作为“爪剑”行动的一部分，土耳其对阿拉伯叙利亚共和国东北部的多个地点进行了空袭和炮击，特别是 Malkiyah 和 Ayn al-Arab。据报道，有几起伤亡，尤其是在 Taql Baql，一名男记者被打死。另一名男记者在 Ayn al-Arab 受伤。民用基础设施也遭到破坏，包括 Taql Baql 的 Suwaydiyah 电站，导致电力和天然气供应中断。对这些事件的调查正在进行中。

### 调查结果

113. 8 月 6 日的无人机袭击发生在人口稠密的卡米什利街区。无人机通常可以观察到在选定的攻击时间和地点有平民。因此，土耳其武装部队可能没有采取一切可行的预防措施，以避免并无论如何尽量减少附带的平民丧生、平民受伤和民用物体受损。<sup>83</sup> 此外，8 月 16 日对 Ayn al-Arab 的袭击可能相当于发动无差别攻击袭击，违反了国际人道法。发动无差别攻击造成平民伤亡可能构成战争罪。

## B. 任意剥夺自由，包括强迫失踪

114. 叙利亚民主力量继续在东北部地区拘留了 10,000 多名疑似的达伊沙战士和被指称隶属于该团体的其他男子和男孩。许多人，特别是非叙利亚人，没有任何法律途径对拘留他们提出争辩。他们与外部世界的联系非常有限，往往仅限于人道主义人员零星转递的信件。人道主义人员不得接触在这种情况下被拘留的数百名男孩，包括外国人，<sup>84</sup> 尽管有迹象表明他们迫切需要医疗和其他援助。据报告，自 2022 年 1 月以来，仅在 Sina'ah 监狱，就有数十名十几岁的男孩死于肺结核。一名目击者看到瘦弱、肌肉萎缩的男孩，以及有明显外伤、双腿截肢和贫血的儿童。其他男孩被拘留在“康复”中心，包括 Hasakah 新开的 Orkesh 中心。必须完全恢复向这 800 多名男孩提供充分的人道主义援助。

115. 指称的达伊沙成员家属遭到非法拘留的营地仍然不安全。委员会收到了许多关于性暴力和性别暴力的报告，由于缺乏对此类案件的预防或追责机制，情况变得更加复杂。8 月 25 日，据称在叙利亚民主力量和国际打击达伊沙联盟支持下，库尔德安全部队开始了人道与安全行动，<sup>85</sup> 该行动导致将数十名男孩从 Hawl 和 Rawj 营地转移，其中一些转移到未知地点。在这次行动中，叙利亚民主力量报告称，发现了被与达伊沙相关家庭俘虏的雅兹迪迪妇女和女孩，据报道其中有些人被带上镣铐并遭受酷刑。据报道，在库尔德安全部队安全行动之前，7 月和 8 月发生了 10 起谋杀案，此后又发生了 3 起谋杀案。

116. 难民营的生活条件继续恶化。大约有 56,000 人住在这些营地中，其中大多数是妇女和 12 岁以下儿童，包括来自大约 66 个国家的 37,000 多名外国人。他们住在已使用了三年的破旧帐篷中，面临极端气温和洪水。获得适当卫生保健的机会仍然极其有限，受影响的尤其是有残疾、伤病或慢性疾病，包括哮喘的妇女和儿童。这些伤病或慢性疾病自 2019 年以来未得到治疗。受教育的机会也很有限，母亲们被迫在家教育子女。

<sup>83</sup> A/HRC/39/65, 第 24 段。

<sup>84</sup> A/HRC/51/45, 第 96 段。

<sup>85</sup> 见 <https://sdf-press.com/en/2022/08/the-internal-security-forces-launch-the-second-phase-of-the-operation-security-and-humanity-in-al-hol-camp/>。

117. 委员会一再呼吁释放难民营中的叙利亚人和遣返 Hawl 和 Rawj 难民营中的非叙利亚国民。委员会欢迎最近遣返行动的增加，包括向以前不愿意接收遣返成年人的国家的遣返(见附件六)。被拘留在阿拉伯叙利亚共和国东北部营地的伊拉克人人数最多，有近 27,000 名男子、妇女和儿童，他们的遣返也在稳步进行。9 月，欧洲人权法院发布了一项判决，要求法国重新考虑接收遣返请求，确保程序保障到位，以避免决定的任意性。<sup>86</sup> 两天之前，儿童权利委员会认定芬兰违反《儿童权利公约》，类似于其先前关于法国的决定。<sup>87</sup>

118. 然而，数以万计的人仍然被困，包括与外界隔绝、只知道营地生活的儿童。过去从这些监狱和营地的遣返和返回表明，结束这些侵犯人权行为是可能的。

119. 据报告，在东北部地区的其他拘留设施中，以前记录的与拘留有关的侵犯人权行为仍在继续，<sup>88</sup> 包括在阿勒颇省 Shaykh Maqsood 的库尔德安全部队拘留所。在库尔德人内部关系紧张的情况下，一名对自治政府和叙利亚民主力量表达批评意见的人在正当程序保障的情况下被拘留了几个月。

### 调查结果

120. 委员会有合理的理由认为，叙利亚民主力量成员任意剥夺个人自由，包括以等同于强迫失踪的方式剥夺一些人的自由。<sup>89</sup>

121. 自 2019 年以来，在没有单独或定期审查的情况下，在 Hawl 和 Rawj 营地长期全面拘留约 56,000 人，相当于非法剥夺自由，且这两个营地的条件可能相当于残忍或不人道的待遇。<sup>90</sup> 叙利亚民主力量在这些人没有机会对这种拘留的理由提出质疑的情况下，将他们关押了近四年，并未经证实地假定他们与联合国认定的恐怖实体有关联。有合理的理由认为，给每个被拘留者造成的身体和精神痛苦的形式、严重程度、持续时间和强度，特别是侮辱性和有辱人格的待遇，可能构成侵犯个人尊严的战争罪。<sup>91</sup> 委员会认为，参与支持叙利亚民主力量的会员国有协助他们停止这些侵犯人权行为的特殊责任。<sup>92</sup>

<sup>86</sup> H.F.和其他人诉法国,第 24384/19 号和第 44234/20 号申请,判决书,2022 年 9 月 14 日。

<sup>87</sup> 见 P.N.等诉芬兰(CRC/C/91/D/100/2019)和 F.B.等诉法国(CRC/C/89/D/77/2019-CRC/C/89/D/79/109-CRC/C/89/D/109/2019)。

<sup>88</sup> A/HRC/49/77, 第 106 段。

<sup>89</sup> A/HRC/51/45, 第 101 段。

<sup>90</sup> A/HRC/37/72, 附件三, 第 12–15 段, 以及其后委员会的报告。

<sup>91</sup> 见 1949 年日内瓦四公约共同第三条和 2020 年相关评注 (<https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949/article-3/commentary/2020?activeTab=undefined>)。另见前南斯拉夫问题国际法庭, 检察官诉 Aleksovski, IT-95-14/1-T 号案件, 判决书, 1999 年 6 月 25 日, 第 57 段。

<sup>92</sup> 1949 年日内瓦四公约共同第一条。

## 八. 建议

122. 委员会重申其以前的建议，并特别呼吁冲突各方：

(a) 立即停止对平民和民用物体的一切不加区分的直接攻击；特别是对医疗设施和平民生存不可或缺的物体以及文化和宗教场所的攻击，并采取一切可行的预防措施，尽量减少对平民的伤害；

(b) 对其部队卷入的导致平民伤亡的事件，进行独立、公正、可信的调查，以确保追究侵犯人权责任人的责任，确保不再发生，并公布调查结果；

(c) 停止在所有拘留场所的酷刑和其他残忍、不人道或有辱人格的待遇或处罚，包括性暴力和性别暴力；释放被任意拘留者；并确保通过公正审判，追究此类侵犯人权行为实施者的责任；

(d) 停止一切形式的隔离羁押和强迫失踪，并根据安全理事会第 2474(2019)号决议，采取一切可行措施，找到所有被拘留者和/或失踪者，确定他们的命运或下落，并确保与其家人联系；

(e) 确保性暴力和性别暴力及其他侵犯人权行为的受害者有安全有效的司法渠道，以寻求补救和免遭报复的保护，包括提供充分的人身保护；根据《消除对妇女一切形式歧视公约》和《禁止酷刑和其他残忍、不人道或有辱人格的待遇或处罚公约》，加大努力消除对受害者的污名化或歧视，包括消除歧视妇女的法律和做法；

(f) 尊重和保护意见和表达自由、和平集会、结社和行动自由以及财产权，包括难民和境内流离失所者的这些自由和权利。

123. 委员会呼吁阿拉伯叙利亚共和国立即停止在居民区使用集束弹药，并批准《集束弹药公约》和《禁止或限制使用某些可被认为具有过分伤害力或滥杀滥伤作用的常规武器公约》。

124. 委员会呼吁支持或以其他方式影响冲突各方的会员国，按照习惯国际人道法和 1949 年日内瓦四公约共同第一条以及其他相关条约规定的义务，采取行动，确保它们所支持的各方尊重权利和依法行事，遏制其侵犯人权行为，包括：

(a) 将以下各项作为向各方提供任何支持的条件，即尊重国际人权和人道法标准，在追究其部队责任的范围内开展有效调查，采取可核查的符合国际法的内部措施，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，以及其他切实措施，确保个人不被非法剥夺自由；<sup>93</sup>

(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。

125. 此外，委员会建议联合国会员国：

(a) 立即采取行动，建立一个具有国际授权的独立机制，负责协调和加强失踪人员(包括强迫失踪人员)的索赔事宜；

<sup>93</sup> 见 <https://sri.icrc.org/en/practical-measures>。

(b) 接收因涉嫌与达伊沙组织有关联而被关押在阿拉伯叙利亚共和国东北部地区的本国国民的遣返，特别是遵从儿童的最大利益接收儿童及其母亲；如个人面临任意拘留或人身伤害，包括死刑的危险，则不得予以遣返；

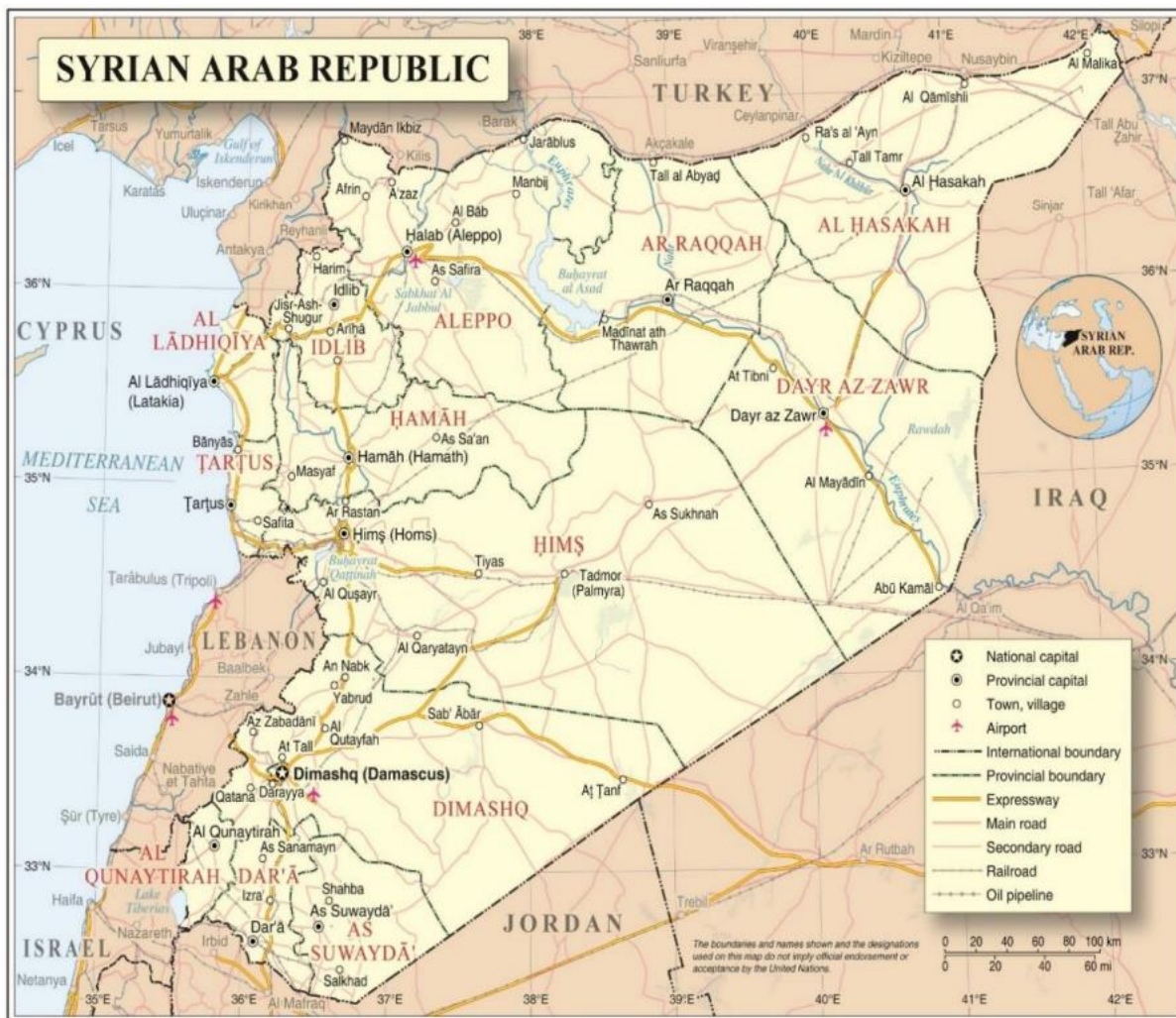
(c) 继续寻求追责，途径包括确保和投资于有效的立法、调查、司法和检察基础设施；

(d) 确保叙利亚难民的任何回返都是自愿、安全、有尊严、可持续的，没有人身受到伤害或基本人权受到侵犯的风险；

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

Annex I

Map of the Syrian Arab Republic

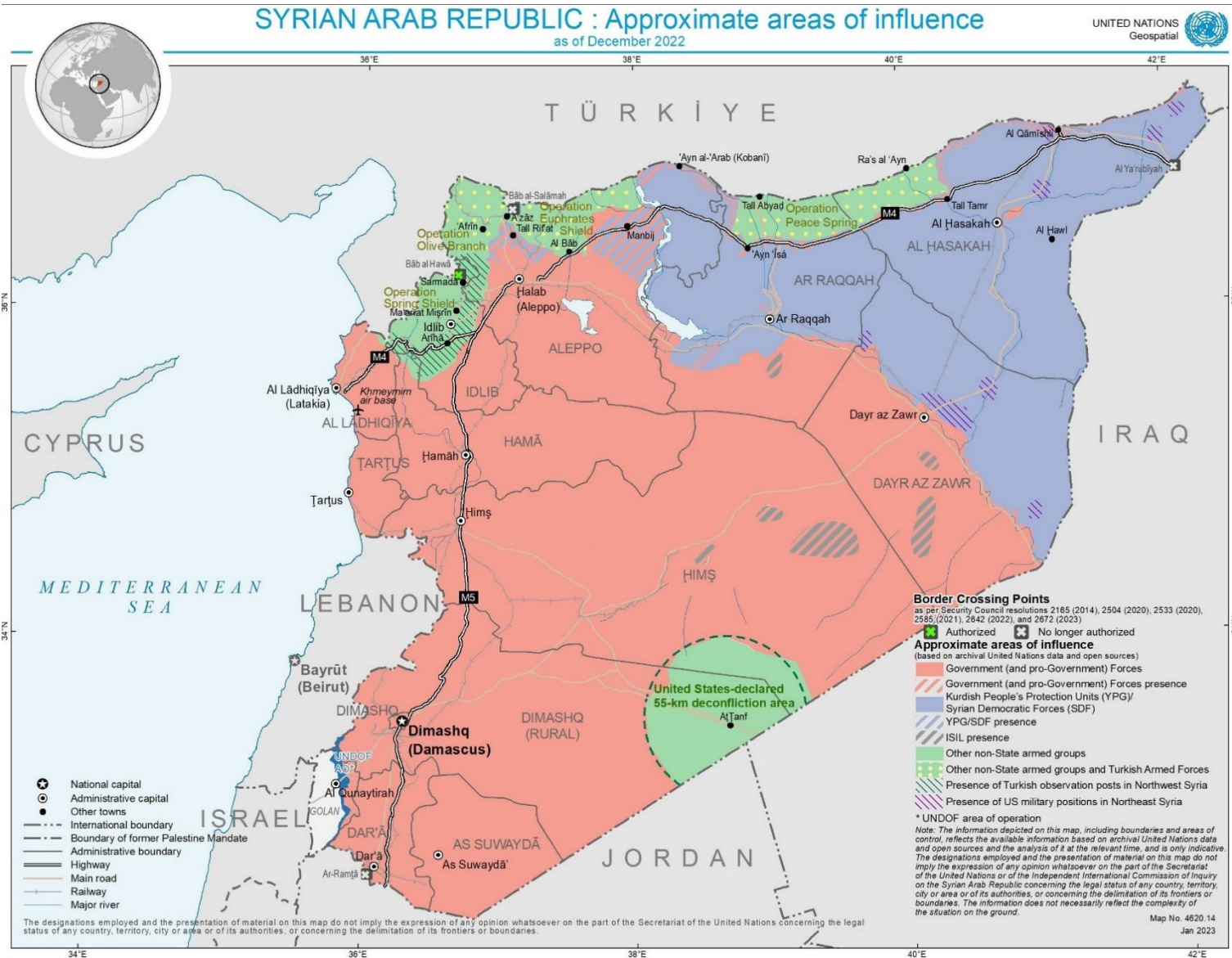


Map No. 4204 Rev. 3 UNITED NATIONS  
April 2012

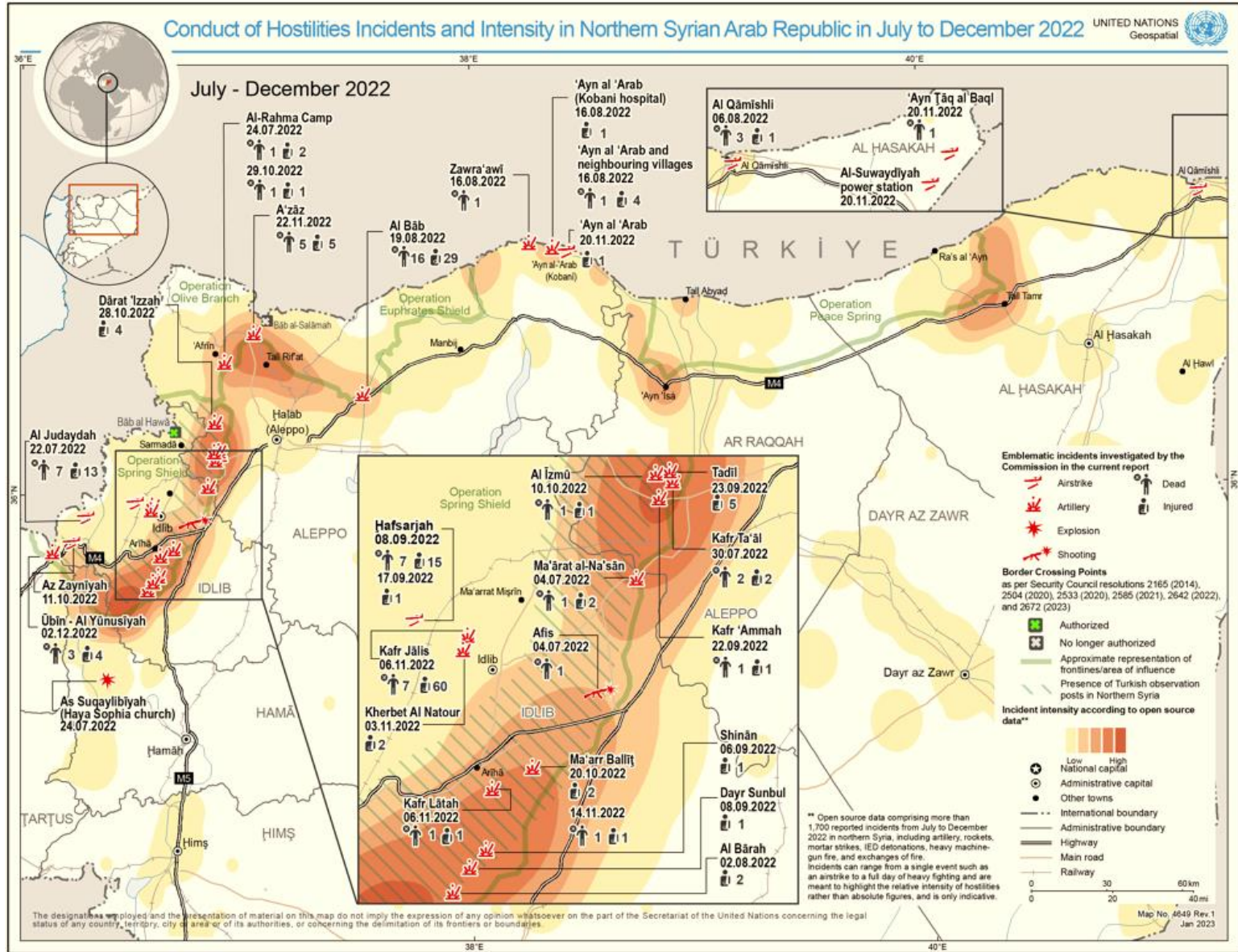
Department of Field Support  
Cartographic Section



# Annex II: Approximate areas of influence – December 2022



# Annex III: Conduct of Hostilities Incidents – July–December 2022



## Annex IV

### Ground attacks in Idlib and parts of westerns Aleppo

#### A. Idlib

##### *Civilian home, 4 July, Ma'arrat al-Na'san town*

1. In the evening of 4 July, a ground attack hit a residential area in Ma'arrat al-Na'san town, killing one displaced pregnant woman and injuring her son and daughter-in-law, aged one and a half and 14 years respectively, in their home. The spouse of the victim recalled how he had already lost 11 of his relatives, including four of his children, in an air strike in 2016.

2. Photographs of the impact analysed by the Commission indicated the use of a mortar weapon, fired from the area of Miznaz town, only 2.2 kilometres from Ma'arrat al-Na'san across the frontline, where government forces are known to be present. The distance is within the range of a mortar weapon. A Turkish observation post was located around 600 meters from the affected location.

##### *Civilian home, 4 July, Afes town*

3. On 4 July, at around 7 p.m., one boy, aged almost four, died after a fragment of a bullet or munition pierced his heart while his grandmother was holding him on the doorstep of her home in Afes town. At least five other children, relatives of the victim, witnessed the events.

4. Information received by the Commission indicated that the munition was fired across the frontline from the direction of al-Duwair or Saraqib, located around four kilometres east of Afes, where pro-government forces, including Russian forces and Iranian militia, were known to be present at the time.<sup>1</sup> A Turkish observation post was located some 600 metres from the affected location.

##### *Civilian home, 6 September, Shnan village*

5. On 6 September, at 9.30 a.m., shelling injured one woman and caused damage to her home, located near a mosque on the main street in Shnan village, Jabal al Zawiyah area, Idlib. Interviewees told the Commission that the munition was fired from Government positions located to the east, in the area of Hantunin, across the frontline. No military objective was known to be located nearby.

##### *Civilian home, 8 September, Dayr Sunbul village*

6. Two days later, on 8 September, in the early afternoon, shelling hit a civilian house and injured one woman in Dayr Sunbul village, Jabal al Zawiyah area, Idlib. The munition was fired from government positions located in the area of Hantunin village/town across the frontline, south-east of the affected location. No military objective was known to be located nearby.

##### *Agricultural fields, 2 August, Barah town*

7. At around 7.30 a.m. on 2 August, one munition was fired into an agricultural field near al-Bara town, injuring two farmers and destroying their agricultural (irrigation) vehicle while they were irrigating their land. The munition hit the front side of the vehicle.

8. Victims recalled that they had routinely worked their land for the last three years, usually in the morning, when the attack took place. One witness described how he heard and then saw the munition coming towards him, while he was watering the trees. His brother, who was subsequently killed, had just exited the vehicle to bring him water.

<sup>1</sup> [A/HRC/51/45](#), para. 52.



9. Consistent with witness testimonies, satellite imagery confirmed the absence of any nearby military objective. Open-source analysis, photographs and video footage showed a flat, open agricultural field planted with trees, with a clear line of sight from government-controlled areas across the frontline, situated around 500 metres from the affected location. Investigations indicated the use of a guided heat-seeking munition fired from Government positions across the frontline to the east, with the closest positions located in Kafr Rhoumah, some 3 kilometres away.

*Agricultural fields, 20 October, Ma'arblit village*

10. On 20 October, at around noon, one munition destroyed an agricultural vehicle, and injured two boys, aged 7 and 11, while a family of 15, primarily women and children, was collecting olives near the village of Ma'arblit. The munition hit the front side of the vehicle where the engine was located, and wounded the children standing next to it.

11. One victim recalled that the family had already been working their land for three days, usually in the morning, when the attack took place. Before the olive harvest season, they had been working this land on weekly basis for the last two years. One witness recalled hearing a loud noise followed by a sudden explosion, almost five hours after the family had arrived at the field. As the family was preparing to exit the area, forced to leave their harvest behind, another munition exploded some 200 metres to the west of the first impact. Another interviewee noted the presence of a drone after the first munition was fired.

11. Satellite imagery showed two berms and a roadblock some 800 meters away from the affected location. Consistent with witness statements, photographs of the destroyed vehicle indicated the use of a guided munition, possibly fired from Government positions located to the east across the frontline, in Dadikh town.

*Agricultural fields, 3 November, Karbat al-Natour*

12. On 3 November, at around 11 a.m., shelling injured two men while they were harvesting olives, in a field near Karbat al-Natour.

*Agricultural fields, 6 November, Kafr Latah*

13. On 6 November, at approximately 4.30 p.m., artillery shelling killed one man and injured his spouse in an agricultural field near Kafr Latah. The family, including their seven children, some as young as one, had come to collect olives when one munition exploded next to the man as he was praying.

14. Satellite imagery showed a military site and vehicles approximately one kilometre way from the affected location. Interviewees told the Commission that the munition was fired from Government positions, stationed across the frontline in either Khan as-Subul or Kafr Batteikh, located some 7 to 11 kilometres away.

*Agricultural fields, 14 November, Ma'arblit town*

15. On 14 November, at 9 a.m., artillery shelling killed one man and injured his cousin while they were picking olives in an agricultural field near Ma'arblit town. Two other family members, including one woman, were also present during the attack.

16. The family had just arrived at their field some 15 minutes prior to the attack, and were picking olives when one munition exploded a few metres away from the two victims. Shelling continued, with at least five other munitions fired into the same area, while the family was trying to leave.

17. Interviewees noted that no fighting was taking place during the attack, and that shelling likely originated from Dadikh town to the east, across the frontline, located around two kilometres away. One of the victims told the Commission that a group of young men were located some 400 metres east of the affected location.

*Civilian home, 2 December, Obein village (Jisr al-Shughur)*

18. On 2 December, at around 1 p.m., one munition killed three civilians, including one boy, and injured at least four others, including one woman and a 13-year-old child, in the yard of their home in Obein. The attack took place while at least 25 family members, including 10 children, had finished their lunch and were preparing to resume work in their

fields, while children were playing outside. Interviewees described that, owing to the town's proximity to the frontline, almost all residents had already fled Obein. Some families would return occasionally to check on their properties, while others had no other option but to remain in the area because they could not afford move elsewhere.

19. Interviewees recalled that there was no military activity during the time of the attack, and that the munition, was likely fired from government positions located around one kilometre away in al-Qala.

### **Western Aleppo**

*Civilian vehicle, 30 July 2022, Kafr Ta'al village*

20. On 30 July, between 6 p.m. and 7 p.m., two artillery shells exploded on a main road near a civilian house in Kafr Ta'al village. A 5-year-old boy was killed and his father was left with a long-term physical disability, when one munition exploded two metres away from their home while they were having tea. A 12-year-old boy related to the victims died and another man was injured as they passed by the house at the time of the attack.

21. Owing to its proximity to active frontlines, the village was frequently shelled and drones were often observed, including on the day of the incident. Witnesses recalled that most of the residents had already fled Kafr Ta'al, and only those who could not afford the cost of relocating elsewhere, had remained. An armed group member alleged that the shelling was triggered when a vehicle, driven by members of the armed group, drove by the victims' home.

22. Interviewees told the Commission that the munitions were likely fired from positions of the 46th regiment of the Syrian Arab Armed Forces, located approximately three kilometres away near Urem town. Photographs of the impacted location did not show the presence of a vehicle, or the remnants thereof, to substantiate the presence of armed groups in front of the house when the munition was fired. Satellite imagery dated one day before the attack indicated the probable presence of a military site, a possible military objective, located some 270 meters to the south of the affected area.

*Civilian home, 22 September, Kafr Ammah village (near Kafr Ta'al)*

23. On 22 September, between 9 a.m. and 10 a.m., shelling killed one man and injured his 12-year-old brother, while in the garden of their home in Kafr Ammah. Two civilian vehicles, including a water truck, were also damaged. The first munition impacted around 20 metres away from the building, while the second exploded within the fenced area surrounding the house, about one metre away from where the adult victim was standing.

24. Interviewees reported that no military objective was located near the house. Information collected by the Commission, including photographs of the impact and remnants of the weapon, indicated the use of a mortar, likely 120 mm calibre, fired from positions of the 46th regiment of the Syrian Arab Armed Forces located less than two kilometres to the west of Urum al-Sughra. The distance is within the range of this weapon.

*Civilian vehicle, agricultural fields, 23 September 2022, Tadil village (near Kafr Ammah)*

25. On 23 September, at around 6.30 p.m., five family members were injured, including two women, one boy and one girl, aged 5 and 7 respectively, when a munition struck their agricultural vehicle directly, minutes after it was parked in front of their house in Tadil. The family had just returned from agricultural work in their field near Tadil.

26. The munition hit the front side of the vehicle where the engine was located, while the adult victims were walking towards their home, and the boy was still inside the car. He suffered serious injuries, including to his head and stomach, while his sister, who was standing outside next to the vehicle, suffered shrapnel wounds to her arms and legs. The vehicle was destroyed, leaving the family with no other means to transport their harvest from the field.

27. One of the victims told the Commission that less than 100 people remained in Tadil, and despite fearing for their safety, financial constraints prevented his family to leave. Relocating further away from their agricultural land would also mean losing the olive harvest, a main source of income for many, including for his family.



28. Satellite imagery and open-source analysis showed a shallow valley separating Tadil from villages to the east, including Urem al-Kubra. Information collected by the Commission, including photographs and video footage, confirmed the absence of a military objective nearby, and indicated the use of a guided missile, fired from positions of the 46th regiment of the Syrian Arab Armed Forces, located some three kilometres away to the east, near Urem al-Kubra. The vehicle was, moreover, stationed on an elevated site moving in an eastern direction, which enabled Government forces to direct fire at a visible target.

*Residential area, 10 October, Ebzimo village*

29. On 10 October, late in the evening, shelling killed one boy, aged 14, and injured his mother in front of their home near Ebzimo.

*Civilian vehicle, 28 October, Darat Izzah*

30. On 28 October, at around 4.30 p.m., two munitions – within a span of few minutes – impacted on the main road connecting Darat Izzah to Aleppo (Road 62). While the first munition did not result in any casualties, the second impacted near a civilian truck and injured three male passengers, and another man who was standing nearby. The vehicle was destroyed, along with food supplies that the family was planning on selling at a market in Dar'at Izza. One of the victims interviewed by the Commission recalled that he had used this road frequently to take his homemade food to sell at markets around the region.

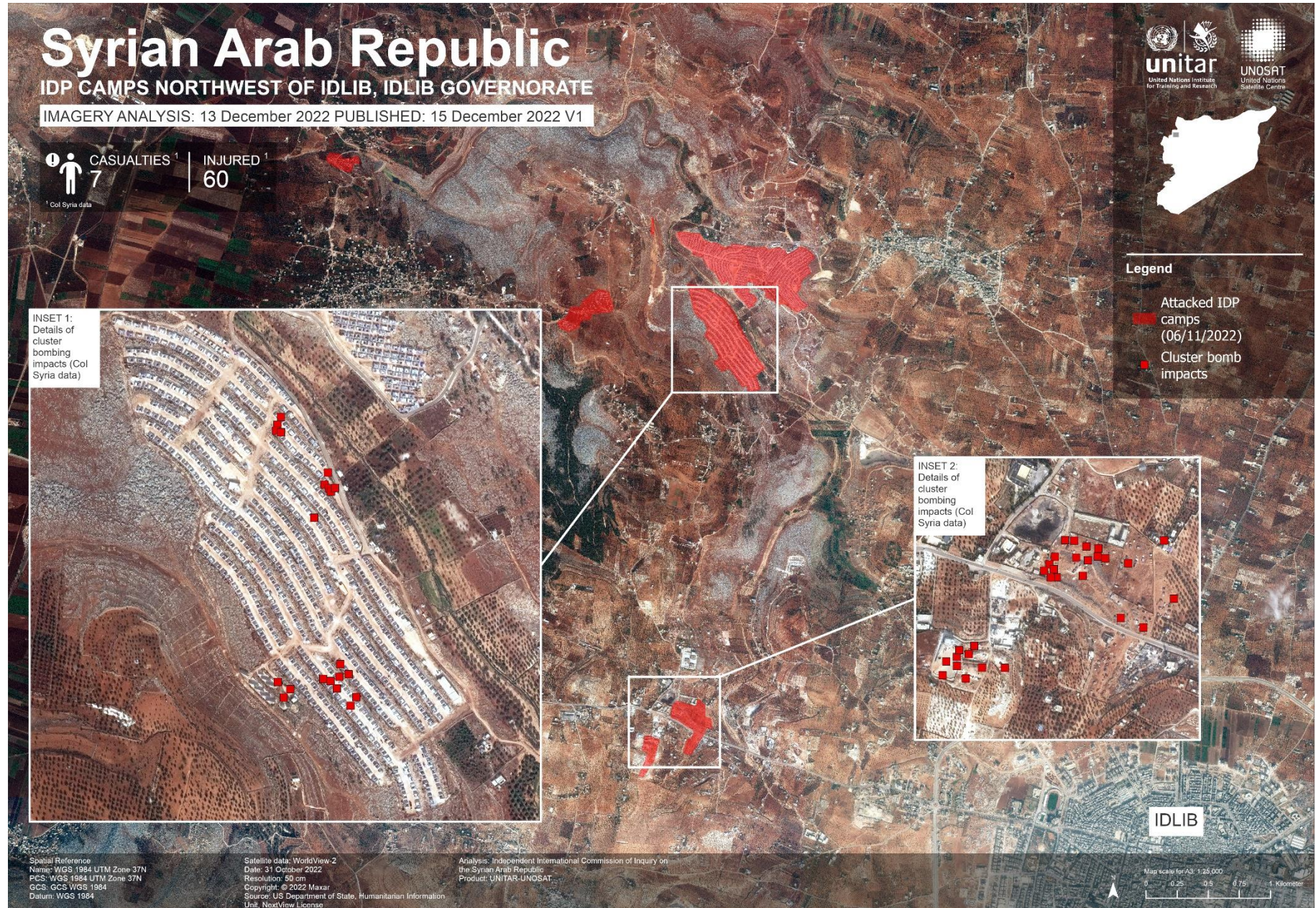
31. Satellite imagery showed the presence of what appeared to be a checkpoint/observation post some 100 meters from the affected location. Interviewees told the Commission that a munition was reportedly fired from government positions in Qibtan al-Jabal, positioned between six to seven kilometres away from the affected location. One witness told the Commission that the vehicle was hit while on an elevated part of the road, and thus in the line of sight of government positions stationed near Darat Izzah. The victims frequently used this road.



# Annex V – Satellite imagery

## 1. Maram camp for displaced persons, near Kafr Jalis (see para. 25)

Analysis conducted by UNOSAT©2022 Maxar Technologies





## 2. Bab city, northern Aleppo (para. 26)

Analysis conducted by UNOSAT©2022 Maxar Technologies





## Annex VI

### Repatriation of foreign children and women from SDF-run camps in north-eastern Syria (as of 31 December 2022)

<i>Countries and areas<sup>b</sup></i>	<i>Repatriated children (range)<sup>e</sup></i>	<i>Countries and areas<sup>b</sup></i>	<i>Repatriated women (range)<sup>e</sup></i>
Kazakhstan <sup>d</sup> , Russian Federation <sup>ad</sup> , Uzbekistan <sup>d</sup>	201-500	N/A	201-500
France <sup>ad</sup> , Tajikistan <sup>a,d</sup>	101-200	Kazakhstan <sup>d</sup> , Uzbekistan	101-200
Germany <sup>ad</sup> , Kosovo <sup>dh</sup>	51-100	N/A	51-100
Albania <sup>d</sup> , Belgium, Netherlands <sup>a</sup> , Sweden <sup>d</sup>	26-50	France <sup>ad</sup> , Kosovo <sup>h</sup> , Tajikistan <sup>a</sup>	26-50
Australia <sup>a</sup> , Denmark <sup>d</sup> , Finland <sup>d</sup> , Ukraine <sup>d</sup>	16-25	Germany <sup>adg</sup> , Netherlands <sup>a</sup>	16-25
Bosnia and Herzegovina, North Macedonia <sup>d</sup> , Norway, Sudan <sup>d</sup> , United Kingdom of Great Britain and Northern Ireland <sup>a</sup> , United States of America <sup>d</sup>	6-15	Albania, Belgium, Bosnia and Herzegovina, Russian Federation, Sweden, Ukraine	6-15
Austria, Canada <sup>ad</sup> , Italy <sup>d</sup> , Maldives <sup>d</sup> , Moldova, Nigeria, Trinidad and Tobago, Saudi Arabia <sup>f</sup> , South Africa, Switzerland, State of Palestine	1-5	Australia <sup>a</sup> , Afghanistan, Canada <sup>a</sup> , Denmark <sup>d</sup> , Finland <sup>d</sup> , Maldives, Moldova, North Macedonia <sup>d</sup> , Norway, Sudan, United Kingdom of Great Britain and Northern Ireland <sup>a</sup> , United States of America	1-5
Indonesia, Morocco <sup>e</sup> , Malaysia	TBD <sup>i</sup>	Morocco <sup>e</sup> , Malaysia	TBD <sup>i</sup>
Afghanistan, Algeria <sup>f</sup> , Azerbaijan, Bahrain, Bangladesh, Barbados, China, Comoros, Czechia, Egypt <sup>f</sup> , Estonia <sup>f</sup> , Georgia, India, Iran (Islamic Republic of), Jamaica, Kenya, Kyrgyzstan, Lebanon, Libya, Mali, Pakistan, Philippines, Poland, Portugal, Romania <sup>f</sup> , Seychelles, Senegal, Serbia, Somalia, Spain, Tanzania, Tunisia, Turkey, Viet Nam <sup>f</sup> , Yemen	None <sup>c</sup>	Algeria <sup>f</sup> , Austria, Azerbaijan, Bangladesh, Bahrain, Barbados, China, Comoros, Czechia, Egypt <sup>f</sup> , Estonia <sup>f</sup> , Georgia, India, Indonesia, Iran (Islamic Republic of), Italy, Jamaica, Kenya, Kyrgyzstan, Lebanon, Libya, Mali, Nigeria, Pakistan, Philippines, Poland, Portugal, Romania <sup>f</sup> , Saudi Arabia <sup>f</sup> , Senegal, Serbia, Seychelles, Somalia, South Africa, Spain, Switzerland, Tanzania, Trinidad and Tobago, Tunisia, Turkey, Viet Nam <sup>f</sup> , Yemen, State of Palestine	None <sup>c</sup>

<sup>a</sup> Repatriations reportedly occurred during the reporting period, 1 July – 31 December 2022. In early 2023, Barbados and Spain undertook repatriation operations.

<sup>b</sup> This table does not reflect the repatriation of Iraqi nationals, who form the largest group of foreigners in SDF-run camps in north-eastern Syria.

<sup>c</sup> Countries 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 Northeast Syria, or are still trying to determine such presence.

<sup>g</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, and a compilation of open source data by the United Nations (until 31 December 2022).

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

<sup>i</sup> Repatriations have reportedly occurred, without indication of the number nor profiles of individuals.

## Annex VII

## 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

• WEB : [www.ohchr.org/coisyrria](http://www.ohchr.org/coisyrria) • TEL: +1-22-9171234 • FAX: +41-22-9179007 • E-MAIL: [ohchr.coisyrria@un.org](mailto:ohchr.coisyrria@un.org)

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/58/2022

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 March 2023, which will cover events between 1 July 2022 and 31 December 2022.

In this regard, the Commission first requests any information your Government may be able to share regarding the incidents listed in the Annex I to this note (which are also included in a Note Verbale addressed to the Permanent Mission of the Russian Federation to the United Nations Office and other Specialized Institutions in Geneva). In addition to information provided on the aforementioned incidents, the Commission would welcome information concerning other attacks and shelling by armed groups and other armed actors, entailing civilian casualties, including Da'esh as well as concerning their current capacity to operate and launch attacks in Syria.

Second, pursuant to United Nations Human Rights Council Resolution A/HRC/50/19 of 8 July 2022, in which the Council requested that the Commission "consider updating its report on sexual and gender-based violence, taking a victim- and survivor-centred approach, and in particular look to make recommendations, including on broader efforts to bolster women's full, equal and meaningful participation in political and public life", the Commission seeks to obtain statistics on the prevalence of violence against women, including, but not limited to, murder, rape, battery or violent acts, including by family members, or other forms of sexual and gender-based violence. In this regard, the Commission seeks further information on measures taken to ensure women's access to justice to ensure criminal accountability for such crimes, and would welcome statistics on related criminal investigations, and judgements and sentencing. Information on whether any related sentences were mitigated for cases where the victim was a female relative of the perpetrator (e.g. under articles 192 and 242 of the Syrian Criminal Code) would also be appreciated. The Commission would also appreciate information you may have relating to measures taken to ensure the protection of victims and witnesses of such crimes, including through ensuring confidentiality for claims submitted by survivors, as well as the provision of temporary accommodation or shelters and medical and psycho-social services.

The Commission thirdly kindly reiterates its request for information regarding Legislative Decree no. 7 of 30 April 2022, in particular as it regards the application of this amnesty and poses questions for your Government's kind response in Annex II.

In this regard, the Commission notes his Excellency Permanent Representative Hussam E. Aala's statement to the Human Rights Council on 22 September 2022, referring to how Presidential Decree No. 7 of 2022's general and comprehensive amnesty for terrorist crimes committed before 30 April 2022 can facilitate the return of Syrians living outside the country, to whom its provisions apply, and who were allowed by the decree to settle their status and return without the need to contact



any official body. The Commission has received reports that while many Syrian refugees were able to return to their homes in recent months, notably from Lebanon, others who had sought to return were denied the possibility to do so. The Commission seeks information on the basis of such decisions granting or denying security clearance to return, the applicable procedure for appealing such decisions (if any), as well as information on how many people have been denied this possibility.

Related to this, the Commission also seeks information regarding the procedure through which security clearance is granted or denied to Syrians seeking to return temporarily to visit their properties in areas deemed to be used for military purposes. In particular, the Commission would welcome any information on the procedure through which such visits are granted or denied, and whether alternative housing or financial compensation is provided in cases when affected individuals were not granted authorization to access their homes.

The Commission further notes allegations of arrests and detention of refugees and displaced persons who have returned to Syria in recent months, as well as the alleged death in detention of some returnees. In this regard, the Commission also continues to seek 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/25/2022 of 7 July) in Annex III.

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 10 December. 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, 10 November



L.A.

### Annex I

#### List of alleged incidents on which the Commission requests information for its upcoming mandated report to the Human Rights Council in March 2023

##### Attacks alleged to have occurred in Idlib governorate and western Aleppo

- On 4 July 2022, shelling allegedly killed one woman and injured at least two children in their home in Ma'arat al-Na'asan town, Idlib governorate;
- On 4 July 2022, a fragment of a bullet allegedly killed a child, aged two and a half, in front of their home in Afes town, Idlib governorate;
- On 22 July 2022, multiple airstrikes reportedly killed at least seven civilians, including five children, and destroyed a residential house, in Jdayda town, Jusr al-Shughur, Idlib governorate. Shortly after this incident, several airstrikes reportedly hit a residential area near Jdayda town, allegedly killing one man and injuring four others;
- On 30 July 2022, shelling allegedly killed two children and injured two other civilians, including the father of one of the victims, in front of their home in Kafr Ta'al, western Aleppo;
- On 6 September 2022, a civilian woman was injured as a result of what were reported to be ground-based strikes in the town of Shanani in southern rural Idlib;
- On 8 September 2022, a civilian woman was injured, reportedly as a result of an airstrike, in the village of Dayr Sunbol in southern rural Idlib;
- On 8 September 2022, multiple airstrikes struck the outskirts of Hafsarja village, Idlib governorate, reportedly causing the death of at least seven civilians, including two children, destroying a stone workshop and other civilian properties, including a nearby residential house;
- On 17 September 2022, airstrikes allegedly injured one civilian and damaged a stone workshop in the outskirts of Hafsarja village, Idlib governorate;
- On 22 September 2022, shelling reportedly killed one man and injured a child in Kafr Amma, western Aleppo;
- On 23 September 2022, five people from the same family, including two children and two women, were injured allegedly after a Kornet missile hit their vehicle near Tadil village, western Aleppo;
- On 10 October 2022, shelling allegedly killed a child and injured his mother near their home in al-Abzimo village, western Aleppo;
- On 11 October, airstrikes allegedly damaged a poultry farm in Shakhib village Idlib governorate, partially destroying the facility and killing chicken inside. No civilian casualties were reported;
- On 20 October 2022, shelling reportedly injured two children, aged 12 and 17, while they were harvesting olives near Ma'arblit village, Idlib governorate;
- On 28 October 2022, shelling allegedly injured four civilians who were in a civilian vehicle near Dar'at Izza, western Aleppo, on their way back from harvesting olives near Dar'at Izza.
- On 6 November, ground-based strikes and airstrikes allegedly hit several areas, including IDP camps, on the outskirts of the towns of Kafr Jalis, Morin and Kafr Ruhin in western rural Idlib, as well as the areas of al Sinaa and Ariha in southern rural Idlib.

##### Attacks alleged to have occurred in northern Aleppo governorate

- On 24 July 2022, a rocket attack allegedly caused partial damage to the Kuwait al-Rahma camp, east of Aleppo, killing one man. Two others were injured, including one woman;
- On 25 July 2022, rocket shelling allegedly killed one woman near Azza'z city, Aleppo;
- On 26 July 2022, shelling in Sheikh Issa village near the town of Tel Rifaat, Aleppo governorate reportedly killed one civilian woman and injured at least three others;

- On 4 August 2022, shelling or a drone strike in Tel Rifaat town, Aleppo governorate reportedly injured at least seven civilians, including five children;
- On 16 August 2022, shelling on Zor Ava village and Ayn Al-Arab city, Aleppo governorate reportedly killed one civilian child and injured at least two other civilians;
- On 18 August 2022, a civilian man was killed as a result of what was reported to be a ground-based strike in the town of Mare'a in northern rural Aleppo;
- On 19 August 2022, rocket shelling struck multiple locations in al-Bab city, Aleppo, including a market, and reportedly caused the death of at least 16 civilians, and injured at least 30 more, including children;
- On 24 August 2022, a drone strike on Tel Rifa'at town, Aleppo governorate reportedly killed at least three civilians, including one woman, and injured at least five others;
- On 3 October 2022, shelling on Qaramogh village near Ayn Al-Arab, Aleppo governorate reportedly injured two civilians;
- On 13 October 2022, shelling allegedly killed one woman near al-Hikmah hospital in al-Bab city, Aleppo;
- On 18 October 2022, six men were injured after shelling allegedly hit their van as they arrived at the al-Homran crossing point, Aleppo governorate;
- On 29 October 2022, one woman was killed and her son and spouse injured in an alleged rocket shelling attack on Kuwait al-Rahma camp, east of Afrin city, Aleppo governorate.

**Attacks and other incidents alleged to have occurred in Dayr Az Zawr, Raqqah and Hasakah governorates**

- On 4 July 2022, shelling in Al-Hoshan village near Ain Issa, Raqqah governorate reportedly killed at least one civilian and injured at least two others;
- On 4 July 2022, airstrikes allegedly killed at least two children in Al-Zerr town, Dayr Az Zawr governorate;
- On 24 July 2022, shelling in Al-Asadiya village near the town of Abu Rasayn, Hasakah governorate reportedly injured four civilians, including two children;
- On 24 July 2022, shelling in Al-Mujbaira village near the town of Tel Tamr, Hasakah governorate reportedly killed one civilian and injured at least four others, including two women;
- On 26 July 2022, shelling or drone strike in Sayda village near the town of Ain Issa, Raqqah governorate reportedly killed one civilian and injured one other;
- On 30 July 2022, shelling in Um Al Khair village near the town of Tel Tamr, Hasakah governorate reportedly injured at least seven civilians, including one child;
- On 6 August 2022, drone strike in Qamishli city, Hasakah governorate reportedly killed at least two civilian children and injured at least two adult civilians;
- On 9 August 2022, shelling in Al-Salmasa town near the town of Tel Tamr, Hasakah governorate reportedly killed one civilian;
- On 9 August 2022, shelling on Sikirka village near Qamishli city, Hasakah governorate reportedly injured six civilians;
- On 18 August 2022, an alleged drone strike on Shamouka village in the countryside of Hasakah, Hasakah governorate killed five civilian girls and injured at least 11 others;
- On 20 September 2022, shelling or drone strike on Al Suwaidiya village near the town of Ain Issa, Raqqah governorate reportedly killed up to two civilians and injured up to three others;
- On 20 September 2022, three civilians, including one child, were reportedly killed in airstrikes in al-Baydar village, Raqqah governorate. At least one civilian was allegedly injured;
- On 27 September 2022 in the afternoon, shelling on Al-Msheirfah village near the town of Abu Rasayn, Hasakah governorate reportedly killed two civilian children and injured at least four other civilians;

- On 28 September 2022, police and individuals carrying the flag of the so-called “Revolutionary Youth” (Tevgera Ciwanên Şoreşger) allegedly drove vehicles into a civilian protest in Qamishli city, beating protestors and preventing journalists from covering the events (allegedly injuring one);
- On 3 October 2022, shelling on Tal Al-Laban village near the town of Tel Tamr, Hasakah governorate reportedly injured four civilians;
- On 4 October 2022, shelling on Al-Matmoura village near the town of Abu Rasayn, Hasakah governorate reportedly injured two civilians;
- On 5 October 2022, civilians were allegedly shot at, beaten and stolen money from at a crossing point in Buqurus town, Dayr Az-Zawr governorate. At least one child was reportedly injured as a result;
- On 14 October 2022, shelling on Al-Fakkah village near the town of Tel Tamr, Hasakah governorate reportedly injured two civilians;
- On 27 October, airstrikes in Al Hwaija village in Dayr Az Zawr governorate, reportedly resulted in the death of one woman and the injury of two other civilians;
- Since July 2022, recruitment of children, including girls, for participation in hostilities was reported.

#### **Attacks and other incidents in Damascus, Hama, al-Sweida, Dar’a, Latakia, Tartous**

- On 2 July, airstrikes reportedly struck al-Hamidiyah area, south of Tartous, Latakia, injuring two civilians, including one woman;
- On 17 July 2022, an attack by unidentified assailants allegedly resulted in the death of one civilian woman and the injury of at least one child in Tafas, west of Dar’a;
- On 24 July 2022, a drone reportedly struck the Hagia Sophia church in Suqaylabyeh, Hama governorate, during an inauguration ceremony; one man was allegedly killed and at least seven others were injured;
- On 27 and 28 July 2022, military clashes in al-Sweida allegedly resulted in the death of 17 civilians and the injury of dozens in Salim and Atil towns;
- On 25 August, airstrikes reportedly injured two civilians in Masyaf village, Hama governorate;
- On 31 August, airstrikes allegedly impacted the international airports in both Aleppo and Damascus as well as the Damascus-Dar’a highway and al-Kiswash, injuring two civilians;
- On 6 September, airstrikes allegedly hit the runway of Aleppo International Airport and its surroundings, rendering it out of service;
- On 25 September, a number of survivors of a capsized boat off the Syrian coast, near Tartous, were reportedly arrested;
- On 1 November 2022, clashes between Government forces and alleged members of Da’esh allegedly resulted in the death of a child in Dar’a governorate;
- On 11 September 2022, one child was killed and two others were reportedly injured near Abtaa, Dar’a, due to an unexploded ordinance explosion;
- On 16 October, one civilian man was allegedly killed by unknown men in Ain Takar village, Dar’a.

In this context, the most useful forms of assistance are the facilitation of unrestricted access to witnesses or victims known to your Government and the provision of primary source materials, photographs and assessments of any munition remnants, forensic data, expert, military and/or forensic reports on violations of international humanitarian and human rights law, satellite or digital imagery of incident sites, as well as maps and any other relevant documentation, including contextual and intelligence information that your Government could share with the Commission.

\*\*\*

## 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?

\*\*\*



### 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 aid 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.

\*\*\*

---

<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.