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Situaciones de derechos humanos que requieren la atención del Consejo

Informe de la Comisión de Investigación Internacional Independiente sobre la Situación en la República Árabe Siria*

Resumen

Este informe se presenta al Consejo de Derechos Humanos de conformidad con su resolución S-17/1.

En la República Árabe Siria, la violencia ha mutado de los desórdenes públicos de marzo de 2011 a los disturbios internos y la aparición de un conflicto armado no internacional en febrero de 2012. Cada vez son más los agentes involucrados cuya conducta se caracteriza por el absoluto desprecio de las normas del derecho internacional. Desde que se inició el conflicto, la población civil ha sido la principal víctima de los sufrimientos infligidos por las partes beligerantes.

Desde que se creó, la Comisión de Investigación ha llamado persistentemente la atención acerca de las atrocidades cometidas en todo el país. En el presente informe, la Comisión expone las principales tendencias y pautas de las violaciones de los derechos humanos y del derecho humanitario perpetradas entre marzo de 2011 y enero de 2015, basándose en las más de 3.556 entrevistas con víctimas y testigos presenciales realizadas dentro y fuera del país desde septiembre de 2011.

El informe, en el que se evalúan las acciones y las omisiones de la comunidad internacional, tiene por finalidad poner una vez más de relieve la penosa situación de la población siria en ausencia de una solución política del conflicto. La Comisión subraya la necesidad urgente de que se adopten medidas internacionales concertadas y sostenidas para encontrar una solución política al conflicto, detener las graves violaciones de los derechos humanos y romper el círculo vicioso de la impunidad.

* Los anexos del presente informe se distribuyen tal como se recibieron, en el idioma en que se presentaron únicamente.



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I. Introducción

1. La violencia en la República Árabe Siria ha evolucionado de los desórdenes de marzo de 2011 a los disturbios internos y la aparición de un conflicto armado no internacional en febrero de 2012. Cada vez son más los agentes involucrados cuya conducta se caracteriza por el absoluto desprecio de las normas del derecho internacional.

2. Desde que se inició el conflicto, los civiles han tenido que soportar los ingentes sufrimientos que les han infligido las partes beligerantes. Han resultado muertos cientos de miles de sirios. La mitad de los habitantes del país han tenido que abandonar sus hogares y se han convertido en refugiados o desplazados internos cuyas necesidades actuales superan con creces la respuesta humanitaria disponible. Dada la dificultad para llegar a muchas de esas personas, las actividades básicas de protección esencial resultan prácticamente inviables.

3. Desde que se creó, la Comisión de Investigación¹ ha llamado persistentemente la atención acerca de las atrocidades cometidas en todo el país. En el presente informe, la Comisión expone las principales tendencias y pautas de las violaciones de los derechos humanos y del derecho humanitario perpetradas entre marzo de 2011 y enero de 2015, basándose en las más de 3.556 entrevistas con víctimas y testigos presenciales realizadas dentro y fuera del país desde septiembre de 2011.

4. Como el Gobierno le ha denegado el acceso a la República Árabe Siria, para corroborar sus conclusiones la Comisión se ha basado esencialmente en testimonios de primera mano. Las conclusiones de la Comisión se fundamentan en fotografías, grabaciones de video, imágenes de satélite y registros médicos y forenses. La correspondencia entre la Misión Permanente de la República Árabe Siria y la Comisión figura anexa al presente informe (véase el anexo I).

5. La Comisión presenta sus conclusiones sobre las violaciones del derecho internacional cometidas en la República Árabe Siria entre el 15 de julio de 2014 y el 15 de enero de 2015 (véase el anexo II). Las conclusiones jurídicas y fácticas se basan en 380 entrevistas realizadas en la región y desde Ginebra. Esas conclusiones deben leerse conjuntamente con los informes anteriores de la Comisión². Continúan siendo aplicables los criterios de evaluación de las pruebas utilizados en anteriores informes.

II. Protección de las víctimas

A. De los desórdenes a la guerra

1. Fuerzas gubernamentales

6. Siguen perpetrándose las mismas violaciones que se cometían al comenzar los desórdenes en 2011. Este hecho pone de manifiesto la impunidad con la que todavía actúa el Gobierno.

7. Cuando se desencadenaron las protestas en la ciudad de Dara'a en marzo 2011, las fuerzas gubernamentales abrieron fuego contra los manifestantes. A medida que las protestas se propagaron por el país, el Gobierno les hizo frente con una respuesta violenta, a

¹ La Comisión está integrada por Paulo Sérgio Pinheiro (Presidente), Karen Koning AbuZayd, Vitit Muntarbhorn y Carla del Ponte.

² S-17/2/Add.1, A/HRC/19/69, A/HRC/21/50, A/HRC/22/59, A/HRC/23/58, A/HRC/24/46, A/HRC/25/65 y A/HRC/27/60.

menudo letal. El Gobierno sostuvo entonces que los manifestantes habían disparado contra sus efectivos, y facilitó una lista de miembros de las fuerzas de seguridad que presuntamente habían resultado muertos en las protestas.

8. A medida que esos desórdenes evolucionaron hasta convertirse en violencia armada a finales de 2011, el Gobierno intensificó las incursiones terrestres contra las zonas rebeldes. Ya en esos primeros ataques se registraron casos de asesinato y tortura de residentes civiles y personas armadas que habían sido capturadas. En 2012, mientras el país se encaminaba inexorablemente hacia la guerra civil, las fuerzas gubernamentales³ perpetraron varias matanzas de civiles durante las incursiones terrestres.

9. Para finales de 2012, las fuerzas gubernamentales habían cambiado de táctica y rara vez lanzaban ataques por tierra. Al parecer ello se debió al hecho de que las incursiones terrestres proporcionaban a los efectivos de infantería, mayoritariamente suníes, la oportunidad de desertar, y al aumento de la capacidad de los grupos armados de atacar a las unidades gubernamentales.

10. No obstante, los elementos principales de los ataques gubernamentales contra las zonas rebeldes han permanecido invariables. Consisten en: a) cercar una zona, estableciendo puestos de control en todos los puntos de acceso; b) imponer el asedio, impidiendo la entrada de alimentos, suministros médicos y, en ocasiones, agua y electricidad, a una ciudad o zona; c) bombardear por tierra y aire la zona asediada; d) detener, y, a menudo, hacer desaparecer, a los heridos que tratan de salir de la zona asediada en busca de la atención médica de la que no se dispone en ella y a los que intentan romper el asedio, normalmente introduciendo alimentos y suministros médicos de contrabando. Las víctimas han aludido frecuentemente a la estrategia del Gobierno como un intento de "tanshif al-bahr" (secar el mar) para matar a los peces.

11. Durante los últimos cuatro años, el Gobierno ha aplicado con relativa constancia esta estrategia. Los cercos impuestos por el Gobierno se han vuelto más largos y, por consiguiente, más duros. El primero de ellos, contra la ciudad de Dara'a, que comenzó a finales de abril de 2011, duró menos de dos meses. El asedio de la ciudad de Homs se inició a mediados de 2011 y no se levantó hasta que cayó la ciudad, en mayo de 2014. Los residentes del campamento de Yarmuk, en la ciudad de Damasco, llevan cercados desde mayo de 2013. La estrategia de asedio del Gobierno, que busca la rendición por hambre, ha provocado la muerte de lactantes.

12. En 2011 y 2012 se llevaron a cabo detenciones generalizadas en distintas circunstancias, incluidos registros. En 2013, la mayoría de las detenciones tenían lugar en los puestos de control. Las detenciones tenían por objetivo a hombres de edades comprendidas entre los 15 y los 60 años y solían ser arbitrarias e ir acompañadas de malos tratos y tortura. También dieron lugar a desapariciones⁴. Para 2014, los sirios hacían todo lo posible por evitar los puestos de control.

13. El Gobierno ha recurrido a bombardeos indiscriminados por tierra y aire en los que ha utilizado diversos tipos de armamento. Inició las hostilidades empleando proyectiles de artillería, morteros y cohetes contra las zonas rebeldes y, en ocasiones, asediadas. Para mediados de 2012 se había documentado la utilización de munición de racimo, bombas termobáricas y misiles, a menudo contra objetivos civiles como escuelas y hospitales. El Gobierno también ha usado armas incendiarias.

³ La expresión "fuerzas gubernamentales" se refiere, a menos que se especifique otra cosa, a las Fuerzas Armadas Sirias, las fuerzas de inteligencia y las milicias locales y extranjeras vinculadas a ellas, como Hizbollah, los *shabbiha*, los comités populares y las Fuerzas de Defensa Nacional.

⁴ A/HRC/25/65, anexo IV.

14. El primer caso de utilización de bombas de barril del que se tiene constancia tuvo lugar en agosto de 2012 en la ciudad de Homs. No obstante, fue a mediados de 2013 cuando las fuerzas gubernamentales iniciaron una intensa campaña de bombardeos con ese tipo de bombas contra la ciudad y la provincia de Alepo⁵. A lo largo de 2013 y 2014, y ya entrado 2015, el Gobierno ha hecho un uso generalizado de las bombas de barril. Esos artefactos explosivos han ocasionado miles de víctimas civiles. Es habitual que se lancen sobre zonas en las que hay aglomeraciones, como las colas de las panaderías, las estaciones de transporte, los edificios de apartamentos y los mercados. También han sido blanco de esas bombas los lugares en los que se distribuye ayuda.

15. En abril de 2014 el Gobierno lanzó bombas de barril que contenían agentes químicos, como cloro, en algunos lugares de las provincias de Idlib y Hama. Sin embargo, la constatación de que una de las partes beligerantes había utilizado armas químicas no hizo que se tomaran más medidas para poner fin al conflicto.

16. Desde que comenzó la violencia en la República Árabe Siria, las fuerzas gubernamentales han recurrido a grupos paramilitares y milicias: en un principio los *shabbiha*, y actualmente las Fuerzas de Defensa Nacional, y se han beneficiado de la intervención de combatientes extranjeros, como las milicias de Hizbullah y las milicias chiíes iraquíes.

2. Grupos armados no estatales

a) Grupos armados antigubernamentales

17. Tras los enfrentamientos armados de Yisr Al-Shugur (Idlib) en junio de 2011, en Homs, Idlib y Damasco Rural surgieron grupos armados organizados, integrados por desertores y combatientes locales.

18. Algunos desertores se organizaron constituyendo el Ejército Sirio Libre (ESL). Aunque eran cada vez más los grupos armados organizados que se identificaban como ESL, no estaba claro si sus dirigentes, con base en Turquía, tenían el mando y control efectivos de las fuerzas sobre el terreno. Después de 2012 surgieron centenares de grupos de diversos tamaños. La multiplicidad de agentes exacerbó la violencia y agravó el peligro para la sociedad civil.

19. Mientras el Gobierno se centraba en las poblaciones urbanas y las vías de comunicación, la oposición armada ganó terreno en las zonas rurales de las provincias rebeldes. Su presencia en zonas civiles y los primeros ataques contra puestos de control aislados y convoyes del ejército desencadenaron una reacción más violenta por parte del Gobierno.

20. Los grupos armados que combatían a la sazón bajo la bandera del ESL torturaron y ejecutaron a presuntos agentes gubernamentales, miembros de los *shabbiha* y colaboradores. Durante el asalto del Gobierno contra la ciudad de Homs en febrero de 2012 los grupos armados mataron a los soldados a los que habían capturado.

21. Cuando la violencia armada se convirtió en una guerra civil en febrero de 2012, los grupos armados siguieron lanzando ataques contra los barrios y las zonas en poder del Gobierno. Los barrios de Yaramana y Bab Tuma, en Damasco, llevan más de dos años sufriendo los bombardeos indiscriminados de los grupos armados antigubernamentales, ataques ilegales que prosiguen hasta el día de hoy.

22. Los grupos armados siguen tomando rehenes para forzar el intercambio de prisioneros o para conseguir el pago de rescates. Algunos grupos han mantenido rehenes

⁵ *Ibid.*, anexo VI.

durante largos períodos de tiempo, como en el caso todavía no resuelto de las mujeres y los niños secuestrados de la parte oriental de Latakia en agosto de 2013. La práctica totalidad de los rehenes han sido civiles pertenecientes a comunidades o que vivían en zonas que apoyaban al Gobierno.

23. Los grupos armados antigubernamentales también han asediado ciudades y pueblos, aunque, por lo general, los asedios han sido más breves y se han utilizado contra muchas menos localidades que en el caso de los que ha llevado a cabo el Gobierno. Desde que esos grupos armados se hicieron con el control de la zona rural situada al norte de Alepo en julio de 2012, han asediado dos enclaves chiíes, Nubul y Zahra.

24. Los primeros combatientes extranjeros, en su mayoría libios, llegaron a la República Árabe Siria en 2011. La presencia de elementos más extremistas se pudo observar en los numerosos atentados suicidas dirigidos inicialmente, en 2011 y 2012, contra los servicios de seguridad del Estado.

25. Con la prosecución del conflicto, han cobrado auge grupos armados antigubernamentales más extremistas, en particular el Frente Al-Nusra. Ello se debe en gran medida a su eficacia operativa y a que disponen de capacidad financiera estable, lo que ha atraído a combatientes de otros grupos.

26. En 2014, los grupos terroristas recurrieron a atentados suicidas y coches bomba en las provincias de Homs y Hama. A diferencia de los ataques con bomba perpetrados en 2011 y 2012, dirigidos en su mayoría contra objetivos militares, los que tuvieron lugar en 2013 y 2014 estaban dirigidos contra objetivos civiles.

27. A finales de 2014 se registró un aumento de los ataques por tierra contra pueblos en los que vivían grupos minoritarios a los que se consideraba partidarios del Gobierno.

28. Los grupos armados antigubernamentales perdieron impulso cuando el Gobierno, con la ayuda de Hizbullah, empezó a recuperar el control de Al-Qusayr (Homs) en junio de 2013. Desde entonces, esos grupos han seguido perdiendo terreno porque carecen de apoyo regular y constante, adolecen de falta de unidad y cohesión y están más expuestos a las luchas intestinas, especialmente tras la aparición en abril de 2013 del denominado Estado Islámico del Iraq y Al-Sham⁶.

i) El Frente Al-Nusra

29. En enero de 2012 se anunció la creación del Frente Al-Nusra como organización derivada de Al-Qaida en el Iraq. Gracias a su eficacia táctica y a una capacidad logística constante, el grupo adquirió rápidamente prominencia sobre el resto de los grupos armados antigubernamentales, atrayendo a un número creciente de extremistas y combatientes extranjeros.

30. El Frente Al-Nusra ha hecho un uso extensivo de coches bomba y ataques suicidas contra objetivos militares, como las fuerzas militares y de seguridad, pero también ha detonado bombas en zonas civiles, en particular en la ciudad de Homs en 2014. La organización también ha lanzado ataques terrestres contra enclaves civiles. En connivencia con otros grupos armados, participó en las matanzas de civiles perpetradas en Damasco Rural en diciembre de 2013 y en Hama el 24 de diciembre de 2013 y el 9 de febrero de 2014.

31. En abril de 2013 los dirigentes del Frente Al-Nusra se negaron a unirse al Estado Islámico. Tras meses de intensos enfrentamientos, en julio de 2014 la organización fue

⁶ Denominado también "Estado Islámico del Iraq y el Levante".

expulsada de su plaza fuerte de Dair Al-Zaur, con lo que perdió una parte significativa de sus recursos petroleros y de sus apoyos tribales.

32. El Frente Al-Nusra y otros grupos armados siguen manteniendo en gran medida relaciones de colaboración. Sin embargo, la filial de Al-Qaida ha atacado recientemente en la provincia de Idlib a varias facciones armadas que gozaban del respaldo occidental, y se ha hecho con su equipo, sus combatientes y su territorio.

ii) *El Estado Islámico del Iraq y Al-Sham*

33. En abril de 2013, tras la ruptura de su alianza con el Frente Al-Nusra, el Estado Islámico se convirtió en una fuerza armada dominante, bien organizada, que controlaba una parte importante del territorio de la República Árabe Siria y del Iraq, planteando una grave amenaza para la paz y la estabilidad.

34. En 2014 el conflicto estuvo marcado por el gran auge y la expansión del Estado Islámico, que se apoderó de buena parte del territorio nororiental de la República Árabe Siria. Últimamente ha conseguido avances en las provincias de Hama y Homs. En junio de 2014 el Estado Islámico se proclamó "califato".

35. Este grupo terrorista se ha hecho con el control de considerables recursos económicos y, gracias a ello, dispone de una fuente de financiación estable. Recurriendo a tácticas para aterrorizar a la población civil, al tiempo que proporciona servicios básicos, se ha granjeado lealtades entre las comunidades locales de las zonas que controla.

36. El Estado Islámico aplica un sistema administrativo rígido, sumamente estricto, integrado por la policía moral Al-Hisba, el cuerpo general de policía, los tribunales y las entidades que se encargan del reclutamiento, las relaciones tribales y la educación⁷.

37. Impone penas severas a los que transgreden o se niegan a aceptar su autoproclamado gobierno. Ello incluye centenares de ejecuciones públicas, fundamentalmente de hombres, seguidas de la exposición pública de los cadáveres con el objetivo de aterrorizar a las comunidades que viven bajo su control y forzar su sumisión. También en público, se amputan miembros en castigo por robos y se azota por fumar y comerciar a la hora de la oración.

38. El Estado Islámico ha ejecutado a soldados y combatientes de otros grupos armados capturados. También ha matado a civiles durante ataques como los que lanzó contra los campos gasísticos de Al-Shaar (Homs) en julio y contra las aldeas de Al-Sheitat, en Dair Al-Zaur, en agosto de 2014.

39. En las zonas ocupadas por el Estado Islámico en las que conviven comunidades étnicas y religiosas diversas, se ha obligado a las minorías a asimilarse o a huir. Ya en julio de 2013 el Estado Islámico forzó el desplazamiento de la población curda de las ciudades de Al-Raqqa. En noviembre de 2014, hace escasos meses, expulsó a los curdos que vivían en Al-Bab (Alepo). También ha destruido iglesias cristianas y santuarios chiíes en zonas bajo su control.

iii) *Las Unidades de Protección Popular*

40. A mediados de 2012, a medida que surgían grupos armados en las regiones occidental y meridional de la República Árabe Siria, el Gobierno se retiró de las zonas de mayoría curda en un intento por desplegar sus fuerzas donde más necesarias eran. En su lugar, asumieron el control de las Unidades de Protección Popular.

⁷ Véase el documento A/HRC/27/CRP.3, párr. 16.

41. En enero de 2014 esas Unidades establecieron una administración en las regiones curdas de la parte septentrional de la República Árabe Siria, enfrentándose a las fuerzas gubernamentales, los grupos armados antigubernamentales y el Estado Islámico para defender las zonas que están bajo su control. Con el apoyo de los ataques aéreos de la coalición internacional, las Unidades de Protección Popular han recuperado recientemente el control de Ain Al-Arab (Kobane).

42. Las Unidades de Protección Popular han reclutado a niños de ambos sexos para utilizarlos en las hostilidades. En una carta de fecha 30 de septiembre de 2013 dirigida a la Comisión, las Unidades de Protección Popular afirmaban que su política era no utilizar a niños menores de 18 años. Sin embargo, en las operaciones militares que llevaron a cabo las Unidades contra el Estado Islámico en Ain Al-Arab (Kobane) en septiembre y octubre de 2014 hubo combatientes menores de edad.

b) Autores desconocidos

43. A lo largo del conflicto se han registrado ataques cuya autoría no ha sido reivindicada por ninguna de las partes y que carecían de un objetivo estratégico o militar claro más allá del de sembrar el terror entre la población civil. Entre ellos figuran los ataques con armas químicas perpetrados en Al-Guta (Damasco Rural) el 21 de agosto de 2013 y Jan Al-Assal (Alepo) el 19 de marzo de 2013.

44. En Al-Guta se utilizaron importantes cantidades de sarín en un ataque bien planificado contra zonas pobladas que provocó una matanza. Las pruebas disponibles en cuanto a la naturaleza, la calidad y la cantidad de los agentes empleados indican que los autores tenían probablemente acceso al arsenal de armas químicas del ejército sirio, y contaban con los conocimientos, la experiencia y el equipo necesarios para manipular en condiciones de seguridad grandes cantidades de agentes químicos. Los agentes químicos utilizados en Jan Al-Assal tenían las mismas características singulares que los utilizados en Al-Guta. También se han recibido otras denuncias de utilización de armas químicas, aunque a una escala muy inferior. En esos incidentes no se han podido satisfacer los criterios probatorios de la Comisión para determinar la autoría.

45. Tanto en las zonas bajo el poder del Gobierno como en las controladas por los grupos armados se han registrado múltiples casos de utilización de artefactos explosivos improvisados en los que no ha sido posible identificar a la parte responsable.

46. Se han producido secuestros y desapariciones por los que no se ha exigido el pago de rescates ni se ha reivindicado la responsabilidad. En diciembre de 2013 se secuestró a cuatro activistas pro derechos humanos en su oficina de Duma (Damasco Rural). Sigue sin conocerse su paradero ni la suerte que han corrido.

B. Consecuencias de la incapacidad del Estado de proteger a la población civil

47. El costo en vidas humanas de la prosecución del conflicto en la República Árabe Siria es inconmensurable. El Estado sirio ha sido a todas luces incapaz de proteger a la población civil frente a las atrocidades masivas. Se han cometido crímenes de guerra y crímenes de lesa humanidad a gran escala. Muchos sirios han sufrido múltiples violaciones y abusos a manos de las distintas partes involucradas. La escala de los sufrimientos humanos ha ido aumentando a medida que se agravaba el conflicto.

1. Los civiles

48. Los civiles y las personas fuera de combate, en particular los hombres en edad de combatir, han sido las principales víctimas de la violencia desde que se iniciaron los disturbios en la República Árabe Siria en marzo de 2011, aunque también se han registrado víctimas entre las mujeres y los niños. Se ha detenido, torturado y asesinado por "colaborar" con la oposición armada a hombres y mujeres que trataban de socorrer a los heridos o a los que necesitaban asistencia humanitaria.

49. Las fuerzas gubernamentales han hecho a la población civil blanco de sus ataques, que han consistido en bombardeos generalizados de poblaciones habitadas por civiles. Asimismo han detenido y hecho desaparecer a civiles por sus vínculos, reales o presuntos, con la oposición al Gobierno. La coordinación y la participación activa de las instituciones gubernamentales indican que los ataques se ejecutan como política de Estado. En el marco de esos ataques generalizados contra la población civil, las fuerzas gubernamentales han cometido asesinatos, torturas y violaciones y llevado a cabo desapariciones forzadas.

50. En las zonas en las que el frente se ha estabilizado, el Gobierno ha recurrido a una estrategia de control de la población consistente en aplicar asedios prolongados combinados con bombardeos constantes por tierra y aire. Se ataca a los civiles por su presunta oposición al Gobierno. El mero hecho de vivir en determinados barrios o proceder de ellos puede convertir a una persona en objetivo de los ataques. En octubre de 2013, en el marco de una campaña militar especialmente brutal, el Gobierno intensificó sus ataques generalizados y sistemáticos contra la población civil de Alepo para castigar y aterrorizar a los civiles por apoyar o albergar a grupos armados en una estrategia destinada evidentemente a erosionar el apoyo popular a esos grupos. Actualmente las fuerzas gubernamentales están empleando una estrategia similar en Al-Raqqa, haciendo caso omiso de la distinción entre objetivos civiles y militares.

51. Los grupos armados antigubernamentales han atacado intencionadamente centros de población civil en represalia por operaciones gubernamentales o por creer que esas localidades apoyaban al Gobierno. Esos grupos armados también han atacado a grupos minoritarios por considerarlos leales al Gobierno o por entender que gozaban del apoyo gubernamental.

52. Desde su aparición en abril de 2013, el Estado Islámico ha cometido actos de violencia contra la población civil que estaba bajo su control en las provincias de Al-Raqqa, Dair Al-Zaur y Al-Hasaka y la parte nororiental de la provincia de Alepo. Como grupo estructurado que es, el Estado Islámico dirige y organiza esos actos de violencia contra los civiles, que evidencian la aplicación de una política institucional. En el marco de esos ataques, ha llevado a cabo ejecuciones públicas para sembrar el terror entre la población civil y asegurarse así su sumisión a su autoridad.

53. Las dos partes en el conflicto siguen imponiendo restricciones arbitrarias y obstáculos a la entrega de asistencia, lo que tiene consecuencias devastadoras para la población civil en las zonas a las que es más difícil llegar. La ayuda humanitaria se ha instrumentalizado para obtener réditos militares. Las trabas burocráticas impuestas por el Gobierno de la República Árabe Siria representan una obstrucción calculada a la entrega de asistencia a la población que vive en las zonas que se encuentran bajo el control de grupos armados no estatales. Las condiciones que imponen los grupos armados a la entrega de ayuda humanitaria equivalen a utilizar los sufrimientos de la población civil como represalia.

2. Los hombres en edad de combatir

54. Desde marzo de 2011 los varones a los que se considera en edad de combatir, incluidos los menores de edad, han sido el objetivo de los ataques militares, los bombardeos

y el fuego de los francotiradores, y se los ha detenido y reclutado para participar en las hostilidades. A medida que se intensificaba el conflicto, los hombres en edad de combatir se han convertido en el principal objetivo de la violencia. Según el Análisis Estadístico de la Documentación de las Matanzas en la República Árabe Siria encargado por la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos, alrededor del 85,1% de las víctimas documentadas eran varones.

55. Las fuerzas gubernamentales han llevado a cabo campañas de detenciones masivas que han dado lugar a la desaparición forzada de hombres en edad de combatir en las zonas que han caído bajo su control, y de hombres que residían en zonas bajo el poder del Gobierno o que viajaban por ellas zonas. A menudo sus familias tienen demasiado miedo como para dirigirse a las autoridades para preguntar por el paradero de sus familiares⁸, y a las personas que han acudido a las autoridades no se les ha facilitado información alguna sobre la suerte que han corrido los desaparecidos o se han visto obligadas a pagar cuantiosos sobornos para averiguar dónde estaban sus familiares. Es frecuente que los detenidos sean sometidos a violencia sexual como táctica para castigarlos, humillarlos y degradarlos.

56. Las víctimas de las ejecuciones públicas del Estado Islámico suelen ser hombres o niños acusados de pertenecer a otros grupos armados o de violar sus edictos. Se han llevado a cabo ejecuciones masivas de soldados gubernamentales capturados fuera de combate. Asimismo, se utiliza a niños pequeños como verdugos, se los entrena para realizar misiones suicidas con bombas y se los despliega para que intervengan en los combates.

57. Los hombres y los niños se encuentran en riesgo constante de convertirse en objetivo de las partes en el conflicto o de ser instrumentalizados por estas. Tanto las fuerzas gubernamentales como el Estado Islámico y las Unidades de Protección Popular han realizado esfuerzos sostenidos para incorporar jóvenes a sus filas. Todas las partes en el conflicto han reclutado a menores de edad, en ocasiones sistemáticamente.

58. Ninguna de las partes en el conflicto concede a los hombres en edad de combatir la protección que se otorga a los civiles. Tanto si las violaciones de que han sido objeto han sido cometidas por las fuerzas gubernamentales como si lo han sido por del Estado Islámico, las pruebas reunidas indican que los hombres musulmanes suníes están representados de manera desproporcionada entre las víctimas del conflicto sirio.

3. Las mujeres y las niñas

59. Los cuatro años de conflicto han alterado radicalmente la vida de las mujeres sirias. En una situación en la que los hombres han muerto o desaparecido, o en la que no se pueden mover por temor a ser detenidos en los puestos de control, se ha registrado un drástico aumento de las mujeres cabezas de familia. Al no ir acompañadas por un hombre y estar expuestas a las agresiones físicas, las mujeres y las niñas corren el riesgo de ser detenidas o secuestradas por las fuerzas gubernamentales y los grupos armados antigubernamentales. Las mujeres de las provincias de Alepo, Hama, Homs y Dara'a citaban el miedo a la violencia sexual como motivo de su decisión de abandonar sus hogares.

60. Mediante investigaciones específicas y con la colaboración de amplias redes sociales y médicas, se ha podido documentar un número creciente de casos de violencia sexual. Hay mujeres y niñas que han sido violadas y agredidas sexualmente en los centros de detención gubernamentales, en particular en las secciones de investigación de la Dirección de Inteligencia Militar y las prisiones administradas por la Dirección General de Seguridad en

⁸ A/HRC/25/65, párr. 48.

Damasco. Las violaciones, que constituyen un crimen de lesa humanidad, han sido perpetradas por funcionarios del Estado.

61. Muchas de las víctimas de la violencia sexual y de género se han atrevido a hablar al ser puestas en libertad, mientras que otras han tardado tiempo en relatar los abusos sufridos, perpetrados en secreto y ocultos tras el silencio o el tabú. Siguen siendo endémicas la falta de denuncia o la tardanza en denunciar los casos de violencia sexual. Prácticamente no existe documentación médica actualizada, a lo que se suma el obstáculo de la denegación de asistencia médica a las personas recluidas en centros de detención, que es donde se producen la mayoría de los casos de violencia sexual. Muchas de las mujeres entrevistadas, que han huido de sus hogares y buscado refugio en Estados vecinos, necesitan desesperadamente un apoyo psicosocial que resulta imprescindible para ayudar a las víctimas de la violencia sexual.

62. La falta de acceso a atención médica ha afectado a la salud prenatal y posnatal de las mujeres y sus hijos. En ocasiones no se ha permitido a mujeres que estaban de parto cruzar los puestos de control, y, a menudo, se han visto obligadas a dar a luz en circunstancias peligrosas. En las zonas bajo asedio, los partos tienen lugar en condiciones no asépticas y sin medicamentos contra el dolor.

63. Grupos armados como Ahrar Al-Sham y el Frente Al-Nusra han tomado a mujeres y niños, en función del género, como rehenes para utilizarlos en canjes de prisioneros. Mujeres yazidíes, secuestradas en el Iraq, han sido trasladadas a la República Árabe Siria y vendidas (o revendidas) en los mercados o repartidas como botín de guerra entre los combatientes del Estado Islámico. Esas mujeres, a las que se mantiene esclavizadas, están sometidas permanentemente a una atroz violencia sexual. Las mujeres y las niñas de las zonas controladas por el Estado Islámico viven en el temor de ser obligadas a casarse con los combatientes.

64. La imposición por el Estado Islámico de una interpretación estricta de la ley islámica, nunca antes vista en la República Árabe Siria, en cuyo marco se regulan mediante edictos todos los aspectos de la vida, desde la vestimenta hasta la circulación, el empleo y la práctica religiosa, ha restringido las libertades básicas, en particular de las mujeres. Las mujeres y las niñas mayores de 10 años tienen que cubrirse por completo para salir a la calle y no pueden frecuentar la compañía de hombres que no pertenezcan al círculo de la familia inmediata. El incumplimiento de esas normas se castiga con azotes. Los castigos pueden ser aplicados por la policía moral Al-Hisba, pero cada vez están en mayor medida a cargo de la brigada femenina Al-Jansaa. El Estado Islámico ha ejecutado a mujeres y hombres acusados de adulterio. Se han documentado casos de mujeres que ha sido lapidadas hasta la muerte. Estas muestras públicas de brutalidad se utilizan para atemorizar a las mujeres de manera que no se atrevan a desobedecer los edictos del Estado Islámico.

4. Los niños

65. La Comisión ha sido testigo del deterioro de los derechos de los niños en la República Árabe Siria. Ha habido niños que han resultado muertos, heridos y mutilados como consecuencia directa de la violencia indiscriminada de las fuerzas gubernamentales. También se han visto afectados por los desplazamientos forzados, la pérdida de familiares o el trauma que supone presenciar actos de violencia.

66. Desde 2011 los organismos de inteligencia y seguridad han detenido a niños pequeños. Esos niños, a los que se recluye en las mismas celdas que a los adultos, están expuestos a la violencia sexual y sufren los mismos malos tratos y torturas que el resto de los detenidos. Durante su reclusión, esos niños también presencian brutales torturas y muertes.

67. A medida que los disturbios han ido degenerando en un conflicto armado, las fuerzas gubernamentales han empezado a utilizar a niños en operaciones militares coordinadas para localizar a los combatientes de los grupos armados antigubernamentales antes de lanzar ataques o para que actúen como informantes, exponiéndolos así a represalias y castigos.

68. Con la destrucción de alrededor de 5.000 de las escuelas de la República Árabe Siria, el marcado deterioro de la educación infantil sigue constituyendo una de las principales preocupaciones de las personas entrevistadas. Las fuerzas gubernamentales atacan las escuelas en el contexto de sus operaciones militares. Según el Fondo de las Naciones Unidas para la Infancia, en 2014 resultaron muertos en ataques contra escuelas 160 niños. Las fuerzas armadas regulares también han utilizado las escuelas con fines militares, privando a los niños de la educación y exponiendo las instalaciones docentes a los ataques.

69. Algunos niños desplazados o que han buscado refugio en Estados vecinos llevan de dos a tres años fuera de la escuela, lo que incrementa el riesgo de radicalización entre los adolescentes. Los grupos armados se han aprovechado de los niños desplazados y apartados de sus comunidades reclutándolos, entrenándolos y utilizándolos como combatientes. Los médicos que trabajan en los hospitales sobre el terreno atienden regularmente a menores heridos en combate. La utilización de las escuelas con fines militares por parte de los grupos armados ha puesto en peligro a los niños y hecho que muchos resultan heridos o muertos. Los grupos armados antigubernamentales han atacado sistemáticamente las escuelas y las zonas de recreo escolares matando, hiriendo y mutilando a niños.

70. El Estado Islámico ha instrumentalizado a los niños y abusado de ellos a una escala sin precedentes en el conflicto sirio. En las zonas que se encuentran bajo su control, ha creado "campamentos de cachorros" en los que se enseña a los niños a utilizar armas y se los entrena para que cometan atentados suicidas. En septiembre y octubre de 2014 había menores entre las fuerzas del Estado Islámico que atacaron Ain Al-Arab (Kobane). Además de promover el adoctrinamiento y la instrumentalización de los niños, el Estado Islámico ha utilizado las escuelas con fines militares, poniendo a los escolares en peligro e impidiéndoles acceder a la educación.

71. Las Unidades de Protección Popular han secuestrado a niños y aceptado a niños en sus filas. Pese a haberse comprometido internacionalmente a no hacerlo, han desplegado a niños durante los combates.

72. Más de la mitad de los niños sirios en edad escolar, unos 2,4 millones, no pueden acudir a las escuelas porque estas han sido ocupadas o destruidas o por la inseguridad reinante. Con un número creciente de niños reclutados para combatir, la vulnerabilidad y la falta de protección que afectan hoy en día a los niños de la República Árabe Siria tendrán consecuencias que perdurarán en el tiempo.

5. Los detenidos

73. La Comisión ha recopilado información sobre numerosos casos de tortura y muerte de personas detenidas en las prisiones gubernamentales de toda la República Árabe Siria entre marzo de 2011 y enero de 2015, lo que respalda su conclusión de que se está produciendo un crimen de lesa humanidad en forma de torturas y asesinatos. Se ha documentado el uso generalizado y sistemático de la tortura en muchos de esos establecimientos en Damasco, en particular en las secciones de Seguridad Militar 215, 235 (también conocida como la sección de Palestina) y 227; la Sección de Seguridad Política de Damasco; las secciones de Inteligencia de las Fuerzas Aéreas en Harasta y en el aeródromo militar de Mezze; el Hospital Militar de Harasta y la prisión de Sednaya. Las lesiones físicas documentadas en las víctimas han corroborado sus declaraciones de que

habían sido sometidas a severas torturas como método de interrogatorio o de degradación y humillación. La tortura incluye también violaciones y agresiones sexuales. Las condiciones de detención se caracterizan por la falta de alimentos, agua, espacio, sueño, higiene y atención médica, y por la negación de medicamentos imprescindibles. Es frecuente que los detenidos sean desnudados al llegar y mantenidos durante largos períodos en ropa interior. La información recogida indica la existencia de una política de Estado que se aplica en todas las provincias.

74. Se han recibido múltiples denuncias relativas a la muerte de detenidos ingresados en la sección de Inteligencia de las Fuerzas Aéreas en el aeródromo militar de Mezze, las secciones de Seguridad Militar 215 y 235 y la prisión de Sednaya. Es frecuente que se remita a las familias de los detenidos que buscan información a la Policía Militar de Al-Qabun y, a continuación, al Hospital Militar de Tishrin. Sin embargo, en la mayoría de los casos no consiguen recuperar los cuerpos. Las autoridades del Estado expiden certificados de defunción falsos con el objetivo manifiesto de encubrir la causa y el lugar de la muerte y de evitar que queden registros oficiales de la utilización de la tortura. Al mentir sobre las circunstancias de la muerte en un intento por ocultar los malos tratos a los que se somete a los detenidos, las autoridades gubernamentales han reforzado un sistema generalizado de torturas sistemáticas y muertes ilegales.

75. En las zonas que se encuentran bajo su control, el Estado Islámico inflige severos sufrimientos físicos o mentales a la población civil, en particular en el contexto de la ejecución pública de las penas de azotes o de amputación, como parte de un ataque generalizado y sistemático contra la población civil. Se ha registrado un aumento de los casos de tortura y de trato cruel, inhumano y degradante contra la población civil en las provincias de Al-Raqqa, Dair Al-Zaur y Alepo. También se tortura sistemáticamente a los combatientes del ESL o las Unidades de Protección Popular a los que se hace prisioneros. Durante los interrogatorios el Estado Islámico golpea hasta la muerte a las personas ingresadas en sus centros de detención de las provincias de Al-Raqqa y Alepo. Entre los métodos utilizados figura el de azotar a los detenidos con cables. Personas que han estado detenidas en los locales del Estado Islámico en la provincia Al-Raqqa afirman que las celdas estaban atestadas e infestadas de insectos. Los detenidos no recibían suficientes alimentos ni se les permitía comunicarse con nadie del exterior.

6. Los enfermos y los heridos

76. La privación deliberada de atención a las personas a las que se considera adversarias ha agravado la escala de sufrimientos humanos en la República Árabe Siria. Desde los primeros días de los disturbios se impedía a los manifestantes heridos acceder a los hospitales. A medida que se intensificaba el conflicto, muchos civiles heridos en ataques indiscriminados y desproporcionados han muerto por no poder recibir atención médica. Las fuerzas de seguridad han detenido a personas heridas que trataban de conseguir tratamiento médico alegando que las heridas de bala o de metralla eran la prueba de que habían participado en las actividades de la oposición. Se ha amenazado violentamente a médicos y enfermeros para impedirles atender a personas que lo necesitaban. Los enfermos y los heridos han sido el blanco de los disparos de los francotiradores y de los asaltos militares a las instalaciones médicas. La asistencia sanitaria se ha militarizado hasta tal punto que muchas personas necesitadas optan por no acudir a los hospitales para recibir atención médica por temor a que las detengan, las torturen o las maten.

77. Una de las características que definen el conflicto es el abandono de toda imparcialidad. En la República Árabe Siria las fuerzas gubernamentales se han negado a permitir la entrega de medicamentos y suministros médicos esenciales. Como consecuencia inmediata, los hospitales de campaña carecen de los suministros más básicos y solo pueden ofrecer un tratamiento médico rudimentario. Al mantener la política de denegar la

asistencia médica alegando que puede ser utilizada para tratar a combatientes heridos, las autoridades gubernamentales contravienen directamente sus obligaciones vinculantes en virtud del derecho internacional humanitario de garantizar que se atienda y trate a los enfermos y los heridos y de asegurar el tránsito rápido y sin obstáculos del socorro humanitario.

7. Las personas con discapacidad

78. Como consecuencia del uso de explosivos, en particular en zonas urbanas densamente pobladas, cada vez es mayor el número de personas con discapacidad. El creciente uso de minas terrestres y artefactos explosivos improvisados por todas las partes en conflicto ha dejado gran número de heridos y mutilados. Las armas que emplean las fuerzas gubernamentales, en particular las bombas de barril, ocasionan heridas graves, como la pérdida de miembros y cortes profundos a consecuencia de la metralla. Buena parte de las víctimas que sobreviven a esas bombas quedan lisiadas.

79. Muchos de los testigos a los que se ha entrevistado habían sufrido heridas, estaban impedidos o padecían enfermedades crónicas. En la gran mayoría de los casos, la discapacidad era consecuencia directa del conflicto. Las personas con discapacidad afrontan dificultades específicas ya que el conflicto ha limitado drásticamente el acceso a servicios adecuados. En septiembre de 2014 se documentaron casos de personas con discapacidad mental y física que no habían podido huir o que habían resultado muertas durante las hostilidades en Ain Al-Arab (Kobane).

8. El personal médico y los trabajadores humanitarios

80. El colapso del sistema de sanidad pública de Siria a lo largo de los últimos cuatro años se ha visto acelerado por la pérdida de personal médico. Los conductores de ambulancias, los enfermeros, los médicos y los voluntarios médicos han sido objeto de ataques, detenciones, encarcelamientos arbitrarios y desapariciones. La legislación antiterrorista promulgada el 2 de julio de 2012 tipifica como delito la asistencia médica a la oposición. Las leyes N^{os} 19, 20 y 21 son contrarias a la norma del derecho internacional humanitario de que "no se castigará a nadie por haber ejercido una actividad médica conforme con la deontología, cualesquiera que fuesen las circunstancias o los beneficiarios de dicha actividad"⁹. Como resultado de ello, el sistema de atención de la salud se ha visto gravemente afectado durante las operaciones militares que han llevado a cabo las fuerzas gubernamentales, así como por una campaña deliberada y sistemática de persecución del personal médico que atiende a cualquier persona a la que se considere contraria al Gobierno.

81. Los hospitales y las instalaciones médicas han sido sistemáticamente objetivo de ataques, lo que ha ocasionado muertos y heridos entre el personal sanitario. De julio de 2014 a enero de 2015 al menos diez hospitales de todo el país sufrieron, algunos de ellos repetidas veces, bombardeos aéreos de las fuerzas gubernamentales en los que perecieron médicos y enfermeros que trabajaban en ellos.

82. El Estado Islámico y los grupos armados antigubernamentales han detenido a personal médico en violación del derecho humanitario consuetudinario que prohíbe castigar a las personas por ejercer la medicina. El secuestro de personal médico y humanitario ha llevado a muchas de esas personas a huir por temor a ser detenidas. También hay médicos y enfermeros que han huido debido a las restricciones que impone el Estado Islámico a sus actividades profesionales.

⁹ Protocolos adicionales I (art. 16 1)) y II (art. 10 1)) a los Convenios de Ginebra del 12 de agosto de 1949.

83. La violencia contra los trabajadores humanitarios y los centros de asistencia sigue obstaculizando los esfuerzos de los organismos humanitarios por hacer llegar esa ayuda a la población más necesitada. Los trabajadores humanitarios son el blanco de ataques deliberados que les impiden entregar la ayuda y limitan las actividades de los organismos humanitarios.

9. Los desplazados internos y los refugiados

84. Desde que comenzó la crisis en la República Árabe Siria han huido de sus hogares más de 10 millones de sirios, lo que equivale a casi la mitad de la población del país, que se ve así privada de sus derechos básicos a disponer de refugio y vivienda adecuados, a la seguridad y a la dignidad humana. Muchas de esas personas son víctimas de violaciones de los derechos humanos y abusos, y necesitan urgentemente medidas de protección y asistencia.

85. Más de 3 millones de personas, en su mayoría mujeres y niños, han abandonado la República Árabe Siria. Los países vecinos, en particular el Líbano, Jordania, Turquía y el Iraq, han sido el principal destino de uno de los mayores éxodos que ha conocido la historia reciente. Se cree que hay otros 6,5 millones de personas desplazadas dentro del país. Se calcula que 10,8 millones de personas necesitan asistencia humanitaria dentro de la República Árabe Siria y que 4,6 millones de ellas viven en estado de sitio o en zonas de difícil acceso.

86. Los palestinos de la República Árabe Siria se han convertido en un grupo especialmente vulnerable. Esas personas, que han sufrido ataques de las fuerzas gubernamentales en los campamentos de Yarmuk y Jan Al-Shih, en Damasco, en el campamento de Handarat, en Alepo, y en el campamento de Dara'a, no tienen dónde buscar refugio. Los Estados vecinos han restringido la entrada a algunos palestinos e impuesto medidas discriminatorias, en violación de sus obligaciones de asilo y no devolución.

C. Medidas para proteger a la población civil

87. En la República Árabe Siria las medidas de protección de la población civil son inexistentes. Los civiles son sistemáticamente víctimas de los ataques de todas las partes, lo que provoca enormes atrocidades. Como consecuencia directa de la conducta de las partes beligerantes, el espacio humanitario sigue reduciéndose cada vez más, lo que agrava el costo humano del conflicto.

88. Las personas privadas de libertad, en particular las que están detenidas en relación con los disturbios y la lucha armada, rara vez son informadas de los cargos que se les imputan, y no tienen acceso a tribunales justos e imparciales, a recursos efectivos ni a las demás garantías procesales en general. No se autoriza el acceso de personal humanitario neutral a la mayoría de los centros de detención dependientes del Gobierno o de los grupos armados no estatales.

89. A los civiles y otras personas que no intervienen, o que han dejado de intervenir, en el conflicto o en cualquier otra situación de violencia, en particular las personas o los grupos expuestos a riesgos específicos, como los niños, las mujeres, las personas de edad, las personas con discapacidad y los desplazados, tampoco se les brinda suficiente protección en la República Árabe Siria.

90. Los organismos humanitarios internacionales, que ven severamente restringido su acceso a muchas partes del país, no pueden realizar visitas de protección a los centros de detención ni llevar a cabo evaluaciones de las necesidades en las zonas que acogen a gran número de desplazados internos.

91. Las autoridades gubernamentales, que están implicadas en la comisión de violaciones manifiestas y siguen perpetrando crímenes en el marco de una política de Estado, han demostrado que están decididas a no colaborar con los agentes humanitarios neutrales. La legislación promulgada en la República Árabe Siria desde el comienzo de la crisis ha criminalizado actividades humanitarias esenciales, como la prestación neutral de asistencia médica. Los ataques contra los trabajadores humanitarios y la detención de defensores de los derechos humanos han obstaculizado gravemente las actividades de los agentes que tratan de mitigar los sufrimientos de las víctimas del conflicto y de los que se esfuerzan por proteger a la población civil. En muchas zonas, la guerra por asedio y la denegación de acceso a los servicios humanitarios han hecho prácticamente imposible llevar a cabo actividades de protección básicas.

92. Ninguno de los contendientes ha realizado esfuerzos claros por revisar sus prácticas de selección de objetivos a fin de evitar o reducir las víctimas civiles. Las partes siguen lanzando ataques de manera indiscriminada y, a menudo, desproporcionada e ilegal. Adoptan pocas precauciones y no parecen tomar medidas encaminadas a reducir el número de víctimas civiles, como sería la realización de investigaciones independientes de los incidentes con víctimas civiles.

93. Los grupos armados no estatales se han fragmentado, lo que hace difícil coordinar y promover de manera sostenida la adopción de medidas para proteger a la población civil. Al no tener interlocutores conocidos y fiables, los agentes humanitarios no disponen de cauces adecuados a través de los que mantener un diálogo sobre medidas de protección de la población civil que resulte significativo. Como consecuencia de ello, las personas privadas de libertad y las personas que necesitan atención médica, asistencia humanitaria y alimentos gozan de escasa protección. La expansión del Estado Islámico y la escalada de las hostilidades han provocado el cese de todas las entregas de ayuda humanitaria en las zonas que están bajo su control.

94. Las pruebas reunidas por la Comisión demuestran inequívocamente el desprecio de las partes en el conflicto por la vida humana y por la protección de la población civil. La mejora de esa protección debe ser uno de los elementos esenciales de todo diálogo político, humanitario o diplomático con los contendientes, con el fin de ampliar el espacio humanitario en la República Árabe Siria. Fuera de sus fronteras, se precisa urgentemente una acción internacional concertada para atender a las necesidades de protección humanitaria de la población refugiada en la región.

III. Rendición de cuentas

95. El conflicto armado se ha caracterizado por violaciones masivas y recurrentes de los derechos humanos y del derecho internacional humanitario que requieren la adopción de medidas urgentes a nivel internacional y nacional. Así lo reconocía el Consejo de Seguridad en su resolución 2139 (2014), en la que destacaba la necesidad de poner fin a la impunidad y reafirmaba que los responsables debían comparecer ante la justicia. A pesar del consenso alcanzado en esa resolución, todavía no se han adoptado medidas concretas para garantizar la rendición de cuentas.

96. La Comisión ha hecho llamamientos reiterados al Consejo de Seguridad para que remita la situación a la Corte Penal Internacional o a un tribunal internacional especial. Asimismo, siempre que ha sido posible, se ha esforzado por utilizar la información de la que dispone para identificar a los responsables de los crímenes y otras violaciones y contribuir a garantizar que tengan que rendir cuentas¹⁰.

¹⁰ Véase el documento A/HRC/22/59, anexo XIV.

97. Se han recogido los testimonios de más de 3.500 víctimas y testigos oculares, que documentan crímenes de guerra y crímenes de lesa humanidad, así como otras violaciones de los derechos humanos y del derecho internacional humanitario. Esas entrevistas se han conservado para remitirlas en un futuro a posibles mecanismos judiciales, ya sean internacionales o nacionales. En todos los casos, se ha pedido a los entrevistados que den su autorización explícita a la Comisión para utilizar la información facilitada en sus informes y/o poner los detalles pertinentes en conocimiento de los mecanismos actuales y futuros de rendición de cuentas.

A. Identificación de los presuntos responsables

98. Al finalizar cada mandato, la Comisión confecciona una lista confidencial de presuntos responsables. Esas personas han sido identificadas sobre la base de los testimonios de testigos y víctimas cuya veracidad se ha podido comprobar.

99. Toda la información relativa a la identidad de los posibles responsables, ya sean personas o entidades, se registra, incluyendo el nombre, la dirección, el rango, la fuente y las circunstancias exactas del presunto incidente o los presuntos incidentes en los que la persona o el grupo están presuntamente involucrados. Se realiza un examen para determinar si la información que vincula a los responsables identificados con los delitos o las violaciones en cuestión ha podido corroborarse en la medida necesaria para que la Comisión la considere como prueba.

100. Las personas o las entidades son incluidas en la lista definitiva cuando existen "motivos razonables para creer" que se ha producido un crimen o una violación en los que esas personas o entidades han intervenido en la forma descrita. La lista comprende a varios comandantes de unidades y dirigentes de grupos armados por su responsabilidad de mando.

B. Categorías de los presuntos responsables

101. En marzo de 2015 la Comisión presentará al Alto Comisionado de las Naciones Unidas para los Derechos Humanos una lista de presuntos responsables. En los documentos anteriores figuraban comandantes del ejército y las unidades de seguridad, incluidos los jefes de los centros de detención y otras personas que operaban bajo el mando del Gobierno o en su apoyo, y comandantes de los grupos armados no estatales, incluidos los denominados "emires" de grupos radicales, una vez establecida su responsabilidad por los crímenes y violaciones de conformidad con los criterios probatorios que aplica la Comisión.

C. La búsqueda de la justicia

102. Habida cuenta de que la situación en la República Árabe Siria sigue sin remitirse a la Corte Penal Internacional, la Comisión reconoce que se deben explorar otras opciones para acceder a la justicia penal. Dado que la Corte se centraría en las personas que presuntamente son las principales responsables, el resto de los casos tendrían que someterse, en su mayoría, a otros mecanismos nacionales e internacionales. Con la proliferación de la utilización de combatientes extranjeros por los grupos extremistas, muchos Estados se han mostrado dispuestos a investigar y procesar a sus propios ciudadanos sospechosos de haber cometido crímenes en el conflicto sirio.

103. Después de evaluar durante más de tres años los procedimientos nacionales, la Comisión ha llegado a la conclusión de que los tribunales sirios no representan, por el momento, un mecanismo eficaz a través del cual buscar justicia. La Comisión aún no ha

encontrado pruebas de que los tribunales sirios tengan la voluntad o la capacidad necesarias para cumplir sus obligaciones internacionales de procesar a los autores de crímenes internacionales graves.

104. El Tribunal contra el Terrorismo, los tribunales penales ordinarios, los tribunales militares especiales de campaña y los diversos tribunales religiosos locales de las zonas controladas por el Gobierno parecen actuar de manera arbitraria y no ofrecen garantías de juicio imparcial. Asimismo, los tribunales religiosos que operan en las zonas controladas por grupos armados no estatales, como el Estado Islámico y el Frente Al-Nusra, no actúan conforme a las normas internacionales, lo que da lugar a atropellos judiciales.

105. El Tribunal contra el Terrorismo y los tribunales militares de campaña parecen basarse casi exclusivamente en confesiones forzadas e información obtenida mediante torturas para poder emitir sentencias condenatorias. En esas circunstancias, preocupa a la Comisión que el sistema de justicia penal sirio esté violando los derechos internacionales a las garantías procesales y a un juicio imparcial, exacerbando y agravando los sufrimientos de las víctimas del conflicto armado.

D. Asistencia a los enjuiciamientos por los tribunales nacionales

106. Con el fin de seguir promoviendo la rendición de cuentas, siempre que ha obtenido la autorización de los entrevistados para hacerlo, la Comisión ha facilitado la información que le han proporcionado a los sistemas judiciales de los Estados que desean ejercer su jurisdicción nacional sobre delitos cometidos en la República Árabe Siria. Con el regreso de los combatientes extranjeros a sus países de origen desde los campos de batalla sirios, en los últimos seis meses se ha registrado un aumento de las peticiones presentadas por esos Estados.

107. Algunos Estados también han indicado que están dispuestos a ejercer la jurisdicción universal para iniciar investigaciones penales contra presuntos responsables de crímenes cometidos en el marco del conflicto armado, incluidos nacionales extranjeros. En caso de que un Estado tuviera bajo su custodia a esos responsables y sus tribunales nacionales satisficieran las normas internacionales relativas a la imparcialidad de los juicios, la Comisión estaría dispuesta a facilitarles la información que solicitaran.

E. Medidas adicionales para buscar justicia

108. En su resolución 2178 (2014), el Consejo de Seguridad subrayó la necesidad de que los Estados abordaran las condiciones que favorecían la propagación del terrorismo. La Comisión apoya el llamamiento hecho por el Consejo en esa resolución para que los Estados estudien la posibilidad de adoptar toda una gama de medidas para combatir las causas que originan el extremismo mediante la educación, las políticas públicas y las intervenciones en las comunidades cuyos integrantes están más expuestos al riesgo de reclutamiento.

IV. Responsabilidad común

A. Incapacidad de alcanzar una solución política

109. Pese a que se han puesto en marcha varias iniciativas para acabar con los cuatro años de conflicto en la República Árabe Siria, hasta la fecha ninguna de ellas ha permitido alcanzar una solución política. Una de las más notorias fue el plan de paz de seis puntos

presentado por el Enviado Especial Conjunto de las Naciones Unidas y la Liga de los Estados Árabes para Siria, Kofi Annan, el 27 de marzo de 2012. En ese plan se hacía fundamentalmente un llamamiento al Gobierno de la República Árabe Siria para que iniciara un proceso político amplio, cesara las hostilidades militares y permitiera la entrada de ayuda humanitaria a las zonas afectadas por los combates. Poco después, en abril de 2012, se constituyó la Misión de Supervisión de las Naciones Unidas en la República Árabe Siria con el fin de supervisar el alto el fuego al que, en principio, se habían comprometido el Gobierno y la oposición armada. El 16 de junio la Misión se suspendió al reanudarse las hostilidades.

110. El Comunicado Final del Grupo de Acción para Siria (Comunicado de Ginebra), que se hizo público en junio de 2012¹¹, sigue siendo uno de los intentos más serios de resolver el conflicto por vías políticas. Contiene una hoja de ruta para la transferencia pacífica del poder mediante el establecimiento de un órgano de gobierno de transición con poderes ejecutivos. Inmediatamente después de su nombramiento en agosto de 2012, el Enviado Especial Conjunto de las Naciones Unidas y la Liga de los Estados Árabes para Siria, Lakhdar Brahimi, solicitó que se aplicaran las condiciones del Comunicado de Ginebra. Tras meses de negociaciones y de persistente presión diplomática por parte de los Estados Unidos de América y la Federación de Rusia sobre las partes en el conflicto, el 23 de enero de 2014 se celebró en Montreux (Suiza) una conferencia ("Ginebra II"). Las negociaciones se rompieron tras dos rondas de conversaciones entre el Gobierno y la oposición, representada fundamentalmente por la Coalición Nacional de Siria. El principal escollo fue el orden de prioridades de la agenda de negociación, ya que el Gobierno insistía en abordar el terrorismo antes de ocuparse de las cuestiones relativas al gobierno de transición, lo que fue rechazado por la Coalición.

111. Las perspectivas de encontrar una solución política se han complicado aún más al multiplicarse los grupos armados sobre el terreno. La gran expansión territorial del Estado Islámico y la continuada fragmentación de los grupos afiliados al ESL ha hecho imposible lograr un alto el fuego general o un acuerdo político más amplio. También ha debilitado la posición de la Coalición Nacional de Siria, que ha ido perdiendo influencia sobre esos grupos. Los esfuerzos recientes se han orientado a "armonizar" las relaciones de la Coalición con grupos armados influyentes sobre el terreno, al tiempo que se ha promovido la participación de la oposición política interna. La última reunión entre la Coalición y miembros de la oposición interna, celebrada en El Cairo el 22 de enero de 2015, tuvo específicamente por objetivo crear una plataforma común. La mayoría de los participantes dieron su apoyo a un documento final de diez puntos en el que se pedía una transición pacífica hacia un sistema civil y democrático, al tiempo que se hacía hincapié en que el Comunicado de Ginebra seguía siendo la base de las negociaciones con el Gobierno.

112. La iniciativa puesta en marcha por la Federación de Rusia en enero de 2015 tenía la finalidad de reunir a los miembros de la oposición y al Gobierno. El principal bloque de la oposición en el exterior, la Coalición Nacional de Siria, declinó la invitación, que fue aceptada, en cambio, por los miembros de varios grupos de la oposición interna. Se llegó a un consenso sobre la necesidad de preservar la soberanía y la unidad de la República Árabe Siria; el rechazo de las injerencias externas; la lucha contra el terrorismo como prioridad; y la terminación de la guerra civil por medios pacíficos.

113. La expansión de los grupos extremistas ha contribuido al endurecimiento de la posición de negociación del Gobierno y mermado su voluntad de hacer concesiones. El Gobierno ha puesto una y otra vez como condición para iniciar cualquier proceso político o de transición el fin del apoyo militar exterior a los grupos armados y la denominada "lucha contra el terrorismo". Asimismo, se ha negado a reconocer a la Coalición Nacional de Siria

¹¹ A/66/865-S/2012/522, anexo.

como entidad unificada y ha centrado sus esfuerzos en promover la participación de la oposición que es tolerada a nivel interno.

114. El actual enfoque por etapas adoptado por el Enviado Especial del Secretario General, Staffan de Mistura, tiene por objeto abordar la fragmentación del conflicto centrándose en la suspensión localizada de las hostilidades en la ciudad de Alepo. Propugna la aplicación de un método ascendente que busca resolver el conflicto mediante la celebración y el afianzamiento de acuerdos de ámbito local que puedan reproducirse a una escala más amplia, facilitando así una transición gradual hacia una solución política más general. Hasta la fecha no se ha presentado un plan específico, pero el éxito de la suspensión de las hostilidades en Alepo será la prueba de fuego para determinar si este modelo podría funcionar en otras zonas.

115. Si bien una transición gradual con medidas sólidas de fomento de la confianza podría reducir las hostilidades a nivel local y mejorar las condiciones humanitarias, en última instancia será necesario adoptar una perspectiva más largo plazo. Aunque el Comunicado de Ginebra proporciona un marco para alcanzar una solución política, persisten algunas cuestiones contenciosas, como el alcance y la naturaleza de la representación de la oposición en cualquier acuerdo de transición. El papel del Presidente Al-Asad en la fase de transición sigue siendo objeto de fuertes discrepancias entre las partes. Es preciso abordar esos aspectos antes de que se pueda contemplar seriamente la posibilidad de alcanzar un acuerdo duradero.

B. Participación de agentes externos

116. Más allá de la escalada interna desencadenada en marzo de 2011 por el uso excesivo de la fuerza por parte del Gobierno contra manifestantes en su mayoría inermes, varios agentes externos han contribuido al proceso de militarización que ha transformado los disturbios en una brutal guerra civil.

1. Participación de Estados con influencia en los dos bandos

117. Desde que comenzó el levantamiento, algunos Estados se han esforzado por influir en la conducta de las distintas partes en función de sus intereses geopolíticos. Su apoyo se ha extendido a los ámbitos financiero y militar, lo que ha dado, aunque de manera desigual, a las partes beligerantes la capacidad necesaria para incrementar o, cuando menos, mantener su participación. En particular, los países de la región compiten por influir en los contendientes, transformando gradualmente la crisis de Siria en una pugna regional.

118. La asistencia financiera y militar crítica que distintos Estados han inyectado en el conflicto ha contribuido a la falta de voluntad de las partes beligerantes, que siguen creyendo en su superioridad militar, de alcanzar un compromiso. Los limitados esfuerzos de la comunidad internacional por restablecer la paz y la estabilidad en la región se han visto socavados por el apoyo continuado de algunos Estados a los contendientes, lo que favorece a los partidarios de las líneas más duras en ambos bandos.

119. El apoyo continuado prestado al Gobierno en términos de equipo militar, asesoramiento y entrenamiento por los países que lo respaldan lo ha alentado a persistir en su enfoque militar y de seguridad basado en el uso excesivo de la fuerza. Ese apoyo le ha permitido adaptar la posición, la capacidad y la estructura de sus fuerzas a unas condiciones de lucha asimétrica para hacer frente a la escalada de la violencia armada.

120. Los Estados que apoyan a la oposición también han facilitado a los distintos grupos y coaliciones equipo militar letal y no letal. Como consecuencia de restricciones autoimpuestas, la escala de ese apoyo y la política en que se basa nunca han proporcionado

a esos grupos la capacidad necesaria para enfrentarse seriamente a las fuerzas gubernamentales a mediano y largo plazo. Pese a todas las precauciones adoptadas por los Estados que lideran el proceso, en última instancia el apoyo prestado a los denominados "moderados" ha consolidado el dominio de grupos extremistas como el Estado Islámico y el Frente Al-Nusra, que han conseguido imponerse a las posiciones de los moderados y logrado partidarios entre sus filas.

2. Participación de agentes no estatales procedentes de Estados vecinos

121. Varios agentes no estatales de Estados de la región han participado en la guerra desplegando a sus propios efectivos o suministrando apoyo logístico y financiero a una de las partes. La porosidad de buena parte de la frontera siria ha facilitado su entrada.

122. La creciente involucración de esos elementos ha hecho que la violencia se contagie a sus países de origen. La intervención militar de Hizbullah y las milicias chiíes iraquíes del lado del Gobierno y la participación de miles de militantes extremistas en apoyo de los rebeldes han agravado el riesgo de inestabilidad que ya existía en los Estados vecinos. Los constantes enfrentamientos armados en la parte septentrional del Líbano y el auge del Estado Islámico y su posterior ofensiva en el Iraq son indicadores que demuestran la creciente regionalización de la crisis.

123. Por sus antecedentes y por los argumentos que utilizan para justificar su presencia y sus operaciones en la República Árabe Siria, los agentes no estatales han exacerbado la violencia sectaria, profundizando aún más las divisiones religiosas y étnicas.

124. Los agentes no estatales también han atizado la radicalización de los contendientes, en particular de los grupos armados. En su apoyo a los grupos armados antigubernamentales, las organizaciones de beneficencia y los donantes privados interesados en propagar ideologías extremistas han privilegiado a los grupos dispuestos a apoyar sus creencias.

3. Llegada de combatientes extranjeros y su contribución al auge del extremismo y el terrorismo

125. Los combatientes extranjeros que, guiados predominantemente por una ideología religiosa integrista, se han sumado a los grupos armados no estatales cobraron en un principio prominencia entre sus contrapartes por su eficaz participación en las actividades operacionales y de gobernanza. El respeto que se han granjeado o el temor que han infundido entre las comunidades de las zonas que se encuentran bajo el control de los grupos armados les han permitido influir en el panorama escorándolo hacia el extremismo.

126. La intervención de los combatientes extranjeros ha beneficiado a los grupos extremistas, como el Estado Islámico y en Frente Al-Nusra. Esos grupos, calificados como grupos terroristas en la resolución 2170 (2014) del Consejo de Seguridad, han usado sus conocimientos bélicos y, lo que es más importante, empleado su ideología como eficaz instrumento para movilizar y reclutar a combatientes. Esto ha acentuado la supremacía que han ido adquiriendo esos grupos frente al resto de los grupos armados a lo largo de la guerra, en particular en 2014.

127. Esos combatientes han impulsado el proceso de radicalización de las zonas en poder de los grupos armados. Además de su participación militar, también han desempeñado un papel prominente en los "sistemas" religioso, educativo y judicial establecidos en esas zonas. El control de esos aspectos fundamentales de la vida civil contribuirá a radicalizar aún más a las comunidades sujetas a su autoridad.

C. Responsabilidad del sistema de las Naciones Unidas

128. Tras más de dos años de inacción frente la crisis de la República Árabe Siria, en septiembre de 2013 el Consejo de Seguridad aprobó la resolución 2118 en la que pidió que se verificaran y destruyeran los arsenales de armas químicas, y que se convocaran las conversaciones de paz de Ginebra II, y apoyó el establecimiento de un órgano de gobierno de transición que ejerciera plenos poderes ejecutivos.

129. Con el agravamiento de la crisis, el Consejo de Seguridad aprobó en febrero de 2014 la resolución 2139 en la que exigió que todas las partes, en particular el Gobierno, permitieran el acceso a la asistencia humanitaria incluso a través de las líneas del conflicto, en las zonas asediadas y a través de las fronteras. El ámbito de la resolución 2139 (2014) se amplió con la aprobación de la resolución 2165 (2014), en la que el Consejo decidió autorizar a los organismos humanitarios de las Naciones Unidas y sus asociados a utilizar rutas a través de las líneas del conflicto y los cruces fronterizos a fin de asegurar la asistencia humanitaria aún sin consentimiento del Estado. En su resolución 2191, aprobada en diciembre de 2014, renovó su autorización de utilizar rutas a través de las líneas del conflicto y de determinados cruces fronterizos. También renovó el mecanismo de supervisión creado en virtud de esa resolución.

130. En sus reuniones informativas mensuales con el Consejo de Seguridad sobre el seguimiento de la aplicación de las resoluciones 2139 (2014) y 2165 (2014), la Secretaría General Adjunta y Coordinadora del Socorro de Emergencia informó de las graves dificultades y limitaciones que seguían obstaculizando el acceso de la asistencia humanitaria y destacó los problemas relacionados con la protección de la población civil. El 15 de diciembre de 2014, hizo un llamamiento al Consejo para que se asegurara de que las partes en conflicto cumplieran cabalmente la resolución 2139 (2014). Pese a no haberse aprobado específicamente en el contexto de la República Árabe Siria, la resolución 2175 (2014) puso de relieve el creciente número de actos de violencia contra quienes participan en operaciones humanitarias, así como los ataques contra convoyes humanitarios y los actos de destrucción y saqueo de sus activos.

131. En la resolución 2170 (2014), el Consejo de Seguridad expresó su máxima preocupación ante el hecho de que en algunas zonas del Iraq y Siria había territorio controlado por el Estado Islámico y el Frente Al-Nusra, decidió agregar a seis personas a la Lista relativa a las sanciones contra Al-Qaida, y amenazó con adoptar medidas contra quienes les proporcionasen financiación o armas o realizaran actividades de reclutamiento en su favor. El Consejo puso de relieve la necesidad de que los responsables de violaciones en el Iraq y la República Árabe Siria rindieran cuentas de sus actos. En su resolución 2178 (2014), el Consejo amplió el marco de la lucha contra el terrorismo al imponer obligaciones a los Estados Miembros para hacer frente a la amenaza que planteaban los combatientes extranjeros.

132. Sin embargo, el hecho de que el Consejo de Seguridad no consiguiera alcanzar el consenso sobre la rendición de cuentas ha permitido a los responsables seguir operando impunemente. En mayo de 2014 el Consejo no logró aprobar un proyecto de resolución en el que se pedía que la situación en la República Árabe Siria se remitiera a la Corte Penal Internacional.

133. A la luz de la incapacidad manifiesta del Gobierno de proteger a su población frente a los flagrantes abusos de los derechos humanos, la comunidad internacional, a través de las Naciones Unidas, tiene la responsabilidad de proteger a la población siria de esos crímenes. La Comisión espera que las Naciones Unidas tomen medidas concretas para aprobar y aplicar urgentemente una estrategia común en la que los derechos humanos se antepongan a cualquier otra consideración de manera que en todo contacto con la República Árabe Siria se tenga efectivamente en cuenta y se aborde la grave situación en materia de derechos humanos.

V. Conclusiones y recomendaciones

A. Conclusiones

134. En el informe, la Comisión ha pasado revista de los acontecimientos más destacados ocurridos en la República Árabe Siria a lo largo de los últimos cuatro años, destacando las principales tendencias que han caracterizado el conflicto. Con las legítimas aspiraciones populares como punto de partida, la situación ha degenerado en una conflagración de escala y magnitud sin precedentes.

135. Las dificultades para prestar asistencia humanitaria se han visto agravadas por el aumento exponencial del número de crímenes de guerra, crímenes de lesa humanidad y violaciones de los derechos humanos que se perpetran. La población civil sigue soportando ingentes sufrimientos, mientras que los responsables están a salvo de tener que rendir cuentas. Son varios los agentes nacionales, regionales e internacionales que comparten la responsabilidad por esta tragedia que no cesa.

136. Desde la perspectiva del acceso humanitario y la protección de la población civil, el problema estriba en adoptar medidas más firmes que garanticen ese acceso y esa protección mediante la incorporación de los derechos humanos a todas las actividades del sistema de las Naciones Unidas para proteger a las víctimas más eficazmente, teniendo debidamente en cuenta las cuestiones de género y las necesidades específicas de los niños.

137. La Comisión presagió el actual estancamiento militar cuando recordó que el conflicto no podía resolverse por medios militares. Sigue siendo esencial promover un proceso político incluyente que propicie la paz. Los retrasos o la inacción solo contribuirán a que se propague el extremismo, aumenten los combatientes extranjeros y el terrorismo y se agrave la desestabilización de la región.

138. El hecho de que los responsables lleven más de cuatro años cometiendo crímenes que conmueven la conciencia de la humanidad suscita cuestiones sobre la falta de idoneidad de la respuesta de la comunidad internacional. Las autoridades sirias han demostrado que no tienen intención de llevar a los responsables ante la justicia. El extremismo y el terrorismo cobran más auge cada día, con grupos como el Estado Islámico y el Frente Al-Nusra que cometen atrocidades inimaginables.

139. A la vista de la gravedad de las conclusiones de la Comisión, es crucial que la comunidad internacional adopte una estrategia común y eficaz para hacer frente a la impunidad en la República Árabe Siria. Una de las opciones esenciales sigue siendo la de remitir la situación del país a la Corte Penal Internacional por conducto del Consejo de Seguridad; no obstante, la actual falta de consenso entre los miembros permanentes del Consejo hace necesario estudiar urgentemente la posibilidad de establecer un tribunal internacional especial.

140. La Comisión mantiene desde hace mucho la posición de que su metodología de investigación no satisface los requisitos normales de las garantías procesales y, por lo tanto, no debe desvelar la identidad de los presuntos autores de crímenes de guerra y crímenes contra la humanidad. No obstante, tras cuatro años de vigilancia intensiva y la presentación de cuatro listas confidenciales de esos presuntos autores, no publicar sus nombres en la presente etapa de la investigación reforzaría la impunidad que la Comisión tiene el mandato de combatir.

141. La Comisión considera que debe interpretar su mandato de la manera que más contribuya a proteger a las víctimas del conflicto y a promover su derecho a la verdad. La Comisión tiene la esperanza de que hacer pública la identidad de los presuntos

autores sirva para maximizar el efecto disuasorio potencial de las conclusiones de la Comisión y contribuya a proteger a las personas que corren el riesgo de sufrir abusos.

B. Recomendaciones

142. La Comisión de Investigación reitera las recomendaciones de sus informes anteriores y añade las que figuran a continuación.

143. La Comisión recomienda que todas las partes:

a) Apliquen cabalmente las normas de derechos humanos, el derecho internacional humanitario y las resoluciones pertinentes del Consejo de Seguridad, y utilicen su influencia para asegurarse de que también los hagan las personas y los grupos que las apoyan;

b) Combatan la propagación de las violaciones, el extremismo y el terrorismo haciendo que sus autores comparezcan ante la justicia, al tiempo que atajan sus causas raíces y promueven la inclusión social y las alternativas pacíficas a los discursos violentos;

c) Ofrezcan protección y asistencia eficaces a los civiles, incluidos los refugiados y los desplazados internos, por ejemplo proporcionándoles espacios seguros y acceso a lo que precisen para satisfacer sus necesidades básicas;

d) Exijan que todas las partes tomen medidas efectivas para poner fin a todas las formas de reclutamiento ilegal de niños y a su utilización en las hostilidades;

e) Respeten el principio de no devolución y compartan la carga mediante la adopción de una serie de medidas, como el reasentamiento de los refugiados, el apoyo a la población local afectada y una respuesta adecuada;

f) Refuercen las medidas para ayudar a grupos específicos, como las mujeres, los niños, las personas con discapacidad y las minorías, mediante, entre otras cosas, la puesta en marcha de más programas de asistencia sociopsicológica para la rehabilitación/reintegración social que propicien la participación efectiva de los beneficiarios;

g) Proporcionen financiación suficiente y otros recursos para hacer frente a la situación humanitaria.

144. La Comisión recomienda que el Gobierno de la República Árabe Siria:

a) Ponga fin de inmediato a la utilización indiscriminada de armas ilegales, incluidas las bombas de barril;

b) Ponga fin a la detención arbitraria, las desapariciones forzadas, la tortura y otras violaciones de ese cariz;

c) Permita el acceso pleno y sin obstáculos de los agentes humanitarios, en aplicación de las resoluciones pertinentes del Consejo de Seguridad;

d) Autorice a la Comisión a acceder al país y colabore con ella.

145. La Comisión recomienda que la comunidad internacional:

a) Aplique el principio de jurisdicción universal con arreglo a la legislación nacional para investigar y procesar a las personas y los grupos implicados en violaciones notorias;

b) Adopte medidas dirigidas a las personas y los grupos antes mencionados;

c) Se asegure de que los Estados y los particulares desistan de financiar el terrorismo y el extremismo, de conformidad con las resoluciones pertinentes del Consejo de Seguridad;

d) Inste a todas las partes a cerciorarse de que en todas las conversaciones relativas a la paz o la reconciliación se incorporen sistemáticamente las cuestiones relativas a la protección del niño y la mujer;

e) Responda adecuadamente a las necesidades crecientes de los refugiados, los desplazados internos y las comunidades que los acogen, en particular honrando las promesas de contribuciones hechas en respuesta a los llamamientos de las Naciones Unidas.

146. La Comisión recomienda que el Consejo de Seguridad:

a) Apoye la labor de la Comisión y su acceso a la República Árabe Siria, incluya la situación como tema de su programa de trabajo e invite a la Comisión a informarlo periódicamente al respecto;

b) Ponga la situación en manos de la justicia mediante su remisión a la Corte Penal Internacional o a un tribunal internacional especial, teniendo en cuenta la necesidad de hacer frente a los atropellos judiciales sistémicos que se producen en la República Árabe Siria y de reformar a fondo el sector de la justicia en el país;

c) Adopte medidas contra las personas y los grupos sobre cuya implicación en la comisión de violaciones notorias se disponga de información contrastada;

d) Imponga medidas más firmes para reforzar la aplicación y el seguimiento de las resoluciones del Consejo de Seguridad en la República Árabe Siria.

147. La Comisión recomienda que la Asamblea General:

a) Apruebe una resolución en la que pida al Consejo de Seguridad que ponga la situación en manos de la justicia;

b) Apoye la labor de la Comisión mediante, entre otras cosas, la presentación de su informe al Consejo de Seguridad, y la invite a ofrecer reuniones informativas periódicas.

148. La Comisión recomienda que el Consejo de Derechos Humanos:

a) Apoye las recomendaciones de la Comisión y se asegure de que se siga vigilando la situación en la República Árabe Siria e informando al respecto.

Anexos

[Inglés únicamente]

Annex I

Correspondence with the Government of the Syrian Arab Republic

NATIONS UNIES
DROITS DE L'HOMME
HAUT-COMMISSARIAT



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
Tel: 41-22-9179110, Fax: 41-22-9179007

Independent International Commission of Inquiry on the Syrian Arab Republic established pursuant to
United Nations Human Rights Council Resolutions S-17/1, 19/22, 21/26, 22/24 and 25/26.

3 September 2014

Excellency,

On behalf of the Independent International Commission of Inquiry on the Syria Arab Republic and in accordance with Human Rights Council resolution 23/25 of 21 March 2014, I am writing on the occasion of your appointment as the Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva to request an opportunity to introduce you to the work of the Commission of Inquiry. Since the Commission's establishment in August of 2011, we have performed our mandate to investigate all violations and abuses of international law occurring in the context of the armed conflict in the Syrian Arab Republic.

In this context, we respectfully seek your assistance in the fulfilment of this mandate, including the documentation of human rights violations committed by the Islamic State of Iraq and the Levant (ISIS). We wish to reassure you of our commitment to full engagement with your Excellency's Government and our intention to reflect in our reports the perspective of all parties in the context of the current crisis.

Specifically, we would be highly grateful if commissioners Vitit Muntarbhorn and Carla Del Ponte could meet with you during their next visit to Geneva, from 12-16 September. During this period, the Commission of Inquiry will also present its next update to the Human Rights Council during the interactive dialogue scheduled on the morning of 16 September.

We would like to extend to you our sincere appreciation for taking this request into consideration and providing any assistance in this regard.

Sincerely,

James Rodehaver

Coordinator,
Independent International Commission of
Inquiry on the Syrian Arab Republic

H.E. Houssam El dine Alaa
Permanent Representative
The Permanent Mission of the
Syrian Arab Republic to the
United Nations Office at Geneva

NATIONS UNIES
DROITS DE L'HOMME
HAUT-COMMISSARIAT



UNITED NATIONS
HUMAN RIGHTS
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Tel: 41-22-9179110, Fax: 41-22-9179007

Independent International Commission of Inquiry on the Syrian Arab Republic established pursuant to
United Nations Human Rights Council Resolution S-17/1 and extended by resolutions 19/22, 21/26, 22/24, and 25/23

15 December 2014

Excellency,

On behalf of the Independent International Commission of Inquiry on the Syria Arab Republic and in accordance with Human Rights Council resolution 23/25 of 21 March 2014, I am writing to reiterate the Commission's request for access to the country in order to fulfil our mandate to investigate all violations and abuses of international law occurring in the context of the armed conflict in the Syrian Arab Republic. The Commission undertakes its tasks objectively and impartially.

In this context, we respectfully seek your assistance in the fulfilment of this mandate. We wish to reassure you of our commitment to full engagement with your Excellency's Government and our intention to reflect in our reports the perspective of all parties in the context of the current crisis. Specifically, we would be highly grateful if a visit could be arranged for us at the earliest convenience of your Government. This visit would aim to enable our Commission to continue investigations into violations of international human rights and international criminal law committed by the terrorist group, the so-called "ISIS" (or *Da'esh*).

As you may know, our Commission's latest report: *Rule of Terror: Living under ISIS in Syria* was published on 14 December 2014. Its findings set out the criminal responsibility of the leadership and fighters of the so-called ISIS for war crimes and crimes against humanity committed during their seizure of territory in north-eastern Syria. These crimes have continued to be perpetrated. Our Commission would request your Government's kind assistance in facilitating contacts with civilian victims of the terrorist group or their families, and family members of Syrian Army personnel captured, tortured and/or summarily executed by ISIS, including in Tabqa airbase, Raqqah, and Dayr Az-Zawr. Meetings with relevant government officials would also be most welcome.

We would like to extend to you our sincere appreciation for taking this request into consideration and providing any assistance in that regard.

Again, on behalf of the Commission of Inquiry, I would like to avail myself of this opportunity to extend to you assurances of my highest consideration.

Sincerely,

Paulo Sérgio Pinheiro
Chair, Independent International Commission of
Inquiry on the Syrian Arab Republic

His Excellency
Mr. Hussam Alaa
Permanent Representative of
the Syrian Arab Republic to the
United Nations Office at Geneva

Annex II

Violations documented between 15 July 2014 and 15 January 2015

A. Massacres and other unlawful killing

1. In October 2013, following the request of the Human Rights Council to investigate all massacres,^a the commission adopted the following working definition of a massacre:

An intentional mass killing of civilians not directly participating in hostilities, or hors de combat fighters, by organized armed forces or groups in a single incident, in violation of international human rights or humanitarian law.

2. Massacres include multiple instances of the war crime of murder, the war crime of attacking civilians, and the war crime of sentencing or execution without due process. When murder is committed as part of a widespread or systematic attack directed against a civilian population, perpetrated pursuant to or in furtherance of a State or organizational policy, the commission of massacres may amount to the crime against humanity of murder.

1. Government forces

3. Throughout the reporting period, the Government has continued to heavily shell and bombard areas of Syria held by anti-Government armed groups and ISIS. These attacks have often resulted in mass civilian casualties.

4. Where there are reasonable grounds to believe that the shelling, bombardments or bombings intentionally targeted civilians, such attacks fall within the definition of a massacre.

5. On the morning of 9 August 2014, a Government helicopter dropped a barrel bomb on a crowded vegetable market in Al-Maadi district of Aleppo city. According to first responders at the scene, the barrel-bomb killed 20 civilians, including one entire family. Some people died when they were buried under rubble as a nearby building collapsed. Dozens were injured.

6. On 11 September, a Government helicopter dropped a barrel bomb on a livestock market in Al-Bab (Aleppo), a town under the control of ISIS. The livestock market, held every Thursday, is the biggest in Aleppo governorate and attracts people from the surrounding countryside and bordering governorates. The barrel bomb killed at least 21 civilians and injured over a dozen more. A significant amount of livestock was killed. There were no indications of any military targets inside or near the livestock market.

7. One week later, on 18 September, a Government helicopter again dropped barrel bombs on Al-Bab (Aleppo). One barrel bomb hit a bakery, where people were queuing for bread. This bomb killed 35 people and injured many others. A second barrel bomb hit Al-Bab covered market, killing shoppers and vendors inside. The bomb set fuel stores in the market ablaze, further increasing civilian casualties. This attack killed 20 civilians, including women and children. Approximately 80 people were injured. The nearest ISIS military position was 1 kilometre away.

^a HRC resolution 21/26, para. 19.

8. On approximately 9 October, Government forces aerially bombarded Irbin market, near Hammourieh in eastern Ghouta (Rif Damascus), killing scores of civilians and injuring many others. There were reportedly no military targets in the area.
9. On 6 November, a Government helicopter targeted Al-Muwaslat neighbourhood in Aleppo city, dropping two barrel bombs. The bombs hit a residential neighbourhood, killing 20 people including women and children and injured dozens more.
10. Also on 6 November, a Government helicopter dropped two consecutive barrel bombs on Al-Shaar neighbourhood. The first bomb killed civilians in its area of impact, while others were buried in the rubble of a building which collapsed. As people rushed to help the buried and wounded, they were targeted by the second barrel bomb. Approximately 15 people were killed, most of whom were women and children. Dozens were injured. Some of the wounded later died in field hospitals, reportedly as a result of lack of necessary medical supplies.
11. On 10 December, Government forces stationed in Al-Ramoussa (Aleppo) fired artillery shells into Al-Mashed neighbourhood of Aleppo city. Twelve people were killed, including two children. Eight were injured.
12. The Government has continued its campaign of aerial bombardment in Aleppo and Rif Damascus. There are an increasing number of reports of aerial bombardments across Ar Raqqah and Al Hsakah districts. These remain under investigation.
13. The Government's aerial attacks, directed at civilians, are consistent with the Government forces' counterinsurgency strategy. Employed since 2012, the strategy includes creating conditions of life so unbearable that the civilian population living in armed-group-controlled areas displace, eroding possible bases of supporting for the groups.
14. While the commission has received multiple, consistent accounts of deaths in Government detention facilities, it was not possible to confirm that multiple deaths occurred in a single incident, as required under its definition of 'massacre'. These deaths are documented below in the section on Other Unlawful Killing.

2. Non-State armed groups

Anti-Government armed groups

15. During and immediately prior to the reporting period, armed groups operating in and around the Al-Salamiyah area of Hama governorate attacked and killed civilians.
16. Shortly after an attack on Khattab village (Hama) on 17 June 2014 which killed three men, including one soldier who was home on leave, an armed group again attacked the village. In the course of this attack, fighters killed 16 people. Some victims had their throats cut and some of the bodies were reportedly mutilated. At least one victim was a pregnant woman. No group has claimed responsibility for this attack.
17. On 10 July 2014, armed groups entered Al-Rahjan village, the home of the Government's then Defence Minister. After killing soldiers guarding the residence, fighters moved through the village killing civilians living there. One interviewee described fighters shouting that the family were infidels, while dragging a male family member out of the house and executing him. While the fighters appeared focussed on killing fighting-age men, the killing of women and children was also documented. Jabhat Al-Nusra and Tajamu Ajnad Al-Sham claimed responsibility for this attack.
18. In early August, members of an armed group attacked Tal Al-Muzairia village, home to an Ismaili Muslim community. Most of those killed were adult men. A 12-year-old girl was also killed. Three children, including one toddler, were seriously injured. The attackers also stole cattle and livestock. Tal Al-Muzairia had been attacked previously in

February 2014, when the armed group reportedly killed an elderly man. In both incidents, those interviewed stated they believed the armed group responsible was based in Rastan in northern Homs.

19. In the early hours of 1 September 2014, double car bombs exploded in Housh Beit Zidan, a village in the Taldara countryside (Hama). The first car bomb exploded as the car made its way along a secondary road on the eastern side of the village. It killed two people and injured nine others. Among the injured were four children who lost limbs. Approximately 20 minutes later, a second car bomb exploded, this time on a secondary road on the western side of the village. It killed six members of one family. No group claimed responsibility for this attack.

20. On 1 October 2014, two bombs exploded near two schools, the El-Makhzoumi and Mohdatha schools in the Akrama neighbourhood of Homs city. The first explosion occurred shortly after children were leaving school, reportedly killing at least 30 boys and girls. Ten minutes later, another bomb was detonated. Reports indicate that the second bombing was the result of a suicide bomber exploding himself near the entrance of the Makhzoumi school, ushering those fleeing the first blast into the school. There were no military targets in the area. While it has not been possible to confirm the number killed, the casualties included children, some of whom were torn apart in the blasts. No group claimed responsibility for this attack.

Islamic State of Iraq and Al-Sham (ISIS)

21. ISIS has carried out massacres of civilians and captured soldiers in Ar Raqqa, Homs, and Dayr az Zawr. While eyewitness accounts were collected, in several incidents, the killings were carried out in isolated locations and the bodies of the victims were neither displayed by the group nor able to be retrieved by the families. The group has published photographs and videos of the killings and acknowledged their responsibility for them publicly.

22. By mid-2014, ISIS had besieged the 17th Division's base in Raqqa city and the Tabqa airbase, two of the last Syrian army positions in Ar Raqqa governorate. When the 17th Division base fell on 25 July 2014, the armed group killed the soldiers captured inside and later beheaded many of their corpses. Residents of Raqqa city and Slouk described that, in the days that followed the attack, ISIS displayed the bodies and heads in the town squares. Videos, some recorded by the group, showed children looking at the mutilated corpses.

23. By 23 August 2014, the group had launched its final assault on Tabqa airbase. As it became apparent that the base would fall to ISIS, some soldiers fled across the desert. While a few made it to the safety of army positions many miles away, others were captured and killed in small groups in nearby towns, such as Slouk and Tabqa.

24. Over two hundred men, most captured still inside the Tabqa airbase, were stripped to their underwear and forced to walk into the desert. A video of this forced march was recorded and later distributed by ISIS. A later video showed hundreds of bodies lying dead in the sand, bearing gunshot wounds to the head.

25. On 16 November 2014, ISIS released another video in which they cut the throats of 18 captured soldiers. A family member of one of the men executed in this video stated that he recognised his relative who had been a serving soldier at the Tabqa airbase at the time of the August attack. It appears, however, that others had been captured from other locations, including during ISIS's overrunning of the 17th Division in Ar Raqqa in late July 2014.

26. In mid-July 2014, ISIS fighters seized the Sha'ar gas field in eastern Homs, killing an alleged 350 people in close quarters after capturing the area. Among those killed were technicians and other staff working at the gas fields and their family members, including

children. The body of a doctor who was killed in the attack was found on 27 July in his medical clinic, with his hands tied and having been shot at close range. The family of a civilian guard at the facility received his body at the hospital in Homs city. He had been shot twice in the head. The family also saw the bodies of women and children who had been killed in the attack. Another family collected the body of their son, a technician at the oil fields, from the same hospital. He too had been shot in the head. Civilian residents of nearby villages, such as Al-Mahfoura, were also killed in the attack.

27. In August 2014, ISIS attacked and killed several hundred members of the Al-Sheitat tribe of eastern Dayr az Zawr. The tribe had its own militia which, earlier in the conflict, had been affiliated with the FSA. Some Al-Sheitat tribesmen had, by 2013, become part of Jabhat Al-Nusra, which had allowed the tribe to continue to exercise control over its territory and to continue to extract oil from the oilfields located there.

28. In the summer of 2014, fighting broke out between Jabhat Al-Nusra and ISIS over control of territory – and in particular, the oilfields – in eastern Dayr az Zawr. While the massacre of the Al-Sheitat tribe in Dayr az Zawr in August 2014 occurred as part of a struggle for control of oil resources near the town of Mohassan, the circumstances surrounding the killings are complex. The clashes between ISIS and Al-Sheitat, which preceded the massacre, related more broadly to control of the eastern provinces of Dayr az Zawr and were an epilogue to the fighting which had erupted in April 2013 between ISIS and Jabhat Al-Nusra, as well as the local tribes that had been aligned to each of these groups.

29. During the initial days of the fighting, ISIS attacked oil fields under the control of Al-Sheitat and captured 85 workers, including some minors. The following day, they released photographs of their executions. In the days following these killings, ISIS shelled Al-Sheitat villages and then entered the villages, killing its male residents, including children and the elderly. Some civilians were also killed while fleeing. ISIS released several videos showing the killing perpetrated by its fighters.

30. ISIS publicly displayed the bodies of some of those killed. One survivor described seeing “many heads hanging on walls while I and my family escaped.” Individuals living nearby reported seeing freshly dug mass graves.

B. Other unlawful killing

1. Government forces

31. In the reporting period, deaths of men, women and children at the hands of the Government have occurred in two distinct contexts. The first is the death of those held in Government detention facilities and prisons. The second are those killed during Government attacks, both on contested towns and villages and those under the control of anti-Government armed groups and ISIS. In this latter context, civilians were killed by snipers as well as a result of the indiscriminate and disproportionate attacks by the Government.

Deaths in detention

32. Since the unrest in Syria began, the Government has arrested and detained thousands. As detailed in this and previous reports, many are taken into and moved among Government detention facilities, including its intelligence and security agencies, and its prisons. Most detainees held longer than a matter of weeks are eventually transferred to detention facilities in Damascus and Rif Damascus governorates. In these facilities, consistent reports of deaths of detainees held in Government custody have most frequently been documented.

33. In this reporting period, multiple, consistent accounts of the deaths of detainees have been recorded in Air Force Intelligence branches at Mezzeh Military Airport and Harasta; Military Security branches 215 (Raids branch), 227 (Damascus regional branch) and 235 (Palestine branch); and Sednaya prison.

34. Most accounts of deaths come from the deceased's cellmates or former detainees. In some cases, family members were informed of the deaths and received the bodies of their relatives. In every case where a body was returned, it bore marks of severe torture.

35. People died in custody as a result of acts and omissions on the part of the Government authorities. Some are killed while being tortured in interrogation sessions or during beatings by prison guards in the cells. In some cases, detainees are returned to the cells with life-threatening injuries to which they soon succumb.

36. Injuries sustained as a result of torture became fatal due to the victims' receiving little or, more often, no medical treatment. In other instances, detainees had pre-existing conditions such as diabetes, asthma or high blood pressure. The lack of medical care, coupled with the conditions of detention, led to easily preventable deaths of detainees.

37. The severe overcrowding and squalid conditions of detention have led to inmates' becoming extremely ill – chronic diarrhoea and skin infections were often reported. The lack of medical treatment, access to toilet and shower facilities, adequate food and potable water led to the physical weakening and eventual death of detainees. Some detainees who lost substantial body weight, had on-going injuries and were still undergoing torture in interrogations and while detained in cells did not have the physical stamina required to continue to survive inside Government detention centres.

38. There has been an increase in reports of family members being informed by the Government of the death of their relatives. Multiple interviewees stated that they had been directed to Tishreen Military Hospital in Barzah (Damascus) to collect a death certificate, and occasionally their relative's identification documents. The death certificates often indicate that the detainee died of "cardiac arrest" or "stroke".

39. Most families who receive death certificates did not receive the body. In response to inquiries, Government authorities occasionally reportedly stated that the deceased had already been buried. Some relatives of victims were told that bodies are buried in a mass grave in Najha cemetery (Rif Damascus). Other than the death certificate, families received no further documentation or proof that the victim died.

40. In late December 2013, a man was called for interrogation at a local intelligence office in Damascus city and subsequently disappeared. A family member heard from a detainee who had been held at branch 215, that the man had also been detained and had died there after being tortured. The family visited a security branch in Damascus in late 2014 and received a death certificate issued by Tishreen Military Hospital. The death certificate was dated in early October 2014 and stated that the relative had died in mid-July 2014. The cause of death was listed as 'cardiac arrest'. The family never received the body. The family of a man arrested during the Government attack on Hosh Arab (Rif Damascus) was held in branch 227. His family received his death certificate from Tishreen Military Hospital in May 2014, but did not receive the body.

41. In mid-2014, a doctor was transferred from a detention facility in Damascus to Air Force Intelligence in Mezzeh Military Airport where he was held until October. While there, he witnessed the deaths of five other inmates. Two detainees died of pre-existing medical conditions, aggravated by the conditions of detention and the lack of any medical care. In both instances, the detainee informed the prison guards that the men were dying but this elicited no response. In the case of the other deaths, the men had been severely tortured

and later died. Bodies remained in the cells for hours, sometimes overnight, before being removed by the guards.

42. A female detainee held in branch 235 between April and August 2014 witnessed male inmates being tortured. She also saw emaciated men being returned to their cells from interrogations. During her detention, she saw four bodies being removed from the cells.

43. A women's husband and three sons were arrested by Government forces in town in Rif Damascus in December 2013. She made attempts to locate them through official channels but received no response. Their whereabouts were unknown until former detainees informed her that they were being held in branch 235. Several months later, the Military Police in her town informed her that her husband had died in custody. They were directed to the Al-Qaboun Military Police in Damascus where they received her husband's ID card and a death certificate from Tishreen Military Hospital, stating her husband had died of a heart attack. In the months that followed, she received the IDs and deaths certificates for two of sons from Al-Qaboun Military Police. The death certificates were stamped as originating from Tishreen Military Hospital. She was not permitted to receive the bodies and was not informed of the place of burial. Despite continuing efforts, she does not know the whereabouts of her remaining son.

44. There were multiple accounts of detainees dying in Sednaya prison (Rif Damascus) in 2014. One detainee, released during this reporting period, witnessed the deaths of two cellmates in February and March 2014 respectively. Both detainees died following severe beatings with metal bars and cables by prison guards inside the cell. The corpses of the deceased remained in the cell for several hours before being removed by the guards. Another detainee held in Sednaya and released in July 2014, described a cellmate dying after being left on the ground bleeding after a beating by prison guards. The same detainee saw several detainees pass away between March and June 2014 after being extremely ill, with severe diarrhoea. Another detainee, also detained in Sednaya during this time, described the death of several other detainees in similar circumstances.

45. In many instances, families who were informed of the deaths of their relatives never discovered where they had been held. In late 2013, intelligence officers detained several students at a university in Damascus. In the case of one student, the family attempted unsuccessfully to locate him. In October 2014, officers at branch 235 told the father to go to Tishreen Military Hospital, where he received his son's identification card and death certificate.

46. The practice of producing official death certificates appears to be growing, but is not consistent. It is apparent that the certificates are issued in order to misrepresent the causes of death and conceal detainee abuse. Many families simply do not know what has happened to their relatives after their initial arrest by Government forces or abduction by pro-Government militia. Such incidents amount to enforced disappearances.

Deaths by sniping, shelling and bombardments

47. Civilians have been deliberately targeted and killed by Government forces during military attacks. Indiscriminate and disproportionate attacks by Government forces have also contributed significantly to civilian casualties.

48. Government snipers, reported to be based near Al-Watani hospital, killed several civilians in the Tariq Al-Sad neighbourhood of Dara'a city (Dara'a) between June and September 2014.

49. Civilian deaths continue to be recorded as a result of the Government's aerial bombardment campaign on anti-Government armed-group-controlled areas of Aleppo city as well in towns in Rif Damascus and Dara'a governorates. In the eastern neighbourhoods of Aleppo city, notably Al-Sukkari, civilians were killed when barrel bombs were dropped

indiscriminately by Government helicopters flying at high altitudes. Government barrel-bombing also killed civilians in Qadi Askar neighbourhood in January, June and October 2014.

50. As the Government's aerial bombardment in Dara'a governorate has intensified, civilian casualties has climbed. Between June and August, Government rocket and barrel bomb attacks on Tafas killed civilians. In one incident in August 2014, a barrel hit a home that was close to a market, killing nine members of the same family. In early August, an attack on Samlin hit a family home, killing a 12-year-old girl.

51. Multiple reports were received of civilians killed in Government attacks in locations across Dara'a in October 2014. On 9 October, Government forces fired rockets into the Tariq Al-Sad neighbourhood of Dara'a city, killing a six-year-old boy and critically injuring his two sisters, 7 and 2 years old. In Al-Mahata market in Dara'a city, civilians were killed in a barrel-bombing attack in mid-October 2014. On 19 October, a family of five living in an armed-group-controlled neighbourhood were killed when a barrel-bomb landed on their house as they sat down to dinner.

52. On 4 October, two civilians were killed and twelve others injured when a Government artillery shell hit a vegetable shop in Inkhil. Two weeks later, on 19 October, two farmers working their fields outside of Al-Mezeireeb village were killed by a rocket launched by a Government plane. Attacks on Al-Mezeireeb, resulting in further civilian casualties, reportedly continued on in November 2014.

53. Civilians have also been killed in indiscriminate and disproportionate attacks by the Government on ISIS-controlled areas of Aleppo, Ar Raqqa, Dayr az Zawr, and Al Hasakah governorates.

54. On 18 October, Government forces hit Al-Mahdom Bakery in Minbejj (Aleppo), killing approximately 25 civilians working there. The Government has intensified its rocket and barrel bomb attacks on Ar Raqqa governorate in recent months. On mid-October and in late November, civilians living in Raqqa city were killed in indiscriminate airstrikes by Government forces. One attack on an industrial area east of Raqqa city on 25 November, resulted in extensive civilian casualties.

55. In July, civilians were killed in an airstrike on Al-Ashara (Dayr az Zawr). On 3 August, a Government airplane struck Al-Tayanna (Dayr az Zawr), killing six civilians. Also in August, airstrikes seemingly targeted a municipality building being used as an ISIS base in Al-Mayadin. The strike also hit a nearby market. This attack killed thirteen civilians in the market at the time. On 3 September, a Government jet struck an ISIS checkpoint near Al-Shula. While killing ISIS fighters, the disproportionate attack also killed 21 civilians, most of them children, who were in a bus at the checkpoint at the time.

56. Fighting has surged among Government forces, ISIS, YPG and local militias in neighbourhoods of Hasakah city and in towns and villages south of Qamishli. In August 2014, as ground fighting between the YPG and the Ahrar Al-Ghweran armed group was taking place in Al-Ghweran neighbourhood of Hasakah city, Government forces shelled neighbourhoods indiscriminately, resulting in civilian casualties. On 12 August, 11 civilians were killed, including one child who bled to death following injuries from heavy shelling by Government forces.

Findings

57. Government forces perpetrated massacres and unlawful killings as part of a widespread attack directed against the civilian population. The attack included widespread shelling and bombardment of civilian-inhabited localities and the targeting of civilians for arrest, detention and disappearance on the basis of their association or perceived opposition to the Government. It is a continuation of the attack on the civilian population identified in

document A/HRC/25/65. The coordination and active participation of Government institutions indicated that the attacks were conducted as a matter of institutional policy.

58. The massacres and unlawful killings formed part of those attacks and constitute crimes against humanity. Government forces also committed the war crime of murder and has arbitrarily deprived people of life.

2. Non-State armed groups

Anti-Government armed groups

59. Anti-Government armed groups have killed civilians during ground attacks in Hama governorate. They have also caused civilians deaths through indiscriminate shelling of neighbourhoods, villages and towns controlled by the Government.

Ground attacks

60. In mid-August 2014, fighters from an unidentified armed group entered a village in the Al-Salamiyah countryside (Hama). Villagers fled at the sound of approaching gunfire. The following day, residents returned and found the bodies of an elderly couple, who had been too infirm to flee, and their daughter. They had been shot. The bodies had been cut with a knife though it is unclear if those wounds were sustained before or after death. Armed groups had reportedly shot and killed civilians travelling between Al-Qbaibat and Al-Saboura in early 2014. It was not possible to identify the armed group to the commission's standard of proof.

Bombings and shelling

61. Armed groups have launched indiscriminate attacks on areas under Government control in Hama, Damascus, Dara'a, and Aleppo, killing civilians.

62. Armed groups have increased their use of vehicle-borne and other improvised explosive devices in Hama governorate. In August, two civilian men were killed by a roadside bomb placed on the Al-Kafat – Taldara road. A few weeks later, in September, another roadside IED was detonated as a car drove between Al-Kafat and Taldara. The explosion killed a father and his child and severely injured the mother. On 24 September, Jabhat Al-Nusra claimed responsibility for a suicide bombing which killed two people and injured 10 others in Ain Amouda village.

63. On 4 and 9 September 2014, an armed group fired rockets into villages in the Al-Ghab area (Hama) killing civilians. On 12 November, rockets fired from the direction of Kafr Zeita struck a schoolyard in Karnaz (Hama), killing seven children.

64. Armed groups holding territory in Damascus city and eastern Ghouta in Rif Damascus have indiscriminately shelled neighbourhoods under Government control, causing civilian casualties. On 31 July, two children were killed while standing on their balcony in Karm Asmadi neighbourhood when they were hit by mortar fire. On 13 August, a shell landed in a public park in Jaramana neighbourhood, killing three children. On 20 and 30 September, an armed group fired mortars into Douelaa neighbourhood, killing civilians – including minors – on both occasions.

65. IEDs were also placed on roads between villages in western Suweida western countryside (As-Suweida). On 3 September, one exploded between Dama and Areeqah as a bus drove past. Five civilians were killed. Armed groups around Busra Al-Sham (Dara'a) shelled the town throughout 2014, killing civilians. On 26 December, a six-month-old baby was reportedly killed by mortar fire into Zahra (Aleppo).

Findings

66. In committing these acts, the anti-Government armed groups perpetrated the war crime of murder. Due to the fragmented nature of armed groups and frequently shifting alliances and membership, it is challenging to identify exact perpetrators.

Islamic State of Iraq and Al-Sham

67. Throughout the reporting period, ISIS has killed civilians, captured Government soldiers and captured fighters from other armed groups in Aleppo, Ar Raqqah, Dayr az Zawr and Al Hasakah governorates. While the group is infamous for its public executions and its display of mutilated bodies, ISIS has also killed people held in its detention centres, journalists, and those captured during military attacks or bought from other armed groups. Civilian deaths were also recorded due to the group's indiscriminate shelling of Ayn al-Arab (Kobane) in September 2014.

Sentencing and executions without due process

68. ISIS has killed men, women and children in public spaces in towns and villages across northeastern Syria. Many of those executed were found guilty by ISIS courts of being affiliated with other armed groups or collaborating with the Government. In public declarations made before the executions, ISIS designated such people as "kuffar" or infidels. In other cases, the victims were civilians who had breached ISIS's edicts. Local residents are urged to watch. In some cases, men and boys on the streets near execution sites are forcibly taken to witness the killings.

69. Executions have been recorded in Ar Raqqah, Aleppo, Dayr az Zawr, Al Hasakah, and Hama governorates. While most of the soldiers from the Tabqa airbase on 23 August, were killed en masse soon after capture, smaller groups of soldiers captured as they fled in the desert were later executed in Slouk and Tabqa. Two soldiers, captured outside the base, were brought to Slouk and executed in a public square between 28 and 30 August 2014. A 16-year-old ISIS fighter carried out the beheading. Two more captured soldiers were executed publicly in Tabqa in late August 2014.

70. After killing the captured soldiers, ISIS mutilated their bodies. The group placed the decapitated heads of some of the soldiers on public display in squares and on roundabouts in Tabqa and Raqqah cities, terrorising the local population.

71. ISIS executed men in Al-Jurniyah (Ar Raqqah) in July 2014. Furthermore, heads of the executed soldiers captured from the 17th Division base were displayed in parks and roundabouts around the town in late July. Executions continue to take place regularly in Al-Na'im Square in Raqqah city with multiple accounts of heads and bodies being placed on display in the square.

72. The group has executed women and men for unapproved contact with the opposite sex, resulting in charges of adultery. In Ar Raqqah governorate, ISIS executed eight women on these grounds on three separate occasions in June and July 2014. Most were stoned to death, ostensibly for adultery. Others interviewed indicated that the women had been discovered helping fighters from other armed groups.

73. Multiple accounts of ISIS executing men in Minbeij (Aleppo) were collected. Between August and October, residents witnessed executions of young men and the display of their bodies in the public park. Executions were also documented in Al-Bab (Aleppo) in July and August 2014.

74. Following ISIS's taking over part of Dayr az Zawr governorate, there has been an escalation in reports of public executions, notably in Al-Ashara, Al-Mayadin, Al-Bukamal, Al-Shuhail, Al-Bouamrou and Al-Tayanna. On 16 September, a 16-year-old boy, alleged to

be a fighter with an armed group, was shot in the head by an ISIS fighter in a public market. The body was displayed for several days. On 15 October, ISIS declared that it had executed a man in Al-Ashara for practising sorcery.

75. Dozens of executions were recorded as taking place in Al-Mayadin in July and August 2014, shortly after ISIS solidified its control of the town. Residents recalled seeing 30-40 bodies hung around the Al-Bal'oum roundabout throughout August. In August, ISIS fighters executed two men found to have committed rape. In late August, ISIS detained and beheaded a female dentist in Al-Mayadin who had continued to treat patients of both sexes.

76. Men were also executed, by beheading in Al-Bouamrou and Al-Tayanna in late July and late August, respectively. On 30 August, three males, including a 16-year-old-boy were executed at a roundabout in Al-Bouamrou. In September, ISIS killed a captured Al-Nusra fighter in a park in Al-Shuhail.

77. On 10 July, ISIS executed two men accused of being Government soldiers in front of a municipal building – which the group had transformed into an ISIS court – in Hasakah city (Al Hsakah). In late 2014, the group executed a man they believed to be a member of another armed group in Al-Houl (Al Hsakah).

78. In Hama governorates, ISIS executed a man in a public square in Aqaribat in October 2014. The group reportedly shot and killed a woman in May 2014 on the grounds that she had committed adultery.

79. Following ISIS executions, as described above, the mutilated bodies of male victims are often placed on display, a warning to the local population of the consequences of failure to submit to the armed group's authority. The group also circulated photos of the bodies of executed captured female Kurdish fighters on social media in late 2014. Interviewees, notably in Raqqah city (Ar Raqqah) and Al-Mayadin (Dayr az Zawr) remarked that bodies were "always" on display and demonstrated a growing desensitisation that underpinned the trauma of the civilian population.

Deaths in detention

80. As ISIS further solidified control of localities in north and eastern Syra, it set up court and detention facilities. Detention facilities are sometimes in former Government detention facilities, such as Jarablus prison. In other cases, ISIS sets up makeshift detention centres in municipal buildings or private houses.

81. In late September 2014, ISIS shot and killed three prisoners shortly after their arrival at Jarablus prison (Aleppo). The killing occurred soon after an airstrike close to the prison. Reportedly, two of the men were accused of being fighters with an anti-Government armed group while the third was accused of being a member of the YPG. A former detainee held by ISIS in Al-Bab (Aleppo) stated that prisoners in Al-Bab had been tortured and executed by ISIS. Prisoners were removed and did not return. This included two boys, aged 13 and 11 years. The killing of ISIS detainees was also documented in a detention centre in Al-Bukamel in August 2014.

Killing of journalists

82. Since ISIS came into being in April 2013, the group has killed Syrian and international journalists and aid workers in a deliberate attempt to control the flow of information in the areas under its control.

83. On or about 19 August and 2 September 2014, ISIS executed two American journalists in an unknown location. On 13 September 2014, the group executed a British aid worker. All three had been abducted and detained inside Syria.

Killing of civilians and captured fighters during ground attack on Ayn al-Arab (Kobane)

84. On 15 September 2014, ISIS launched a multi-front attack on the Ayn Al-Arab (Kobane) region with heavy weapons, artillery, tanks, and thousands of fighters. While most residents fled or were evacuated by the YPG before ISIS advanced, some men and women who did not flee – who were too old, too infirm, disabled, or who had remained to protect their property – were executed by ISIS. Executions of civilians were documented in Pinard, Tel Sha'eer, Kortek, Qaramou, Tel Haydar, Dongez and Biliq villages in late September and October 2014. In Pinard village, one of those killed by ISIS was a mentally handicapped man.

85. ISIS executed Kurdish fighters captured during its attack. In mid-September 2014 in Tel Abyad (Ar Raqqah), ISIS executed a female Kurdish fighter before a group of detained civilians from Ayn al-Arab (Kobane).

Killing of a captured soldier purchased from another armed group

86. In late June 2014, a group claiming to be the Islamic Front kidnapped a soldier at a checkpoint in Al Hasakah. They made a ransom demand to the soldier's family but the family was not able to pay. In July the group reportedly sold the soldier to ISIS. On 16 November, ISIS released a view purporting to show the soldier's execution. The family was able to identify the soldier in the video as being their relative. The location of the execution remains unclear.

Shelling of Ayn al-Arab (Kobane)

87. In mid-September 2014, prior to and during the initial phases of ISIS's attack on the Ayn al-Arab (Kobane) region, ISIS indiscriminately shelled towns and villages across Ayn al-Arab (Kobane), as well as the city. Multiple accounts were received of men, women and children having been killed by the shelling. In late September, a 15-year-old boy was killed by ISIS shelling of the city. On 22 and 23 September, a 55-year-old and a 60-year-old man were killed as they fled from the city towards the Turkish border.

Finding

88. ISIS justifies its executions by religious law. While investigations into the operation of ISIS sharia courts are ongoing, there are reasonable grounds to believe that ISIS has committed the war crime of execution without due process. ISIS carried out public executions to instil terror among the population, ensuring submission to its authority.

89. By its public display of bodies and failure to honourably inter them in accordance with the rites of the religion of the deceased, ISIS has violated customary international humanitarian law. Displays of dead, mutilated bodies are deliberate acts intended to humiliate and degrade the victims and their family, amounting to the war crimes of outrages upon personal dignity.

90. ISIS has committed acts of violence against the civilian population under its control in Ar Raqqah and in its areas of control in Dayr az Zawr, Al Hasakah and Aleppo governorates. That is a continuation — and a geographic expansion — of the widespread and systematic attack on the civilian population identified in document A/HRC/25/65. ISIS, a structured group, directs and organizes those acts of violence against civilians, evincing an organizational policy.

91. The massacres and unlawful killings in Ar Raqqah, Dayr az Zawr, Al Hasakah and Aleppo governorates, as described above, form part of the attack. In perpetrating those killings in those governorates, ISIS has committed the crime against humanity and the war crime of murder. The war crime of murder has also been committed in relation to the

massacres and other unlawful killings in Hama and Homs governorate. In deliberately attacking persons, such as journalists, the armed group has committed a war crime.

B. Hostage-taking

92. In this reporting period, non-State armed groups, motivated by the need to effect a prisoner exchange or extract ransom, have abducted individuals, in violation of international humanitarian and criminal law.

93. Where ransoms are demanded, it is increasingly difficult to discern whether the perpetrators are parties to the conflict, or simply an opportunistic criminal gang.

Non-State armed groups

Anti-Government armed groups

94. Armed groups in Damascus and Al-Quneitra have kidnapped civilians and members of the Syrian armed forces, in order to force prisoner exchanges.

95. Twenty-six hostages, mainly women and children, captured by Jabhat Al-Nusra in December 2013 in Adra Al-Omalayah (Damascus), are still being held. Relatives of the female hostages have received telephone calls, ostensibly from members of the group, demanding that the families urge the Government to release detained Al-Nusra fighters as part of a prisoner exchange. Al-Nusra released a video repeating these demands shortly after the kidnapping. Since August 2014, however, there has been no news of the hostages.

96. In mid-June 2014, an armed group attacked Tal Al-Jumou military base in Al-Quneitra, capturing a Colonel. The group then sought to exchange the officer for 200 women held by the Government in detention centres in Damascus.

97. In August 2014, nine members of a family – including three women and two children aged 12 and 10 years – were kidnapped by an unidentified armed group from their home in a village in the eastern Hama countryside. Their property was destroyed during the attack. In exchange for the release of the hostages, their kidnappers demanded the defection of a son currently serving in the army.

98. Anti-Government armed groups operating in Hama, Damascus and Dara'a have taken hostage civilians from families or areas perceived to be supportive of the Government, and have demanded ransoms. In June 2014, a farmer was kidnapped from fields outside the village of Al-Muzairia (Hama) and held for ransom for several weeks by an unidentified armed group based in Al-Staihat.

99. In late June, two soldiers returning from home leave were kidnapped at the Tel Brak checkpoint (Al Hasakah). Shortly afterwards, a group claiming to be the Islamic Front contacted the family, provided proof of life, and demanded a high ransom. As the family was unable to raise the necessary funds to meet the group's demands, in July 2014, the group informed the family that they were selling the soldiers to ISIS in Ar Raqqa. ISIS later released a video purporting to show the execution of the two soldiers. In mid-2014, a taxi driver was abducted by an armed group while driving between Dama and Dir Dama (Damascus). The abductors demanded 5 million Syrian lira as ransom. The man was released after the family paid 1.5 million lira.

100. Armed groups continue to hold hostages for extended periods. On 4 August 2013, groups – including Ahrar Al-Sham and Jabhat Al-Nusra – abducted over 100 civilians during an operation on villages in eastern Latakia. Approximately 40 were released in the beginning of May 2014, after signing an agreement between fighters and the Government enabling the withdrawal of rebel fighters from Homs city. On 26 January 2015, a pro-

opposition website published what it alleged to be video footage recorded on 6 December 2014, showing approximately 55 women and children who had been taken hostage from the Latakia villages. In the video, hostages urge the Government to exchange them with fighters held by the Government. The fate of the women and children, abducted by the group but not appearing on the video, is unknown.

101. Anti-Government armed groups have kidnapped individuals and held them hostage in violation of common article 3 of the Geneva Conventions, amounting to a war crime.

Islamic State of Iraq and Al-Sham

102. On 29 May 2014, ISIS in Minbeij abducted 153 Kurdish school children, boys aged 13 and 14 years, as they returned to Ayn al-Arab (Kobane) from Aleppo city. While 15 boys were released on 28 June as part of a prisoner exchange for ISIS members held by the YPG, a further prisoner exchange between the two armed groups, intended to take place on 18 July, failed. The situation then shifted from being one of hostage-taking as ISIS held the remaining children for the purposes of indoctrination, before releasing them in groups in August and September 2014.

C. Arbitrary arrest

Government forces

103. Unlike previous reporting periods, where arbitrary arrests by Government forces occurred at checkpoints, during ground raids and during other military operations, the arbitrary arrests documented between July 2014 and January 2015 occurred almost exclusively at checkpoints.

104. With ground searches now a rarity, checkpoints are the principal point of direct contact between Government forces and those living outside of its area of control. They are regarded with great fear by civilians, particularly those whose identification documents indicate they hail from restive areas or who have injuries, whether conflict or non-conflict related.

105. Some refugees emphasised that fear of arrest at Government checkpoints motivated their flight from Syria. One woman left as her eldest son entered his adolescence, fearful that he was now old enough to be vulnerable to arrest at checkpoints.

106. Those arrested at checkpoints are almost exclusively males between the ages of 15 and 60 years. The arrests and detention of men of fighting age is an indication of arbitrariness. The circumstances of many of the arrests indicate that they were conducted on discriminatory grounds, such as the religious or geographic origin of persons.

107. On 25 July 2014, a man was travelling from Damascus city to Lebanon when he was stopped at a military checkpoint. He had been arrested previously, in 2011, for participating in demonstrations. His whereabouts are currently unknown. In March 2014, a man attempted to leave the besieged area of eastern Ghouta to travel to Damascus. He had no links to armed groups but was held at a Government checkpoint outside Hammouriyah (Rif Damascus) and has not been heard from since. There have been multiple accounts of arrests of young men travelling between Damascus and Dara'a cities in 2014.

108. In late August, an elderly man, aged 72 years, and his daughter attempted to leave the eastern Ghouta so that he could receive urgent medical treatment. As the area is besieged, Government forces were not allowing ambulances or medical aid into the area. Their taxi was stopped at an identified checkpoint near Douma (Rif Damascus) and the elderly man was arrested. His daughter's pleas that her father needed medical attention went unheeded. His whereabouts are unknown.

109. There were multiple accounts of adult men being arrested at checkpoints in Homs and Hama governorates. In mid-August, a young man was arrested at Mallouk checkpoint in the Homs countryside, after he had been forcibly return to Syria from Jordan. In October, soldiers at a checkpoint near Tadmor in the eastern Homs countryside arrested a man hailing from a neighbourhood of Homs city that had, earlier in the conflict, been supportive of the armed groups. The man was forced to disembark a company bus which was carrying employees to work. He has since disappeared. In early October, a man, travelling with his wife and four children for the Eid holiday, was arrested at Al-Massafi checkpoint, a few kilometres west of Hama city.

110. Government forces have carried out arbitrary arrest in violation of international human rights law.

D. Enforced disappearance

1. Government forces

111. There was a surge in reports of enforced disappearance, both from family members of the disappeared and from victims who have since reappeared. While many of the initial arrests or abductions took place outside of the reporting period, the disappearances are ongoing. It is a continuous violation that remains unabated until the fate of the disappeared is uncovered.

112. The majority of disappearances documented in this reporting period occurred in Damascus and Rif Damascus governorates. In May 2014, two students were arrested a Government military checkpoint between Dara and Damascus cities. Their families visited various Intelligence branches in an effort to determine their whereabouts but received no information. In August 2013, a man from a restive neighbourhood of Homs city was arrested at a checkpoint outside of Damascus city while travelling with his wife and children. When his family protested, the soldiers ordered them to leave, saying that they would not see their father again. The man's fate and whereabouts remain unknown. Another man, whose brother-in-law and cousin disappeared in separate incidents in 2013 in Damascus city, stated that the family had made inquiries with official sources but had received no information. The interviewee stated that he now moves as little as possible, minimising the possibility of being stopped at checkpoints.

113. Government forces were also documented as having 'disappeared' persons, mainly men 15 to 60 years of age, in Dara'a, Homs, Hama, Dayr az Zawr and Latakia governorates. A trader was detained at an army checkpoint in June 2013 while travelling from Jadia to Sanamayn (Dara'a). The man's family attempted to locate him through official channels and personal contacts and were not successful. Near identical accounts of male relatives being detained and not heard from again were received from locations across Syria.

114. As previously documented by the commission, many families continued to be too afraid to approach the authorities to inquire about the whereabouts of their loved ones. One interviewee, whose 72 years-old father was taken at an army checkpoint on his way to Damascus in August 2014, explained that she did not dare inquire about his fate: "I fear for the life of my father but at the same time I feel helpless". In the majority of cases, this fear is well-founded. Interviewees explained that, in some instances, individuals who reported a disappearance were themselves detained.

115. The desperation of families to know the truth about the fate of their loved ones nourishes a lucrative business of extortion. Some relatives pay bribes to lawyers, who often falsely, claimed they could provide information. In some cases, families were defrauded of

very large sums of money. One interviewee stated that she sold her car and spent 300,000 Syrians pounds in an attempt to gain information on the fate of her son, who disappeared at a checkpoint in Aleppo, in September 2012.

116. The family of a man who had disappeared in Aleppo city in late 2011 searched for him in multiple intelligences branch in Aleppo city. When the man was released – from Sednaya prison in Damascus – in March 2014, he described being transferred from an intelligence agency in Aleppo city to multiple detention centres in Damascus. He was tortured during his detention.

117. Survivors of enforced disappearance consistently described being subjected to torture during their detention. One woman explained that her husband, whose detention in Adra prison in Damascus had been concealed by the authorities, died of the injuries sustained during the torture he endured after his release.

118. In all the instances documented, the victims were denied their fundamental right to due process. They were deprived of contact with the outside world, including close relatives. No legal assistance was provided. They were placed outside the law, at the mercy of their captors.

119. Not knowing whether their loved ones are dead and, if so, what has happened to their bodies, families can neither mourn nor adjust to their loss. One interviewee reported how her mother had a mental breakdown, unable to cope with the prolonged disappearance of her son, who went missing in 2011. One former detainee, on his release, was surrounded by women waving photographs of their male relatives, hoping that he had seen them alive in Government custody. Several survivors spoke of the distress caused by the awareness that their families did not know what had happened to them.

120. Women face specific hardships. The uncertainty created by the disappearance of their husbands or fathers has social and legal consequences, including on the status of marriage, right to inheritance and social welfare, and the management of the property of the disappeared person.

121. Enforced disappearance places its victims outside the law, violating their right to recognition as a person before the law, to liberty and security and freedom from arbitrary detention. It is, as evidenced by the accounts of those who have reappeared, often a gateway to the commission of further offences, such as torture.

122. Enforced disappearances perpetrated by the Government formed part of the attack referred to in paragraph 57 above and constitute a crime against humanity.

2. Non-State armed groups

123. Persons, often those perceived as not being in supportive of ISIS, have been abducted by the armed group and have subsequently disappeared. Such disappearances have been documented in Ar Raqqah and Aleppo governorates.

124. In March 2014, a man was taken from his home in Slouk by ISIS fighters on the ground that they believed him to be supportive of the Government. His family members made inquiries with ISIS administration in Slouk but received no information. His whereabouts remain unknown.

125. A bus driver was stopped at a checkpoint in Ar Raqqah and detained by ISIS fighters. His family believe he was targeted because he was Christian. They were too frightened to seek information about his whereabouts. He has not been heard from since. As previously reported, ISIS abducted a Jesuit priest, Father Dall'Oglio on 28 January 2013. Since his disappearance, there has been no information about his fate.

126. A man was held by ISIS in Al-Bab (Aleppo) in March 2014. His parents went to ISIS headquarters to inquire about where he was but received no response. The man reappeared in late 2014, after being released from ISIS detention in the town.

127. ISIS has adopted practices that may lead to acts tantamount to enforced disappearance, in breach of its obligations under international humanitarian law. Forming part of the attack identified in paragraph 90 above, their practices constitute a crime against humanity.

3. Unknown perpetrators

128. Syrians have disappeared after being abducted by unknown armed individuals. In those circumstances, it has not been possible to identify the perpetrator to the commission's standard of proof. Such cases include that of Syrian human rights defenders Razan Zaitouneh, Samira al-Khalil, Wael Hamada, and Nazem Hammadi who were abducted in Duma (Rif Damascus) in December 2013. At the time, the area from which they were abducted was under the control of an anti-Government armed group. There has been no information about their fate or whereabouts since their disappearance.

E. Torture and other forms of ill-treatment

1. Government forces

129. Since the start of the unrest in Syria in March 2011, Government forces, notably agents of its security and intelligence agencies, have tortured and ill-treated men, women and children in their custody.

130. Numerous interviews concerning the treatment of detainees between 10 July 2014 and 10 January 2015 further evidence earlier factual and legal findings made by the Commission. Most accounts come from torture survivors.

133. Almost all interviewees who had been detained in Government facilities detailed being tortured and held in horrific conditions. Most were civilians who had also been beaten from the point of arrest or abduction – usually at checkpoints – to their arrival at the detention centres. With the exception of those kept in solitary confinement, all had witnessed the torture of other detainees. As detailed above, several witnessed the deaths of cellmates and/or saw bodies of detainees in other areas of the facilities. Many bear physical and psychological scars.

134. In this reporting period, the majority of accounts of torture and ill-treatment occurred in detention centres in Damascus and Rif Damascus governorates, most particularly in Military Security branches 215 (Raids branch), 235 (also known as Palestine branch), 227 (Damascus regional branch), 248 and 291 (Investigations branches); Air Force Intelligence branch in Mezzeh military airport; in Mezzeh Military Hospital 601 and Tishreen Military Hospital; and in Sednaya prison. Branches 248, 291 and 293 are housed in the same facility in Kafr Sousa.

135. Former detainees also reported being tortured in Government detention facilities and prisons in Aleppo, Dara'a, and Hama governorates. Torture was also recorded as having occurred at a facility run by the Government's paramilitary group, the National Defence Force in the Al-Joura neighbourhood of Dayr az Zawr city between May and October 2014.

136. Methods of torture remained consistent across time and governorates. In this reporting period, former detainees described being beaten on the head, bodies and soles of feet with wooden and metal sticks, hoses, cables, belts, whips, and wires. Detainees were also sexually assaulted; given electric shocks, including to their genitals; burnt with cigarettes;

and were placed in stress positions for prolonged periods of time. A substantial number of male detainees reported having their hands handcuffed behind their backs and then being suspended by their wrists from the ceiling or a wall for hours. Detainees emphasised that they were beaten not only during interrogations, but also in the cells by the prison guards.

137. While the majority of interviews concerned the treatment of male detainees, female detainees also reported being severely beaten, sexually assaulted and given electric shocks.

138. In May 2014, a member of the medical staff at a field hospital in Rif Damascus was arrested during an attack by Government forces. He was taken to Air Force Intelligence in Mezzeh military airport where he was held until late 2014. He described being stripped to his underwear and placed in a very overcrowded, lice-infested cell. He and his cellmates were given little food. He was whipped. Interrogators then forced his limbs into a car tyre and beat him severely.

139. Another man, who had worked in a field hospital in an armed-group controlled area in the east of the country, was arrested by military intelligence in Damascus city in June 2014 and taken to branch 215. Accused of terrorism, he reported being beaten, kicked, suspended from the ceiling by his wrists, burnt with cigarettes and electrocuted. Another man, also held at branch 215 at the time and not released until December 2014, described being tortured and held in an overcrowded cell.

140. In June 2014, a man was transferred from another detention facility in Damascus to branch 235. He was beaten during the transfer by his guards. During his interrogation, he was beaten unconscious and, later, his thumbprint placed on a document he was not able to read.

141. In Aleppo governorate, while one man was held at an intelligence agency from April to late July 2014, he witnessed other detainees being severely beaten and heard a female detainee being beaten.

142. One woman, held in branch 227 in mid-2014, stated that she was beaten and kicked during interrogations during twice weekly interrogations over a three-month period. She reported that authorities used electric shocks on at least two other detainees. She was released after her family paid a bribe to the facility's authorities. A woman, released from branch 235 in August 2014 stated that women were beaten there.

143. Former detainees stated that they would try to avoid transfer to Mezzeh (601) or Tishreen military hospitals because the torture and ill-treatment of patients at these facilities was notorious. One detainee held in Sednaya from 2012 to mid-2014 stated his cellmate had been transferred to Hospital 601 and was severely beaten there.

144. In February 2014, one detainee was transferred from an intelligence agency in Damascus city to Sednaya prison where he was held until late 2014. The guards beat and kicked him and the other detainees being taken to Sednaya. He describes prison guards entering the cells and severely beating, kicking, and stepping on him and the other detainees. In one such attack, the interviewee stated he was beaten unconscious and sustained a broken shoulder and several fractured ribs.

145. Government authorities in intelligence and security agencies as well as prisons committed sexual torture against male and female detainees. This included sexual assaults, electrocutions of the genitals and the threats of rape being made to the detainee or of his/her female family members.^b

146. The above conduct was perpetrated by both prison guards and interrogators and was often designed to elicit confessions from the detainee. Some former detainees stated that,

^b See paragraphs 176-183, below.

under torture, they were made to give names of other civilians who they would falsely indicate were involved in opposition activities. These names were reportedly used to effect further arbitrary arrests. Beating and other physical abuse by prison guards, often occurring inside the cells, appeared designed to humiliate and punish those held in Government custody.

147. In this reporting period, conditions of detention continue to be characterised by a lack of food, water, space, sleep, hygiene and medical care and denial of life saving medicine. Detainees are held in severely overcrowded cells, often with little light and with limited access to toilet facilities. Many described having to sleep in shifts as there was insufficient room for all the detainees to lie down at the same time. Many of those held were not able to shower for months at a time. Detainees routinely described cells as being infested with lice and other insects. In such circumstances, infections from injuries sustained from torture by prison guards and interrogators were common, and sometimes, fatal.

148. Those held in Government detention facilities and prisons often received little or no medical treatment. Inadequate food was provided, with some detainees reporting a loss of over a third of their body weight while held in custody. Few detainees ever saw a lawyer, were ever charged or ever appeared in court.

149. One detainee, held in Sednaya prison until late 2014, stated that he was detained in a cell so overcrowded that he and his cellmates took turns standing, sitting and sleeping. Cells were without light and infested with insects, including lice. They did not have access to a shower while imprisoned there. They received no medical care and very little food. Other detainees, held in Sednaya earlier in 2014 provided consistent accounts of dirty, unhygienic conditions in the cells and detainees suffering malnutrition and infections, which went untreated.

150. A woman held in branch 235 during the reporting period stated that her cell was so overcrowded, the woman and girls held there had to sleep on their sides if they were all to lie down. They received little food. No sanitary napkins were provided. The failure of the Government authorities to provide sanitary products from female detainees was echoed by another female detainee in an unknown military security branch in Damascus earlier in 2014.

151. Children under the age of 18 years have been recorded as being held in Government custody and subjected to torture and ill-treatment.^c Placed in the cells with adults, they also suffered the same prisons conditions.

152. A man held in Air Force Intelligence in Mezzeh military airport until early October 2014 described being held in an overcrowded cell with children as young as 10 years old. A woman, held in Military Security branch 235 until August 2014 described being held in a small group cell with approximately 30 women, the youngest being 15 years old.

153. Torture and others forms of cruel, inhuman or degrading treatment or punishment have been committed by the Syrian Government, in violation of its obligations under international human rights and international humanitarian law.

154. Severe pain has been inflicted on men, women and children held in Government detention centres. It was inflicted to extract information and to humiliate and punish. The physical violence described by former detainees – being suspended by the wrists or ankles, electrocution, kicking, beating (including on the soles of the feet) – have been found to constitute torture by various international tribunals and UN human rights bodies.

^c See paragraph 195, below.

155. The Government has continued to perpetrate torture and other forms of cruel, inhuman or degrading treatment or punishment as part of a widespread and systematic attack directed against a civilian population, indicating the existence of a State policy. The Government has therefore, as previously found, committed torture and other inhumane acts as crimes against humanity. This conduct is also prosecutable as the war crimes of torture and inhuman treatment.

156. The conditions of detention suffered by the men, women and children held in Government custody constitute cruel, inhuman or degrading treatment or punishment and may, in themselves, rise to such a level as to constitute torture.

157. The Government continues to commit these crimes with impunity. Members of intelligence agencies and their military and civilian superiors failing to prevent and punish these crimes can be held individually criminally liable for the conduct described above.

2. Non-State armed groups

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158. In the areas it controls, ISIS has continued to torture and ill-treat civilians and captured fighters from other armed groups and Government soldiers. This conduct has been documented in three distinct contexts: public punishments for breaches of ISIS edicts; in the group's detention centres; and during its indoctrination efforts.

159. Throughout the reporting period, ISIS has carried out lashings in public spaces in towns and villages in Aleppo, Dayr az Zawr, Ar Raqqah and Al Hasakah governorates. Men and boys under the age of 18 have been lashed for being in the company of women whom ISIS considered to be "improperly" dressed, for smoking, not attending Friday prayers, trading during prayer times and for having tattoos. Women have been lashed for not being fully covered while in public and for being in public with a man who was neither their spouse nor a close male relative.

160. In Dayr Hafir (Aleppo), ISIS lashed men who were caught smoking. In late August 2014, ISIS fighters assaulted two men they found smoking on the streets of Mo Hassan (Dayr az Zawr) and took them to the Sharia court, which released them. A 16-year-old boy was beaten publicly by ISIS fighters in Al-Mayadin (Dayr Az-Zawr) in June 2014. The reasons for this beating are unclear.

161. In Raqqah city (Ar Raqqah), a woman was publicly lashed for "prostitution" in a market in October 2014. In Al-Bab (Aleppo), Al-Hisba – ISIS's morality police – hit women in the street with sticks if they judged them improperly undressed. These on-the-spot punishments are administered by its all-female brigade, Al-Khans'aa.

162. In November 2014, in the village of Al-Ghreika (Al Hasakah), ISIS lashed a man 60 times after his wife left their house alone in order to check on their crops. ISIS had forbidden women to be anywhere outside home without a close male relative or spouse.

163. As ISIS stabilised its control over territory it currently holds, it has set up detention centres in former Government prisons, military bases, hospitals, schools and in private houses. Detainees are held there while waiting to go before the ISIS courts and some then serve sentences there.

164. A detainee, held in the ISIS detention centre in Jarablus in late 2014, stated that there were approximately 30 prisoners there, including several boys aged 13-14 years old. The prison guards beat them about the body and the face. An Egyptian fighter was particularly harsh. Kurdish detainees, who appeared to have been captured during the ISIS assault on Ayn Al-Arab, suffered particularly severe beatings, on the grounds that they were "infidels".

165. In Al-Shaddadi (Al Hsakah), a man – initially held at a checkpoint in a neighbouring governorate – was detained in a makeshift ISIS detention facility set up in a private house while security checks were carried out by the group. While he was not beaten, he heard other detainees in adjacent rooms being beaten and interrogated about their involvement in the black market for oil.

166. In August 2014, a man was arrested by ISIS fighters in Bukamel and taken to a detention facility in the agricultural school. There he was handcuffed behind his back and suspended by the wrists while being beaten with wooden sticks. He noted that several of those carrying out the beatings were foreign fighters, among them a Tunisian and a Moroccan.

167. In late May 2014, ISIS in Minbeij abducted 153 Kurdish schoolchildren, boys aged 13 and 14 years as they travelled from Aleppo to their homes in Ayn al-Arab (Kobane). Shortly after their abduction, the boys were beaten with hoses. Following a failed prisoner exchange in mid-July 2014, the group turned its attention to the indoctrination of the children, teaching them ISIS ideology and having them watch videos of executions. ISIS set numerous rules including not speaking Kurdish, not being loud, praying at the correct times and observing Ramadan. When the boys broke these rules they were beaten by the Emir, the “ideology teacher” or the guards. Reports were received of children being severely beaten with braided electrical cables, hoses, plastic cables on the soles of their feet, back and hands. Where schoolboys were caught trying to escape, they were brutally punished, including by being given electric shocks and by being suspended by the wrists with their hand tied behind their backs. Both Syrian and foreign fighters committed these acts.

168. In February 2014, approximately 150 Kurdish men were held by ISIS and transferred to a former Government prison in Tel Abyad briefly and then to a small village in Ar Raqqa governorate. They were held there until late 2014. They were beaten severely for being suspected members of the YPG. ISIS also made attempts to indoctrinate the men, forcing them to watch videos of beheadings and to wear uniforms similar to those worn by the ISIS fighters.

169. As an organised armed group exercising effective control over territory, ISIS has an obligation to ensure humane treatment. By regularly using violence to life, torture, cruel treatment, ISIS is violating binding international humanitarian law.

170. By orchestrating systematic harm against a civilian population, ISIS has demonstrated its capacity and intent to wilfully apply measures of intimidation and terror, such as violence to life and inhuman treatment inflicting great suffering and injury to bodily integrity.

171. ISIS has committed torture as part of an attack on a civilian population in Aleppo, Ar Raqqa, Dayr az Zawr and Al Hasakah governorates, amounting to war crimes and crimes against humanity. The direct perpetrators and their commanders can be held individually responsible for these acts.

F. Sexual and gender-based violence

1. Government forces

172. The information collected since July 2014 regarding sexual and gender-based violence against men and women demonstrates the importance of continued attention to and documentation of sexual violence in Syria. Many of the accounts collected describe incidents that occurred prior to 2014. Many victims of sexual and gender-based violence could speak out only once they had been released from detention, while others took time to

relay their experiences of violations which often occurred in secret or were cloaked in silence or taboo. Under-reporting and delayed reporting of sexual violence continues to be endemic. Contemporaneous medical documentation is rare and in custodial contexts, medical assistance is denied to detainees. Female victims of sexual violence who have fled Syria may be reluctant to convey their testimonies due to their continued vulnerability as displaced, often female-headed households.

173. The lives of Syrian women have been radically altered by four years of violence and conflict. Many women interviewed described the psychological and physical repercussions they and their children experienced in the aftermath of witnessing the death of their husbands and fathers. A woman whose husband went missing in March 2012 in Al-Shaar neighbourhood, Aleppo city, described being in denial about his fate despite being told that he had died in a Government bombardment. Many women explained that they fled their homes for fear of their husbands or sons being arrested. With the rise in female-headed households and demographic shifts as a result of mass displacement and deaths and disappearances of fighting-age men, women have also experienced a shift in their societal roles. In Aleppo, Hama, Homs and Dara'a governorates, women cited a fear of sexual violence in their decisions to flee their homes.

174. Men and boys who are considered to be of 'fighting-age' through the policies and acts of Government forces and affiliated militia, have been subjected to physical and psychological violence on the basis of their gender. Perceived as likely to participate in hostilities against the Government or aid armed groups, men and boys have been arrested, tortured, disappeared, and killed on grounds of suspected affiliation or loyalty. With their freedom of movement constrained due to the constant fear of apprehension at Government checkpoints, men and boys have been forced to remain in zones of active hostilities. Sexual violence and torture is commonly employed against male detainees in Government detention facilities as an interrogation tactic, to degrade and humiliate.

175. Material collected further corroborates previous findings of sexual torture and rape being employed in Government detention facilities operated by security and intelligence agencies in Damascus. Torture methods such as the application of electric shocks to the genitals, were consistently and widely documented. Male detainees were subjected to sexual assault, sexual torture and rape in Branch 291 between June and October 2011, in Branch 215 between 2012 and 2013 and in June 2014. Rape and sexual violence was employed against men detained in Sednaya Prison, administered by the Military Police, in February 2013. Six documented incidents of rape and sexual torture used in the course of interrogations of male detainees in the Air Force Intelligence Branch in Mezzeh military airport between August 2011 and October 2014 were recorded. Male survivors of assaults described sexual torture employed at checkpoints between August 2011 and January 2012 and in January 2014. Detainees held in Mezzeh Prison and Hospital 601 were also threatened with rape in the course of their interrogations and torture.

176. Some female detainees were subject to sexual violence, including rape in Government detention facilities, in particular in the investigation branches of the Military Intelligence Directorate (commonly known as Military Security) located in Kafr Sousa (Damascus). Branches 248, 215 and 291 are located in the same building and contain holding cells underground. Documented incidents of female detainees being sexually assaulted and raped occurred in Branch 291 between June and October 2011, in Branch 215 between 2012 and 2013 and in 2014, and in three separate incidents in Branch 248 between April 2012 and June 2013. A woman was raped in the General Intelligence Branch 285 in Kafr Sousa in 2012.

177. A female detainee was sexually tortured in Branch 227 between April and June 2014. Sexual violence was also employed against female detainees at Air Force Intelligence

branches, in Harasta between March and September 2012, and in Mezzeh military airport between May and October 2014.

178. Consistent accounts indicate that women held in detention facilities administered by the General Security Directorate in Damascus are subjected to sexual violence. Interrogators sexually assaulted detainees in the Al-Arbaieen Branch in April 2012. Incidents of female detainees being raped and sexually tortured in Branch 251 (Al-Khatib Branch) were documented as occurring in March 2011, between July and September 2012, and in March 2014.

179. Victim and witness accounts of rape and sexual violence employed as torture in the course of interrogations were also documented regarding incidents in Mezzeh Prison between June and September 2011 and December 2013 and May 2014, in particular the application of electric shocks to genitals, in Branch 235 (Palestine Branch) in 2013, and at the Criminal Security Branch in Bab Mosala in March 2013.

180. In Dara'a governorate, women faced sexual violence from Government authorities in custodial environments. Interviewees described being threatened with sexual assault in the Criminal Security Branch in Izrah, subjected to rape at a checkpoint before being taken to the Military Security Branch in Dara'a city in 2013, and sexual torture employed in detention facilities in Jasim and Dara'a city in 2014.

181. Victim and witness accounts of sexual violence were also recorded in northern governorates. During house searches in Aleppo city in 2012 and 2013, Government forces sexually assaulted women and men in their homes. In 2013, detainees were raped in the Political Security branch and sexually assaulted at the Military Security branch in Latakia.

182. Violations of physical integrity through the use of torture and ill-treatment and sexual violence, including rape, by Syrian State officials, amounting to severe and systematic violations of international human rights law and international humanitarian law. Syrian government authorities have manifestly failed to protect male and female detainees from sexual harassment, sexual torture, rape and sexual violence in prisons and detention facilities in Damascus, administered by and under the control of the military, intelligence and security agencies. Survivors and witnesses emphasised the long-lasting physical and psychological repercussions of sexual violence.

183. Many women and men, including minors, have been victims of the deliberate use of sexual humiliation, sexual torture and rape while in the custody of Government authorities throughout the span of the unrest and conflict in Syria (from 2011 – 2014). Rape and other forms of sexual violence, amounting to serious violations of international humanitarian law, war crimes and crimes against humanity, entail individual criminal responsibility for the direct perpetrators of crimes and their authors at the highest levels of the chain of command, including the highest levels of Government.

2. Non-State armed groups

184. Accounts have been collected which indicate the vulnerability of women and gay men to sexual assault and harassment at checkpoints run by armed groups. Upon detention, gay men were abused and harmed on the basis of their sexual orientation.

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185. As documented in the thematic report "Rule of Terror: Living Under ISIS in Syria", ISIS has executed women and men on the basis of their gender and subjected them to sexual assault and rape, as part of a broader attack on the civilian population in areas of Ar Raqqa and Dayr az Zawr governorates, constituting the crimes against humanity of murder, torture, rape and other inhumane acts.

186. Women have been executed in Ar Raqqa and Dayr az Zawr.^d These executions, carried out as punishment for crimes such as adultery, were utilised to instil fear among women for disobeying the social edicts imposed by ISIS.

187. The restrictions imposed on women and subsequent corporal punishments for non-compliance continue to occur, enforced by the Al-Hisbah morality police and the Al-Khans'aa all-female brigade. In Ar Raqqa, women and men have been lashed for improper dress and women's freedom of movement has been severely restricted. In Aleppo, women and men have been forced to comply with onerous dress and prayer instructions in Al-Bab, Minbejj, Massakanah, and Dayr Hafir. In Al Hsakah, ISIS has imposed dress codes for women in Qamishli and restricted the movement of men. Similar measures were undertaken in Aqaribat (Hama) and in Al-Mayadin and Al-Bukamal (Dayr az Zawr) in October 2014. The psychological and physical harm caused by ISIS's treatment of women, the onerous instructions imposed on their dress code, and restrictions on their freedom of movement demonstrate discriminatory treatment on the basis of gender.

188. During its early August 2014 attack on Sinjar in northern Iraq, ISIS abducted hundreds of Yazidi women and girls. Some abductees have been taken into Syria and sold as 'war booty' to ISIS fighters while others have been given to ISIS fighters as 'concubines'.^e Information collected recently indicates that groups of dozens of girls and women have been transported to various locations in Syria, including Ar Raqqa, Al Hsakah, and Dayr az Zawr. There, the girls and women are raped and held in sexual slavery. Most of the women and girls captured remain in captivity in Syria. The enslavement of Yazidi women was undertaken as part of ISIS's attack on civilian communities considered to be infidels. ISIS attacks on Yazidi women and girls now being held inside Syria are violations of international humanitarian law and amount to the war crime of sexual slavery, sexual violence, rape and forced pregnancy. Undertaken as part of a widespread and systematic attack identified in paragraph 90, these acts amount to the crimes against humanity of enslavement, rape and sexual violence.

189. Gay men have been targeted on the basis of their sexuality and killed. Reports indicate that such conduct is indicative of a broader pattern of ISIS' treatment of homosexual men. Such killings constitute murder as a war crime, and a crime against humanity.

190. ISIS has imposed arbitrary and disproportionate restrictions on women and men on the basis of their gender, inflicting harsh punishments for non-compliance with ISIS' edicts and instilling fear among the civilian population under the control. Corporal punishments amount to cruel treatment and torture, and publicly humiliate and degrade women and men, in violation of customary international humanitarian law and rising to the level of war crimes, incurring individual criminal and command responsibility. Undertaken as part of a widespread and systematic attack, these acts amount to the crimes against humanity of torture and other inhumane acts.

G. Violations of children's rights

1. Government forces

191. Children have been killed, injured and maimed in aerial bombardments, barrel bomb and shelling attacks carried out by the Government on a massive scale. Children living in non-State armed group-controlled neighbourhoods of Aleppo city have been suffering from near continuous bombardment by Government forces and inadequate humanitarian relief

^d See paragraphs 72, 75 below, as well as A/HRC/27/CRP.3, paragraph 52.

^e See A/HRC/27/CRP.3, paragraphs 53-57.

for over two years. Children who fled Rif Damascus in the course of 2014 experienced long-lasting distress as a result of the state of insecurity and constant shelling and Government airstrikes. A mother of three boys aged 7, 5 and 4 years, described her two eldest children as having lost a lot of weight while the family was besieged in eastern Ghouta. The youngest still has nightmares about being bombarded. Psychosocial consequences of bombardment, displacement and other violations have affected children across Syria.

192. The Government continued its aerial bombardment campaign in Dara'a and Idlib governorates throughout 2014, killing and injuring children in several documented instances in October. On 30 July, two children were wounded, one seriously, when Ein Thaka village was aerielly bombardment by Government forces. In Samlin (Dara'a), a 12-year-old girl was killed during indiscriminate shelling by Government forces reportedly based in Zamrin.

193. A doctor working near the frontlines in Aleppo city reported an increase in injuries from sniper fire between September and October 2014. He estimated that approximately 40% of persons hit by sniper fire were children. Most were targeted in Bustan Al-Pasha and Sheikh Maksood. A pediatrician working in Aleppo described mass malnutrition, communicable diseases, trauma and related ailments, and chronic illnesses left untreated among his patients.

194. With approximately 5,000 schools destroyed in Syria, the resulting sharp decline in children's education continues to be one of the greatest concerns among those interviewed. The Government aerielly bombarded Dar Ta'azzah, a town northwest of Aleppo, in late June, early November and mid-December 2014, hitting a school on 6 November and injuring children in the attack. In Dar Al-Kabira (Homs) and in Bab Touma (Damascus), no schools have been operating since 2012. Some school buildings are used to shelter internally displaced persons, while others have been abandoned after being targeted in aerial attacks. The risk of being attacked while in school prevents children from accessing education. Interviewees who fled Al Hasakah governorate described how children did not go to school due to the frequent bombardments targeting educational institutions.

195. Intelligence and security agencies continued to detain young children together with adults, exposing them to sexual violence and subjecting them to the same ill-treatment and torture as adult detainees. In detention, children also witness violent torture and death. The presence of children was documented in Military Security Branch 235, known as the Palestine Branch, and in the Air Force Intelligence Branch in Mezzeh military airport (Damascus), detention facilities in which torture is systematically employed. A 16-year-old girl was subjected to sexual violence in Military security Branch 248 in Kafr Sousa in Damascus in 2012 and 2013. A 5-year-old child who had been detained and tortured with his mother in several different Government detention facilities, including Branch 248 in Kafr Sousa, suffered severe distress, nightmares, and experienced problems urinating for months afterward. A 16-year-old boy, who was detained and tortured at the National Defense Forces Branch in Al-Joura neighbourhood in Dayr az Zawr, described being held together with at least five other young boys, most of whom were younger than he. They were placed inside a tyre and beaten and hung up for prolonged periods of time.

196. The failure of the Syrian authorities to protect children from the effects of conflict has resulted in a devastating level of displacement of children. In targeting schools and failing to take precautions in attacks to minimize harm to children and schools has led to a significant loss of access to education among Syrian children, while indiscriminate attacks continue to maim and kill children on a massive scale. In detaining children and exposing them to ill-treatment and torture in detention facilities, Syrian authorities, including the military, security and intelligence agencies, have violated children's human rights and the rules of international humanitarian law, amounting to war crimes. They have perpetrated

crimes against humanity, entailing individual criminal responsibility for the direct perpetrators of crimes and their authors at the highest levels of the chain of command, including the highest levels of Government.

2. Non-State armed groups

Anti-Government armed groups

197. Anti-Government armed groups operating in eastern Ghouta (Rif Damascus) continued to carry out indiscriminate attacks against residential neighbourhoods in Damascus city. These mortar attacks resulted in civilian casualties, killed and maimed children. On 30 September, Douela'a in Rif Damascus was shelled by non-State armed group fighters from the direction of Doukhaniyah, killing a 10-year-old boy and injuring other civilians who were walking along a residential street.

198. According to witnesses and victims of non-State armed group attacks in Busra Al-Sham, (Dara'a) the shells often hit civilian targets and many of the resulting casualties were children. In an attack on 7 October, mortar shells were fired at the Busra Al-Sham hospital, killing a 13-year-old girl who was standing in the hospital's courtyard.

199. As armed groups have gained a foothold in southern governorates, hostilities have taken place between Bedouin military and Druze localities in As-Suweida. On 16 August 2014, following attacks on local Druze civilians, Bedouin militants allied with Jabhat Al-Nusra killed a 13-year-old boy at close quarters.

200. On 12 November 2014, a rocket fired by non-State armed groups hit the Karnaz Female School in Karnaz (Hama). The attack took place at approximately 10:15 am during morning recess when children were playing in the school's courtyard. Seven children were killed in the attack and many others severely injured. As parents came to search for their children, "each father or mother shouted and looked for his or her child, crying and screaming." A nearby medical clinic was also damaged in the shelling attack. Parents described how their children, who survived the attack, were distressed and experienced trauma in the aftermath.

201. In the course of hostilities between armed groups and Government forces in Adra Al-Omalia, Jabhat Al-Nusra and Jaysh Al-Islam abducted hundreds of civilian residents in December 2013. Around 25 September, the hostages were transferred by armed groups when Government forces regained control over Adra Al-Omalia. The hostages, many of whom are young children, continue to be held in an unidentified location. In early August 2014, an armed group kidnapped nine members of one family, including a 12-year-old boy and a 10-year-old girl, from a village in Hama. The family were reportedly taken hostage to force a relative's defection from the army.

202. On 10 July, during an attack on Al-Rahjah village (Hama), Jabhat Al-Nusra fighters beheaded a man in front of his children. Months later and displaced from their home, his children continued to suffer the impact of the attack.

203. Of the 6.5 million internally displaced persons in Syria, half are children. With many IDPs fleeing into areas under non-State armed group control, they are vulnerable to the conduct of non-State armed group fighters. Separated from their communities, and often their families and parents, children are at risk of being targeted and instrumentalised. Armed groups continue to recruit and train children for active participation in hostilities. Children's membership in armed groups exposes them to injury and death in the course of hostilities and to retaliation from other armed groups. A 16-year-old boy who had been recruited and trained by Jabhat Al-Nusra in Dayr az Zawr, was imprisoned by ISIS upon capture and then recruited into their ranks.

204. Non-State armed groups have maimed and killed children in indiscriminate attacks in Damascus, Idlib, Dara'a, Hama and Homs, including in attacks targeting schools, taken children hostage and failed to protect children in their custody from harm. In a continuing trend, Jabhat Al-Nusra has continued to use and recruit children into their ranks for active combat roles. Acting in violation of international humanitarian law, the group has infringed the rights of children and disregarded their obligations to afford them necessary protections from harm and abuse.

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205. ISIS has continued to instrumentalise and abuse children on a massive scale. The violations documented have had acute physical and psychological repercussions for survivors and witnesses and have had destabilising effects on communities.

206. On 29 May, a convoy of buses transporting children home to Ayn al-Arab (Kobane) after writing their final school exams in Aleppo, was stopped by ISIS fighters. All male students, aged 13 and 14 years old, were removed and transported to Menbej, where they were taken to the Sharia Court and the Al-Fateh Mosque to spend the night. The following morning, the children were taken to a two-story school building 500 metres from the mosque and told that they would be detained there as hostages for a prisoner exchange with the YPG. In the course of their four month long detention, ISIS members and Shari'a teachers beat and mistreated the children as punishment for disobeying rules, such as being too loud or speaking Kurdish. In the most severe punishments for repeat offences or for trying to escape, ISIS gave boys electric shocks and suspended them by their wrists from the ceiling for several hours.

207. The children were subjected to religious education in an apparent attempt to indoctrinate them into ISIS' ideology and to desensitise them to forms of violence employed by ISIS. This included forcing them to watch videos of beheadings. Following their release, the boys' parents described the altered behaviour of their children and the concerns they had for their mental well-being in the long-term. This incident stands as a stark example of the manner in which ISIS utilises children to entrench their ideology into communities with a view to ensuring long-term loyalty.

208. ISIS has detained children and subjected them to the same treatment as adults. A 13-year-old boy detained in an ISIS facility in (Aleppo) between March and October 2014, was accused of writing anti-ISIS graffiti and tortured as punishment. A co-detainee described the boy being taken away, blindfolded, hooded and tied up. He never returned to his cell. An 11-year-old boy who was arrested in Al-Bab and accused of fighting against ISIS, was executed in the same detention facility in 2014.

209. ISIS fighters have executed children accused of being members of opposing armed groups as well as those who broke the group's edicts. In September, ISIS beheaded a 16-year-old girl, who they accused of being an YPG member, in Shuyoukh, (Aleppo). On 5 September, a 16-year-old boy believed to have been a captured fighter from another armed group was executed in Al-Ashara, (Dayr az Zawr) and his body was displayed for days afterward. In early October, a male child was killed and his body placed on display in Minbej (Aleppo). Children are often present in the crowds at the executions and cannot avoid seeing the publicly displayed corpses in the days that follow. One woman described closing her son's eyes as they passed television screens in Raqqah city on which ISIS screened videos of its executions.

210. ISIS has also used children as executioners. Two Syrian Government soldiers captured at Tabqa airport were executed by a 16-year-old ISIS fighter in late August. On 13 January, ISIS released a video showing a child approximately 10 or 11 years old shooting two men accused of espionage. Children are trained to use weapons and to deploy as suicide bombers in "Cubs Camps". One 14-year-old boy, who was trained in such camps in

Idlib and Hama described seeing many non-Syrian children in the camps, some of whom were the children of fighters, some who had been kidnapped, or had voluntarily joined ISIS. Witnesses described seeing young children in ISIS insignia carrying weapons in Minbeij (Aleppo) in October 2014. One of those interviewed witnessed a boy having to drag an AK-47 as the weapon was taller than him. Armed children were also observed in Al Hasakah, where they were seen guarding ISIS bases and working at the group's checkpoints. A child, aged approximately 10 years, was seen working as a prison guard in an ISIS detention centre in Tibneh (Dayr az Zawr). Children participated in active hostilities in the ISIS assault on Ayn al-Arab (Kobane) and in military operations in Tibneh and Al-Shuhail (Dayr az Zawr).

211. ISIS has failed to protect children in the course of their military operations. Children who survived the attack on Ayn al-Arab (Kobane) in September and October 2014 exhibited signs of trauma in the aftermath and described their distress at losing their homes and futures following their displacement.

212. In November 2014, ISIS closed schools in Aleppo and Dayr az Zawr for lack of conformity with its understanding of Shari'a curriculum. In Ar Raqqa governorate, some schools have reopened in compliance with ISIS' requirements. ISIS has also occupied schools and used them as military bases. Two schools were occupied in Al-Shaddadi (Al Hasakah) and one in Al-Ashara (Dayr az Zawr). The International Coalition's aerial campaign against ISIS has led their fighters to hide deeper in densely populated civilian areas, abandoning their bases in school buildings, which were frequently marked with the group's banners.

213. The military use of schools endangers children and prevents their access to education. The kidnapping and indoctrination of Kurdish schoolchildren in Minbeij is a clear instance of a deliberate victimisation of children, entailing repeated violations of children's rights. ISIS recruitment and use of children violates international humanitarian law and rises to the level of war crimes, committed in a systematic manner and on a mass scale. The training of children and testimony describing the presence of children among ISIS fighters indicates the organised recruitment and preparation of children for active combat roles. The use of children as executioners, and the execution of children accused of membership in opposing armed groups, indicates the level of vulnerability of children, in particular boys, perceived to be of fighting age. ISIS' violations entail clear individual criminal responsibility for the direct perpetrators of crimes and their authors at the highest levels of ISIS' hierarchy.

People's Protection Units (YPG)

214. Underage fighters were involved in the YPG's military operations against ISIS in Ayn al-Arab (Kobane). After the YPG call for mass mobilization to defend the area from ISIS, many children joined the fighting and were wounded or killed. Minors participated in military operations and YPG failed to take action to prevent their involvement. One interviewee stated that his 15-year-old brother had been conscripted into the YPG to fight in Ayn al-Arab (Kobane) and had since been injured in hostilities.

215. Accounts of recruitment of minors into the YPG have also been documented in Aleppo and Al Hasakah. In separate incidents two 15-year-old girls were recruited by the Women's Protection Unit of the YPG in December 2014.

216. The YPG continues to recruit and use children in active hostilities in violation of international humanitarian law and their own stated commitments to the contrary. Available information indicates that minors are accepted into YPG ranks for roles that involve direct participation in hostilities.

H. Unlawful attacks

1. Government forces

217. As the Government's aerial campaign intensified on Raqqah city and governorate, the Syrian air force continued to attack Aleppo city and its surroundings. Between September and October 2014, the districts of Haydaria, Ard Hamra and Masakin Hanano were targeted with barrel bombs on several documented occasions, killing civilians. A doctor working in Aleppo city reported that the majority of his patients in critical condition displayed wounds consistent with barrel bomb injuries.

218. The Government aerial bombardment campaign on non-State armed group-controlled areas of Aleppo has been ongoing since August 2012. In the course of the campaign, Aleppo experienced mass displacement, in particular following the start of the offensive in October 2013. However, interviewees described how those who lacked resources, feared arrest and detention, or were too weak to flee, remained despite the constant threat of bombardment. On 16 September, a Government helicopter dropped a barrel bomb on a crowded vegetable market in Tariq Al-Bab, killing six civilians and injuring 10 others. In October 2014, Al-Sukkari and other eastern districts of Aleppo, which had been under repeated attack, were again hit with barrel bombs, killing civilians.

219. Between July and September 2014, Government forces dropped barrel bombs and conducted airstrikes on the southern countryside of Idlib province, an area which hosts large numbers of IDPs. One survivor from Sinjar described the attacks as following a pattern of regular bombardments during daylight hours. Barrel bombs were dropped by transport helicopters at night, between 3 and 4am. According to witnesses, the attacks were conducted without distinguishing between civilian and military targets. In an attack around 16 July 2014, a barrel bomb was dropped on a civilian home at night, killing its inhabitants, including two young children.

220. Since the Government began a concerted aerial campaign against ISIS, they have conducted their strikes in an indiscriminate manner, hitting civilian objects and causing considerable civilian casualties. On 18 October 2014, Government forces hit Al-Mahdom Bakery in Minbeij, Aleppo, killing the civilian employees inside. On 6 November, Government forces hit a school in Dar Tazzah, injuring children in the attack.

221. Raqqah city has been bombarded on a regular basis throughout September 2014 – January 2015. Government forces have dropped barrel bombs on civilian targets and conducted their hostilities in an indiscriminate manner. On 25 November 2014, densely populated civilian locations were subjected to heavy aerial bombardment. The attack began with two airstrikes targeting the industrial area east of Raqqah city. The Hanni Mosque was subsequently hit with two targeted airstrikes, causing considerable damage to the mosque and surrounding area. The Museum Square, a busy part of Raqqah city was hit thereafter. The Boulman public transport station was targeted, with airstrikes hitting two buses and killing the passengers inside. According to witnesses of the attacks, there was no armed group or ISIS activity in any of the targeted areas. Interviewees suggested that the attacks were carried out in retaliation for ISIS executing captured Government soldiers. The aerial campaign on Raqqah city has resulted in extensive civilian casualties.

222. Government attacks on ISIS-controlled areas in Dayr az Zawr, namely on Al-Ashara in July, Al-Tayanna on 3 August, Al-Mayadin in August and Tibneh throughout 2014 have been conducted in an indiscriminate manner, causing considerable civilian casualties. Government forces indiscriminately bombarded Ahrar Al-Ghweran district in Hasakah city on 12 August 2014, as part of a concerted assault on the area. Aqaribat (Hama) was also subjected to indiscriminate attacks in October 2014, leading to civilian casualties and the destruction of civilian property.

223. On 3 September, a Government jet struck an ISIS checkpoint near Al-Shula. While killing ISIS fighters, the disproportionate attack also killed 21 civilians, most of them children, who were in a bus at the checkpoint at the time. The available information suggests that this attack was disproportionate, causing excessive incidental death and injury, in relation to the direct, overall anticipated military advantage.

224. Government forces continued to carry out indiscriminate attacks against areas with non-State armed group presence in Rif Damascus. Douma and Mesraba were subject to bombardment between July and September 2014. In the context of the siege on Zabadani, Government forces continued shelling the area and using landmines, causing considerable harm to the civilian population. Civilians, including children were killed in an aerial attack on a market in Arbin on 9 October 2014.

225. The increase in intensity of hostilities on the southern front of the Government's military offensive has also caused extensive civilian casualties. Indiscriminate attacks were carried out in Namar from July to August, Samlin on 1-2 August 2014, Tafas between June and August, in Al-Arba'een neighbourhood in Dara'a Al Balad on 4 September 2014.

226. Persons displaced as a result of Government attacks have been further targeted while fleeing Syria. Survivors described shelling targeting convoys in Dara'a transporting displaced civilians moving toward the Syrian-Jordanian border. Many people have been unable to flee Syria to neighbouring states, including Jordan and Lebanon, due to restrictions on persons seeking refuge.

227. The strikes and shelling attacks continued through October 2014, with Tariq Al Sad neighbourhood in Dara'a city targeted with bombardment on 9 October 2014. A barrel bomb attack on Al-Mahata market in Dara'a city in mid-October, leading to civilian casualties, among them children. Inkhil was shelled in October, killing and wounding civilians in the area. Al-Mezeireeb was aerially bombarded on 20 October 2014. The attack killed and injured farmers working in their fields.

228. During the reporting period, the Government undertook an aerial campaign on Ar Raqqah and continued its aerial assault on Dara'a. The pattern of attacks and manner in which they were carried out demonstrates an apparent lack of precautions taken by Syrian forces and a lack of distinction between military and civilian targets. The use of barrel bombs in aerial campaigns against whole areas is in violation of international humanitarian law and in some cases, amounts to the war crime of targeting civilians. Government forces have systematically targeted civilians and civilian infrastructure, demonstrating the intent to kill, wound and maim. Targets have included markets, shops, hospitals, schools, and public spaces where civilians gather in large numbers.

2. Non-State armed groups

Anti-Government armed groups

229. In conducting hostilities, non-State armed groups relied on the inherently indiscriminate use of vehicle-borne (VBIED) and roadside improvised explosive devices (IED), and continued to fire mortars indiscriminately at civilian areas under Government control.

230. Armed groups positioned in eastern Ghouta in Rif Damascus continued to shell residential neighbourhoods in Damascus city controlled by the Government. In August, civilians living in Al Amara and Jaramana districts of Damascus were subjected to indiscriminate mortar shelling, which caused civilian deaths and injuries. Between 6 and 14 September, fighters from Jaysh Al-Islam shelled Al-Kabbas neighbourhood, and Douelaa on 20 and 30 September. In November, As Sadat and Al Amara were shelled by armed groups, and Mezzeh was hit by mortar fire reportedly fired from eastern Ghouta.

231. In the context of hostilities between Bedouin military and Druze localities in As-Suweida, Bedouin militants allied with Jabhat Al Nusra fired upon civilian passenger buses on 14 August and 16 August 2014 near Dama and Deir Dama, wounding women and children with gunshots from the direction of the town of Ariqa. On 16 August, Bedouin Jabhat Al Nusra fighters attacked a Druze family, killing three men with mortar fire. Survivors of the attack stated that the fighters shouted, “You are *kufar*, you are pigs. We are coming to kill you.”

232. Improvised explosives placed on a busy route between Dama and Areeqah in Dara’a killed five civilian passengers travelling on a bus and injured nine others on 3 September 2014. The bus was hit by two consecutive IEDs, causing major damage to the vehicle and its passengers. The casualties included a high school student and a school principal.

233. Armed groups shelled Government-controlled civilian areas of Busra Al-Sham, Dara’a between March and September and between 7 and 25 October 2014. Armed groups also shelled Government-controlled areas of Dara’a and Busra Al-Sham throughout 2014, causing civilian casualties due to their indiscriminate manner.

234. Prior to being pushed back by Government forces in October 2014, armed groups operating in northern Hama governorate had intensified their hostilities against Government-controlled areas conducted indiscriminate attacks against Al Suqaylabyah between August and September, Mahrada between July and September, and Karnaz in October. In the eastern countryside, armed group fighters conducted indiscriminate attacks on villages west of Salamiyah city including Snaydeh, Khnayfiss and Salamiyah in October 2014.

235. VBIEDs continued to be deployed by armed groups operating in Hama, indicating an increased use of and reliance on tactics that spread terror among the civilian population. On 31 August and 1 September, there were two car bomb attacks on Taldara, a majority Ismaili village. The first attack killed two civilians and severely injured nine others, four of whom were young children. Six more civilians were killed in the second attack. Many of those injured were maimed. The explosion led to the extensive destruction of residential homes and agricultural buildings. On 3 September, a roadside IED was detonated between Al-Kafat and Taldara, killing a father and his child and severely injuring the mother. The family was on their way to get medical treatment for their child. This attack followed several other attacks on the Al-Kafat – Taldara road in August 2014.

236. On 24 September 2014, Jabhat Al-Nusra claimed responsibility for a car bomb attack on Ain Amouda, Hama, killing two and injuring ten civilians. Witnesses to the attack stated that there were no Government military or NDF forces in the area. Residents of Ismaili enclaves in the Hama countryside described a drastic increase in the number of IEDs and car bomb attacks in recent months and the level of fear instilled as a result.

237. Civilians living in Homs city continued to be affected by armed group hostilities directed at residential neighbourhoods. Wadi Dahab neighbourhood was attacked with mortar fire on 16 September, and Zahra was targeted in November 2014. Residents alleged that the attacks were carried out with rocket propelled grenades by fighters from Jabhat Al Nusra.

238. Non-State armed groups attacked civilian areas under Government control in an indiscriminate manner, often targeting no military objective and causing civilian casualties. The continued rise in documented IEDs, vehicle borne and roadside, particularly in Hama governorate, has resulted in high civilian casualties as they target civilians in densely populated areas and transit routes. Such conduct is in violation of international humanitarian law, and where attacks target civilians, amount to war crimes.

Islamic State of Iraq and Al-Sham

239. In Aleppo governorate, ISIS has engaged in intensive hostilities against non-State armed groups and Kurdish armed forces. ISIS' ground assault on Ayn al-Arab (Kobane), which started on 15 September was enabled through their capacity to direct protracted indiscriminate shelling toward the town and its inhabitants. On 22 September, as ISIS was advancing, fighters shelled a bakery in the village of Zarik, killing four civilian employees. The bakery served the entire western region of Ayn al-Arab (Kobane) and was a vital source of sustenance for the surrounding area.

240. Since taking control of territory in northern and eastern Syria, ISIS has occupied civilian buildings, including schools and hospitals as military bases. Since the onset of International Coalition strikes, ISIS fighters have moved their positions into residential areas, endangering civilians. In October, residents of Minbeij described how ISIS occupied buildings in densely populated areas as a deliberate tactic. A similar trend was observed in Al Bab in November 2014, putting the civilian population at risk of the effects of attacks against ISIS targets.

241. In Dayr az Zawr, ISIS adopted similar tactics, occupying civilian buildings in Al-Ashara in September 2014. In one instance, a civilian whose relatives were killed in a coalition airstrike was forced to flee because he complained to ISIS about their presence near his home. In Al-Mayadin, ISIS fighters appropriated and moved into civilian homes in November 2014, displacing their residents and endangering the civilian population in the vicinity.

242. By occupying civilian homes, ISIS has endangered civilians in violation of their obligations under customary international humanitarian law. ISIS' assault on Ayn al-Arab (Kobane) was conducted in an indiscriminate manner, violating international humanitarian law and with the apparent intent to cause considerable harm to the Kurdish population.

3. Undetermined perpetrator

243. On Friday, 15 August 2014, a car bomb was detonated outside the Taqwa Mosque in Namar (Dara'a). The explosion took place while worshippers were leaving the mosque. According to victim testimony, the car was parked less than 20 metres from the mosque and the bombing was timed to cause maximum damage. Media reports and witness accounts suggest that between 14 and 22 people were killed in the attack, including several children. Also killed in the bombing were several FSA fighters, including at least one defector. It is possible that he was the target of the attack. According to an account, FSA-affiliated armed groups in the area apprehended persons from a Shi'a militant group in connection with the attack. Those interviewed indicated that people apprehended at the scene stated that they had planted the bomb there at the behest of the Government. Further information collected indicates that Government forces, in particular the General Security Directorate, may have been involved in commissioning similar VBIEDs on other occasions. No party has claimed responsibility for this attack. Other VBIEDs have been detonated in civilian areas, causing considerable casualties. In areas with continuous and protracted hostilities between Government forces and non-State armed groups, it is not possible to verify the perpetrator of certain attacks.

I. Specifically protected persons and objects

1. Government forces

244. Government forces have continued to target medical facilities in the course of their military operations against armed groups. The remaining functioning hospitals and medical

facilities in non-State armed group-controlled areas do not mark their buildings with the Red Cross or Red Crescent emblem to avoid being targeted by Government forces.

245. During the aerial campaign in Idlib governorate, Government forces dropped barrel bombs on Kansafra city, hitting and destroying two hospitals and injuring medical personnel on 16 July 2014. The hospitals contained orthopaedics, obstetrics and gynaecology and paediatric centres. On 29 July, Orient Hospital in Al-Kaniya village near Jisr Al-Shukhour, was hit in an airstrike. On 19 September, the hospital was attacked again, rendering its facilities dysfunctional. Orient Hospital in Al-Kaniya had been targeted twice in 2013.

246. Hospitals in eastern Ghouta (Rif Damascus) have been systematically targeted. Al-Nashabeea Hospital was struck by tank fire on 28 July, killing a general surgeon and an emergency intensive care doctor. The hospital was further targeted with repeated airstrikes during the first week of September 2014, leading to its destruction. The Al-Kahf Surgical Hospital in eastern Ghouta was hit with barrel bombs on 1 September, destroying much of the hospital's infrastructure and injuring medical personnel.

247. In a devastating attack on Al-Houda surgical field hospital in Aleppo countryside on 2 August 2014, six medical personnel and nine patients were killed, and 20 medical staff were injured. The hospital was hit at 10:30 am and rendered dysfunctional.

248. Helfaya National Hospital in Hama was attacked on 6 and 7 August 2014, causing significant damage to its infrastructure and substantially reducing its ability to treat patients.

249. On 23 August, the Al-Tabqa National Hospital in Ar Raqqa was attacked with barrel bombs, destroying the building and killing at least four medical personnel. The hospital was a significant provider of medical care to the residents of Tabqa.

250. Ambulances have been targeted, killing paramedics and the sick and wounded. On 17 July 2014, an airstrike hit an ambulance while paramedics were rescuing and providing emergency care to persons wounded in airstrikes against Al-Bab (Aleppo). A paramedic was killed and the driver of the ambulance was severely injured. An ambulance rescuing civilians injured in an airstrike targeting a market in Douma, (Rif Damascus) on 3 August 2014, was hit, killing two paramedics. Another ambulance was attacked on 18 September 2014 in eastern Ghouta (Rif Damascus), killing the two drivers. An ambulance transporting wounded civilians was struck by barrel bombs in the north of Aleppo city.

251. Government forces carried out an airstrike against Atteb Alhadeeth Hospital in Al-Mayadin (Dayr az Zawr) on 16 December 2014, killing tens of wounded patients and destroying much of the hospitals infrastructure.

252. Al-Radwan field hospital located in Jasim (Dara'a) was hit in four separate air raids on 31 December, destroying much of its infrastructure and forcing it to cease operations. The attack wounded dozens of patients, among them children. The hospital had previously been targeted in aerial bombardment campaigns in Dara'a. The field hospital served residents and IDPs seeking shelter in areas of Jasim city under non-State armed group control.

253. Medical personnel continue to be detained and disappeared. Accounts from Government detention facilities often refer to doctors and nurses detained on charges of aiding the opposition. Medical personnel have been severely tortured and died in the custody of Syrian authorities.

254. The documented incidents of attacks against hospitals are of grave concern, as they demonstrate a disregard for the specially protected status of healthcare facilities and a failure to take precautions to avoid civilian casualties and protected the sick and wounded.

The pattern of attacks indicates that Government forces deliberately target hospitals and medical units to gain military advantage by depriving anti-Government armed groups and their perceived supporters of medical assistance.

255. Attacks against medical facilities and personnel amount to serious violations of Common Article 3 of the Geneva Conventions and war crimes. Such tactics have long-term repercussions on the ability of entire communities to treat war-related and chronic healthcare problems. The criminalization of medical assistance under anti-terrorism laws issued on 2 July 2012 contravene the customary international humanitarian law rule that under no circumstances shall any person be punished for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom.

256. Government forces continue to disregard their international legal obligations to refrain from attacking cultural objects and sites and to not use them for military purposes. In continuing to use the Aleppo Citadel, a World Heritage site, as a military base to bombard the Old City of Aleppo, the Government has endangered the site and disregarded Security Council Resolution 2139, adopted on 22 February 2014, which calls on all parties to act immediately to save Syria's rich societal mosaic and cultural heritage, and take appropriate steps to ensure the protection of Syria's World Heritage Sites.

2. Non-State armed groups

Islamic State of Iraq and Al-Sham

257. In the course of ISIS' assault on Ayn al-Arab (Kobane) in September 2014, the city's hospitals were shelled, contributing to the dire humanitarian situation and displacement of civilians.^f

258. The deliberate destruction of an Armenian church in Dayr Az-Zawr in September 2014 demonstrates a continuation of the trend documented in the Commission's thematic paper "Rule of Terror: Living Under ISIS in Syria".^g

259. The abduction, torture and execution of journalists, media activists and humanitarian aid workers by ISIS have been documented since June 2013 in Aleppo. Both Syrian and international journalists and aid workers have been killed by ISIS in a deliberate attempt to control the flow of information in the areas under its controls. Journalists and activists working to document the violations and abuses suffered by their local communities under ISIS have been denied their special protection under international humanitarian law and have been disappeared, detained, tortured and killed.

260. ISIS' conducts attacks that violate its obligations under customary international humanitarian law. In a deliberate effort to assert control, ISIS has deliberately attacked protected objects and persons, amounting to war crimes.

J. Sieges and denial of humanitarian access

1. Government forces

261. The Government continues to conduct its military operations in a manner which disregards the humanitarian needs of the civilian population. Government authorities prohibit the inclusion of medical and surgical supplies in humanitarian convoys making cross-line deliveries. In Damascus, the impact of the eastern Ghouta siege on food security has harmed children. The siege is enforced through checkpoints encircling eastern Ghouta,

^f See paragraphs 279-281, below.

^g See A/HRC/27/CRP.3, paragraphs 25, 29 and 31.

manned by elite units, including the 3rd, 4th Divisions, and Republican Guard. Government forces shelled Hamouriyah in eastern Ghouta between March and September, worsening the humanitarian conditions and contributing to displacement. Those who fled described a lack of adequate humanitarian aid and access to basic foodstuffs.

262. The siege of Yarmouk in Damascus has continued to be enforced by pro-Government forces, including elements from Branch 235 (also known as the Palestine Branch) and the Popular Front for the Liberation of Palestine. These forces and the Syrian authorities accord irregular and inadequate access to humanitarian actors. 18,000 Palestinians remain inside Yarmouk. The absence of medical and surgical supplies in aid deliveries has created a chronically low supply of medicine in Yarmouk. Children suffer from acute malnutrition. Instances of humanitarian actors coming under attack by armed groups operating inside Yarmouk have been reported. Many of the residents who have fled Yarmouk in the course of the conflict are currently displaced to Khan Al-Sheeh (Rif Damascus). Government forces have surrounded the area and conducted indiscriminate attacks in their assault against armed groups operating in the area. Palestinians living inside Syria are faced with a worsening situation and eroding protections.

263. Accounts consistent with previous reporting periods indicate that Government forces impose restrictions on movement, humanitarian access, medical supplies and basic necessities on areas with non-State armed group presence. This has resulted in severe shortages among the civilian population in Dara'a, namely in Khirbat Ghazala (Al-Tahwra), Nawa, Mhajeh, Al-Mohhayam and Tariq Al-Sad neighbourhood in Dara'a city. These areas have also been indiscriminately shelled, aggravating the humanitarian situation. Government forces periodically tighten and loosen the sieges in Dara'a as part of their military strategy. During the summer of 2014, wheat fields and agricultural land in Namar and Jasim were set alight as a result of mortar shelling by Government forces. Some residents who suffered the destruction of their harvest said the attacks had been punitive. In the course of the Government's campaign against ISIS, a bakery in Minbeij (Aleppo) was aerially bombarded on 18 October 2014.

264. Government forces instrumentalise the basic needs of civilians, including access to medical care and food, as part of a military strategy to erode civilian support in areas under non-State armed group control and punish those perceived to be affiliated with armed groups. By refusing to permit humanitarian delivery of medical supplies to the civilian population, the lives of women, men and children are put at grave risk. Civilians are indiscriminately targeted by a systematic policy to prevent access to medical assistance. The consistent denial of medical supplies by Syrian authorities is in stark violation of their obligations under Common Article 3 to the Geneva Conventions to care for the sick and wounded, which includes both the civilian population as well as those taking an active part in hostilities. The denial of medicine has no military justification and is used as part of a punitive strategy. Attacks on civilian objects, such as bakeries, are unlawful.

2. Non-State armed groups

Anti-Government armed groups

265. Since mid-2014, non-State armed groups have carried out an increased number of attacks against facilities necessary for the survival of the civilian population. Targeting the lifelines of communities under the control of, or perceived to be affiliated with the Government has emerged as a military tactic of some non-State armed groups, with dire humanitarian consequences for civilians. In Nubul and Zahra (Aleppo) armed groups controlling the access routes to the area prevent the supply of basic goods to the civilian population.

266. On 24 November 2014, armed groups attacked Ain Al-Fijeh, the source of fresh water for Damascus city, in retaliation for the Government offensive against their positions. An estimated five million people living in Damascus suffered shortages of water as a result, as water had to be re-routed from other localities to Damascus.

267. In Hama, armed group fighters burned wheat fields and olive groves in Al-Muzaira, targeting the Ismaili community perceived to be affiliated with the Government. Mortar fire indiscriminately fired by armed groups against Taldara set agricultural fields alight and destroyed what residents described to be 70% of their harvest. Armed group fighters continued to prevent farmers from accessing their land and harvest in Al-Ghab and around Al-Salamiyah by planting anti-personnel landmines and using sniper fire.

268. In As-Suweida, armed groups restricted farmer's access to their agricultural fields in Leben. This has had a significant impact on the ability of the local Druze community to access their livelihoods.

269. Non-State armed groups increasingly targeted the lifelines of civilians, including power stations, electricity installations, and agricultural land. By attacking, destroying or rendering useless objects indispensable to the survival of the civilian population, armed groups have violated their obligations under international humanitarian law and infringed upon the rights of civilians.

Islamic State of Iraq and Al-Sham (ISIS)

270. Prior to the assault on Ayn al-Arab (Kobane), ISIS fighters deliberately cut off water and electricity supplies to the town. During the ground attack, the group pillaged livestock and destroyed the property of Kurdish civilians. Civilians living in areas under ISIS control lack access to basic medical care due to the destruction or occupation of medical facilities and restrictions imposed on the professional activities of medical personnel, resulting in a lack of qualified doctors. Accounts describe ISIS attempts to recruit and train civilians to become nurses and doctors to fill this gap and abducting doctors for the same purpose.

271. ISIS fighters violated their obligations under international humanitarian law in cutting off the supplies and installations indispensable to the survival of the civilian population in to Ayn al-Arab (Kobane). Through deliberately looting and destroying the property of Kurdish civilians, ISIS fighters appeared to conduct their operations with the objective of ensuring that Kurdish civilians could not return to their homes. Such acts, amounting to forcible displacement, amount to grave violations of international humanitarian law and war crimes, incurring individual criminal responsibility. ISIS has also failed in its obligations to provide adequate medical care to the sick and wounded and to civilians under its control.

K. Arbitrary and forced displacement

1. Government forces

272. Over ten million Syrians, more than a third of the country's population, have been displaced from their homes, fleeing to areas of relative safety inside Syria or crossing its borders to live as refugees. Many of these have fled the indiscriminate disproportionate aerial bombardments and shelling by Government forces. Such mass displacements occurred in the eastern countryside of Aleppo governorate, eastern Ghouta (Rif Damascus), and in the area of Sheikh Maskin and Nawa in central Dara'a.

273. By causing such large-scale displacements as a result of its unlawful attacks, the Government has failed in its obligations under international human rights law to protect civilians from such displacement. It has also failed to comply with its duties under

customary international humanitarian law to take all possible measures to provide displaced civilians shelter, hygiene, health, safety and nutrition and to ensure that members of the same family are not separated.

2. Non-State armed groups

Islamic State of Iraq and Al-Sham (ISIS)

274. ISIS has systematically targeted sources of potential dissent, including through the forcible displacement of civilians living in its areas of control.

275. As ISIS solidified its control of large swathes of Dayr az Zawr governorate in the summer of 2014, it forced those perceived to be not in support of the armed group - or those who were connected, even tenuously, to persons supporting the Government or other armed groups - from their homes.

276. In mid-August 2014, shortly after seizing Mohassan, ISIS forced out a large family who had rented a house from an Alawite man perceived to be connected to the Syrian Government. In confiscating the property and driving the family out, ISIS fighters stated that the landlord was “kuffar” and “working for the regime”. Reportedly several others families were forcibly displaced by ISIS on the grounds that the owners were “infidels”. In early October 2014, ISIS expelled a family from its home in Al-Qouriyah days after the wife had given birth. The group displaced the family ostensibly because the husband was seen as being “moderate”.

277. In the displacements documented in Mo Hassan and Al-Qouriyah (Dayr az Zawr) and Slouk (Ar Raqqah), ISIS fighters confiscated the houses and provided them to its fighters and their families for their own use.

278. In July 2014, ISIS ordered Kurdish families from their homes in Slouk. The group then confiscated the property and gifted it to its foreign fighters and their relatives. One civilian was evicted from his apartment, which was then turned over to a Pakistani ISIS fighter. Other residents of Slouk suspected to be supportive of the Syrian Government, or who use to be officers in the civilian management were also reportedly forced from their homes by ISIS.

279. On 15 September 2014, ISIS launched a multi-front attack on the Ayn al-Arab (Kobane) region, a majority Kurdish enclave in northern Aleppo. Between 15 September and 5 October 2014, ISIS advanced quickly through the countryside, amidst heavy clashes with the YPG. By the first week of October, the group entered the city, seizing some of its outer neighbourhoods. During the ISIS advance, more than 200,000 Kurdish civilians fled, or were evacuated by YPG. While close to 400 villages were emptied, some civilians who were too old, too infirm or wished to protect their property, remained behind.

280. Some were executed while others were immediately ordered to leave their homes. ISIS also took some civilians by force to Tel Abyad (Ar Raqqah) where they were detained and beaten. On release, they were forced to leave the area. “You have to forget Kobane and your villages”, one ISIS fighter told an interviewee. A senior ISIS commander, when asked if one resident could return to his village to collect his livestock, responded “Why? Do you have your house here? Do you have your village here?You don’t belong here. By tomorrow not one of you will remain here or come back here.”

281. After ISIS took control, executing or forcibly displacing the few remaining residents, fighters systematically looted houses in rural Ayn al-Arab (Kobane), with goods and livestock transported to markets in Ar Raqqah governorate. ISIS fighters also killed livestock and set houses alight.

282. In early November 2014, ISIS expelled a family from its home in Al-Bab on the grounds that the father of the family was an activist working against ISIS. The man's wife and six children were forced to leave, with one fighter saying "this home is no longer their property but the property of the Islamic State". Other activists and their families were also reportedly ordered to vacate their homes by ISIS, with ISIS then confiscating their houses and property for its fighters' own use.

283. In the above incidents, there is no evidence to suggest that ISIS's order that civilians leave was justified by either the security of the civilians involved or by military necessity. Such conduct amounts to the war crime of forcible displacement.

284. Further, there is no evidence to suggest that the appropriation of property as described above was justified by military necessity and it is evident that the houses and any property within was then provided to foreign ISIS fighters and their families for their personal use. Consequently, there are reasonable grounds to believe that ISIS has committed the war crime of pillaging.

Annex III

Map of the Syrian Arab Republic

