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Situations relatives aux droits de l'homme qui requièrent l'attention du Conseil

Rapport de la Commission d'enquête internationale indépendante sur la République arabe syrienne*

Résumé

Le présent rapport est soumis au Conseil des droits de l'homme en application de la résolution S-17/1 du Conseil.

La violence en République arabe syrienne s'est enclenchée avec le mouvement d'agitation de mars 2011 avant de dégénérer en troubles internes puis en un conflit armé non international à partir de février 2012. Le comportement du nombre toujours croissant des acteurs se caractérise par un mépris total des normes du droit international. Dès le début, ce sont les civils qui ont supporté le gros des souffrances infligées par les parties belligérantes.

Depuis sa création, la Commission d'enquête n'a cessé d'appeler l'attention sur les atrocités commises dans tout le pays. Dans le présent rapport, elle brosse un tableau des tendances et caractéristiques majeures des violations des droits de l'homme et du droit humanitaire commises entre mars 2011 et janvier 2015, en se fondant sur plus de 3 556 entretiens avec des victimes et des témoins oculaires menés dans le pays ou en dehors à partir de septembre 2011.

En dressant dans son rapport le bilan des actions de la communauté internationale, et de son inaction, la Commission entend une fois de plus attirer l'attention sur la situation terrible que vit le peuple syrien faute d'une solution politique à ce conflit. La Commission y souligne la nécessité pour la communauté internationale d'engager d'urgence une action concertée et soutenue en vue de trouver une solution politique au conflit et mettre ainsi fin aux violations graves des droits de l'homme et briser le cycle infernal de l'impunité.

* Les annexes au présent rapport sont distribuées telles qu'elles ont été reçues, dans la langue originale uniquement.

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I. Introduction

1. La violence en République arabe syrienne s'est enclenchée avec le mouvement d'agitation de mars 2011 avant de dégénérer en troubles internes puis en un conflit armé non international à partir de février 2012. Le comportement du nombre toujours croissant d'acteurs se caractérise par un mépris total des normes du droit international.
2. Dès le début, ce sont les civils qui ont supporté le gros des souffrances infligées par les parties belligérantes. Des centaines de milliers de Syriens ont été tués. La moitié des Syriens ont dû fuir leur foyer, devenant ainsi des déplacés à l'intérieur du pays ou des réfugiés. Les opérations humanitaires en cours ne sont pas à la hauteur des besoins. L'accès à de nombreuses personnes est difficile et leur assurer la protection de base essentielle est pratiquement impossible.
3. Depuis sa création, la Commission d'enquête¹ n'a cessé d'appeler l'attention sur les atrocités commises dans tout le pays. Dans le présent rapport, elle brosse un tableau des tendances et caractéristiques majeures des violations des droits de l'homme et du droit humanitaire commises entre mars 2011 et janvier 2015, en se fondant sur plus de 3 556 entretiens avec des victimes et des témoins oculaires menés dans le pays ou en dehors à partir de septembre 2011.
4. Eu égard au refus du Gouvernement syrien de l'autoriser à se rendre en République arabe syrienne, la Commission s'est appuyée pour l'essentiel sur des témoignages de première main pour corroborer ses constatations. Ses conclusions reposent sur l'analyse de photographies, d'enregistrements vidéo, d'images satellite et de dossiers médico-légaux. La correspondance échangée entre la Mission permanente de la République arabe syrienne et la Commission figure en annexe au présent rapport (voir annexe I).
5. La Commission présente ses constatations sur les violations du droit international commises en République arabe syrienne entre le 15 juillet 2014 et le 15 janvier 2015 (voir annexe II). Les constatations juridiques et factuelles dégagées reposent sur 380 entretiens menés dans la région et à partir de Genève. Elles devraient être lues en parallèle avec les précédents rapports de la Commission². Les règles de preuve utilisées dans les précédents rapports restent applicables.

II. Protection des victimes

A. De l'agitation à la guerre

1. Forces gouvernementales

6. Les types de violations commises dès le début du mouvement d'agitation en 2011 perdurent, ce qui fait ressortir l'impunité dans laquelle le Gouvernement continue d'agir.
7. Les forces gouvernementales ont ouvert le feu sur les manifestants quand un mouvement de protestation a éclaté dans la ville de Deraa en mars 2011. Pour faire face à la propagation de ce mouvement au reste du pays, le Gouvernement eu recours à la violence et, souvent, à la force meurtrière. Le Gouvernement a affirmé que des manifestants avaient ouvert le feu sur ses forces de sécurité et fourni une liste d'agents de ces forces qui auraient été tués durant ces protestations.

¹ La Commission a pour membres Paulo Sérgio Pinheiro (Président), Karen Koning AbuZayd, Vitit Muntarbhorn et 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 et A/HRC/27/60.

8. Cette agitation ayant dégénéré en violence armée à la fin de 2011, le Gouvernement a intensifié ses attaques terrestres contre les localités insurgées. Durant les premières de ces attaques terrestres, les forces gouvernementales³ ont tué ou torturé des civils résidant dans ces localités ainsi que des individus armés qu'elles avaient capturés. En 2012, alors que le pays dérivait vers la guerre civile, les forces gouvernementales ont commis un certain nombre de massacres de civils au cours d'assauts terrestres.

9. À la fin de 2012, les forces gouvernementales avaient changé de tactique et ne lançaient plus que rarement des attaques terrestres, du fait apparemment que ces attaques donnaient aux fantassins, dans leur majorité de confession sunnite, la possibilité de désertir et que la capacité des groupes armés à attaquer les unités gouvernementales s'était accrue.

10. Les modalités des attaques menées par les forces gouvernementales sur les localités insurgées sont pourtant demeurées inchangées, à savoir: a) encercler la zone, y compris en établissant des postes de contrôle à tous les points d'accès; b) imposer un siège, y compris en empêchant l'acheminement des vivres et des médicaments, parfois aussi de l'eau et de l'électricité, dans la localité ou la zone; c) soumettre la zone assiégée à un pilonnage et à des frappes aériennes; d) arrêter et, souvent, faire disparaître des personnes blessés tentant de quitter la zone assiégée pour recevoir des soins médicaux qui n'y sont plus disponibles et les personnes tentant de forcer le siège, en général pour introduire des produits alimentaires et des médicaments. Nombre de victimes ont qualifié cette stratégie du Gouvernement de «tanchif al bahr», c'est-à-dire d'assèchement de la mer pour tuer le poisson.

11. Le Gouvernement a suivi cette stratégie avec une certaine cohérence ces quatre dernières années. Les sièges imposés par le Gouvernement se sont faits plus longs, et donc plus pénibles. Le premier siège, celui de Deraa, a débuté fin avril 2011 et duré moins de deux mois. Le siège de Homs a commencé à la mi-2011 et n'a été levé qu'après la chute de la ville, en mai 2014. Les résidents du camp de Yarmouk, dans la ville de Damas, sont assiégés depuis mai 2013. Il convient de souligner que la stratégie d'assiègement dite «la reddition ou la mort» mise en œuvre par le Gouvernement a causé le décès de nourrissons.

12. En 2011 et 2012, les forces gouvernementales ont procédé à des arrestations en masse dans différents contextes, y compris lors de perquisitions. En 2013, la plupart des arrestations avaient lieu aux postes de contrôle. Ces arrestations, qui ciblaient les hommes de 15 à 60 ans, étaient souvent arbitraires et s'accompagnaient de mauvais traitements et de torture, voire de disparitions⁴. En 2014, les Syriens ne reculaient devant rien pour éviter les postes de contrôle.

13. Les forces gouvernementales ont procédé à des pilonnages et à des frappes aériennes sans distinction, comme l'atteste le large éventail des armes utilisées. Au début des hostilités, elles ont tiré des obus d'artillerie et de mortier et des roquettes sur des zones insurgées, parfois assiégées. À la mi-2012 l'usage de bombes à sous-munitions, de bombes thermobariques et de missiles, souvent contre des objectifs civils, tels qu'écoles et hôpitaux, a été documenté. Les forces gouvernementales ont de plus employé des armes incendiaires.

14. L'usage de barils d'explosifs a été signalé pour la première fois en août 2012, dans la ville de Homs, mais ce n'est qu'à la mi-2013 que les forces gouvernementales ont lancé une intense campagne de largage aérien de barils d'explosifs sur la ville et le gouvernorat d'Alep⁵. En 2013 et en 2014 et depuis le début de 2015, le Gouvernement a eu amplement

³ Sauf indication contraire, on entend par «forces gouvernementales» les forces armées syriennes, les services de renseignement et les milices étrangères et locales qui leur sont associées, dont le Hezbollah, les chabbiha, les comités populaires et les forces de défense nationales.

⁴ A/HRC/25/65, annexe IV.

⁵ Ibid., annexe VI.

recours à ce type de bombe. Ces engins explosifs improvisés, qui ont fait des milliers de victimes civiles, sont largués régulièrement sur des lieux où se trouve beaucoup de monde, tels que files devant les boulangeries, nœuds de transport, immeubles résidentiels et marchés. Des points de distribution de l'aide ont aussi été ciblés.

15. En avril 2014, les forces gouvernementales ont largué des barils d'explosifs contenant des agents chimiques, sans doute du chlore, sur des localités des gouvernorats d'Idlib et de Hama. Ce premier usage d'armes chimiques par une partie belligérante déterminée a été signalé sans que cela induise d'action plus vigoureuse visant à mettre fin au conflit.

16. Tout au long de ces violences en République arabe syrienne, les forces gouvernementales se sont appuyées sur des groupes paramilitaires et des milices, les chabbiha. initialement. et la Force de défense nationale. à présent. Elles ont bénéficié de l'intervention de combattants étrangers, dont des membres du Hezbollah et de milices chiites irakiennes.

2. Groupes armés non étatiques

a) Groupes armés antigouvernementaux

17. Après les affrontements armés de Jisr Ash-Shugur (Idlib) en juin 2011, des groupes armés organisés rassemblant des déserteurs et des combattants locaux se sont constitués à Homs, Idlib et Damas-Campagne.

18. Des déserteurs se sont organisés au sein de l'Armée syrienne libre (ASL). Des groupes armés toujours plus organisés se sont réclamés de l'ASL, sans qu'il soit possible de déterminer clairement si le commandement de l'ASL, basé en Turquie, exerçait une direction et un contrôle effectifs sur ces forces terrestres. Après 2012, des centaines de groupes de taille diverse sont apparus. La multiplicité des acteurs a exacerbé la violence et mis encore plus en danger la vie des civils.

19. Le Gouvernement s'est concentré sur les centres urbains et les lignes de communication névralgiques, tandis l'opposition armée gagnait du terrain dans les zones rurales des gouvernorats insurgés. Sa présence dans des zones civiles et ses premières attaques contre des postes de contrôle isolés et des convois militaires ont suscité des attaques d'une violence accrue de la part des forces gouvernementales.

20. Des groupes armés, opérant alors sous la bannière de l'ASL, ont torturé et exécuté des personnes soupçonnées d'être des agents de l'État, des chabbiha ou des collaborateurs du régime. Durant l'assaut des forces gouvernementales contre la ville de Homs, en février 2012, des groupes armés ont tué des soldats capturés.

21. Lorsque la violence armée a dégénéré en guerre civile, à partir de février 2012, des groupes armés ont continué d'attaquer des quartiers et des zones tenus par les forces gouvernementales. Les quartiers de Jaramana et Bab Tuma, à Damas, ont été pendant plus de deux ans bombardés sans distinction par des groupes armés antigouvernementaux. Ces attaques illégales se poursuivent à ce jour.

22. Des groupes armés ont continué à prendre des otages pour imposer des échanges de prisonniers ou obtenir une rançon. Certains groupes retiennent longtemps leurs otages, comme c'est actuellement le cas de femmes et d'enfants toujours en captivité depuis leur enlèvement à l'est de Lattaquié en août 2013. Presque tous les otages sont des civils appartenant à des communautés ou vivant dans des zones favorables au Gouvernement.

23. Des groupes armés antigouvernementaux ont eux aussi assiégé des villes ou des villages, mais en général plus brièvement et dans un nombre de cas bien moindre que le camp gouvernemental. Depuis que ces groupes armés ont pris le contrôle des zones rurales au nord d'Alep, en juillet 2012, ils assiègent deux enclaves chiites, Nubul et Zahra.

24. Les premiers combattants étrangers, des Libyens pour la plupart, sont arrivés en République arabe syrienne en 2011. La présence d'éléments ultraradicaux est attesté par les nombreux attentats suicides qui au début, en 2011 et 2012, visaient les services de sécurité de l'État.

25. Les groupes armés antigouvernementaux les plus radicaux, en particulier le Front el-Nosra, ont prospéré avec la poursuite du conflit, en raison surtout de leur efficacité opérationnelle et de la stabilité de leur moyens financiers, attirant ainsi des combattants d'autres groupes.

26. En 2014, des groupes terroristes ont commis des attentats suicide et à la voiture piégée dans les gouvernorats de Homs et de Hama. Contrairement aux attentats de 2011 et de 2012, dont la plupart visaient des objectifs militaires, ceux de 2013 et de 2014 ciblaient des civils.

27. Vers la fin 2014, les attaques terrestres contre des villages peuplés de groupes minoritaires considérés progouvernementaux se sont faites plus nombreuses.

28. Après la reconquête de Qousseir (Homs) par les forces gouvernementales avec l'aide du Hezbollah, en juin 2013, les groupes armés antigouvernementaux ont commencé à s'essouffler. Ils ont continué de perdre du terrain par la suite, faute d'un appui régulier et cohérent et du fait d'un manque d'unité et de cohésion et de l'accentuation des luttes intestines, en particulier après l'émergence du groupe dit «État islamique d'Iraq et du Levant (EIIL), en avril 2013⁶.

i) *Front el-Nosra*

29. L'affiliation du Front el-Nosra à Al-Qaida en Iraq a été annoncée en janvier 2012. Grâce à son efficacité tactique et à ses solides moyens logistiques, le Front el-Nosra a rapidement supplanté les autres groupes armés antigouvernementaux, ralliant toujours plus le soutien d'extrémistes et de combattants étrangers.

30. Le Front el-Nosra a eu largement recours à des attentats à la voiture piégée et à des attentats suicides contre des objectifs militaires, tels que les forces armées et les forces de sécurité, mais il a aussi fait exploser des bombes dans des zones civiles, en particulier dans la ville de Homs en 2014. Il a en outre mené des attaques terrestres contre des localités civiles. De concert avec d'autres groupes armés, il a participé à des massacres de civils dans les gouvernorats de Damas-Campagne, en décembre 2013, et de Hama, le 24 décembre 2013 et le 9 février 2014.

31. En avril 2013, les dirigeants du Front el-Nosra ont refusé de fusionner avec l'EIIL. Au bout de mois d'affrontements violents, en juillet 2014 le Front el-Nosra a été évincé de ses bastions de Deir ez-Zor, perdant de vastes ressources pétrolières et le soutien des tribus.

32. Le Front el-Nosra a pour l'essentiel continué de collaborer avec les autres groupes armés, mais dans le gouvernorat d'Idlib cette filiale d'Al-Qaida a récemment attaqué plusieurs factions armées soutenues par les Occidentaux et s'est emparé de leur matériel, de leurs combattants et de leur territoire.

ii) *État islamique d'Iraq et du Levant*

33. En avril 2013, après la rupture de son alliance avec le Front el-Nosra, l'EIIL s'est transformé en une force armée dominante bien organisée contrôlant un vaste territoire en République arabe syrienne et en Iraq et menaçant ainsi grandement la paix et la stabilité.

⁶ Dénomination également traduite par «État islamique d'Iraq et du Cham» (EIIC).

34. En 2014, le conflit a été marqué par l'ascension et l'expansion rapides de l'EIIL, qui s'est emparé de vastes territoires du nord-est de la République arabe syrienne. Il a récemment effectué des incursions dans les gouvernorats de Hama et de Homs. En juin 2014, l'EIIL s'est autoproclamé «califat».

35. Ce groupe terroriste a pris le contrôle de ressources économiques considérables, ce qui lui assure une source stable de financement. Il s'est assuré des soutiens loyaux au sein des communautés locales des zones sous son contrôle en recourant à des tactiques destinées à terroriser la population civile et en fournissant des services de base.

36. L'EIIL a institué un système administratif strict et rigoureux, qui a pour composantes la police des mœurs (hisbah), la force de police générale, les tribunaux et des organismes en charge du recrutement, des relations tribales et de l'éducation⁷.

37. L'EIIL inflige des peines sévères aux personnes qui contreviennent à ses règles ou refusent de reconnaître son régime autoproclamé, comme l'attestent les centaines d'exécutions publiques de personnes, principalement des hommes, dont le corps sont ensuite exposés, afin de terroriser la population civile vivant sous son contrôle et à de la forcer à se soumettre. L'EIIL a aussi fait procéder en public à l'amputation de voleurs ou la flagellation de personnes ayant fumé ou n'ayant pas fermé leur commerce aux heures de prière.

38. L'EIIL a exécuté des combattants d'autres groupes armés et des soldats capturés. Il a aussi tué des civils lors d'attaques, dont celles contre les gisements gaziers d'Al-Shaar (Homs), en juillet, et des villages de la tribu Sheitat (Deir ez-Zor), en août 2014.

39. Quand l'EIIL investit des zones peuplées de membres de certaines communautés ethniques et religieuses, il les force à se convertir à l'islam ou à fuir. Dès juillet 2013, il a déplacé de force des Kurdes établis dans certaines localités du gouvernorat de Raqqa. Tout récemment, en novembre 2014, il a chassé les Kurdes qui vivaient à Al Bab (Alep). Il a détruit des églises chrétiennes et des lieux de culte chiites dans les zones sous son contrôle.

iii) *Unités de protection populaires*

40. À la mi-2012, face à la montée en puissance de certains groupes armés dans l'ouest et le sud de la République arabe syrienne, le Gouvernement a retiré ses forces des zones à majorité kurde pour les redéployer là où elles étaient le plus nécessaire. Les Unités de protection populaires ont pris le contrôle de ces zones.

41. En janvier 2014, les Unités de protection populaires ont établi un système d'administration dans les régions kurdes du nord de la Syrie. Elles ont engagé des hostilités contre les forces gouvernementales, des groupes armés antigouvernementaux et l'EIIL pour défendre les zones sous leur contrôle. Avec le soutien de frappes aériennes de la coalition internationale, ces unités ont récemment repris le contrôle d'Aïn al-Arab (Kobané).

42. Les Unités de protection populaires ont enrôlé des enfants, garçons et filles, pour les utiliser dans des hostilités. Les Unités ont adressée à la Commission une lettre datée du 30 septembre 2013 dans laquelle elles indiquent avoir pour politique de ne pas utiliser d'enfants de moins de 18 ans. Des combattants mineurs ont pourtant participé à des opérations militaires des Unités contre l'EIIL à Aïn al-Arab (Kobané) en septembre et octobre 2014.

⁷ Voir A/HRC/27/CRP.3, par. 16.

b) Auteurs non identifiés

43. Au long du conflit, certaines attaques n'ayant aucun objectif militaire ou stratégique manifeste, si ce n'est de terroriser, la population civile n'ont été revendiquées par aucun camp, notamment les attaques à l'arme chimique dans la Ghouta (Damas-Campagne), le 21 août 2013, et contre Khan Al-Assal (Alep), le 19 mars 2013.

44. Dans la Ghouta, de grosses quantités de sarin ont été utilisées lors d'une attaque bien planifiée contre des zones habitées par des civils, faisant un très grand nombre de victimes. Il ressort des éléments de preuve disponibles quant à la nature, la qualité et la quantité des agents utilisés le 21 août, que les auteurs de l'attaque avaient probablement accès aux stocks d'armes chimiques de l'armée syrienne, ainsi que les compétences et le matériel nécessaires pour manipuler sans risques de grandes quantités d'agents chimiques. Les agents chimiques utilisés à Khan Al-Assal présentaient les mêmes caractéristiques que ceux utilisés dans la Ghouta. Des allégations faisant état de l'usage d'armes chimiques à bien moindre échelle ont également été consignées. Le niveau de preuve requis par la Commission n'a pas été atteint s'agissant d'identifier les auteurs de ces incidents.

45. Dans de très nombreux cas d'emploi d'engins explosifs artisanaux, tant dans des zones sous contrôle des forces gouvernementales que dans des zones tenues par des groupes armés, il n'a pas été possible d'identifier le camp responsable.

46. Des cas d'enlèvement et de disparition n'ayant donné lieu ni à une demande de rançon ni à une revendication ont aussi été signalés. En décembre 2013, quatre militants des droits de l'homme ont été enlevés à leur bureau de Douma (Damas-Campagne). On ignore encore le sort qui leur a été réservé et l'endroit où ils se trouvent.

B. Conséquences du défaut de protection des civils par l'État

47. Les conséquences humaines du conflit en cours en République arabe syrienne sont incommensurables. L'État syrien n'a manifestement pas protégé ses citoyens contre des atrocités massives. Des crimes de guerre et des crimes contre l'humanité ont été commis à grande échelle. De nombreux Syriens ont souffert de multiples violations de leurs droits et d'agressions par différents acteurs. Les souffrances humaines ont cru au fur et à mesure de l'escalade du conflit.

1. Civils

48. Des civils et des personnes hors de combat, en particulier des hommes en âge de combattre, ont été les principales victimes des violences depuis le début de l'agitation en République arabe syrienne, en mars 2011. Des femmes et des enfants aussi ont été visés. Des hommes et des femmes qui voulaient secourir des blessés ou des personnes ayant besoin d'aide humanitaire ont été arrêtés, détenus, torturés ou tués pour «collaboration» avec l'opposition armée.

49. Les forces gouvernementales ont mené des attaques contre la population civile, au cours desquelles elles ont pilonné et bombardé de nombreuses localités habitées par des civils et arrêté et placé en détention ou fait disparaître des civils suspectés d'appartenir à l'opposition au régime ou d'y être associés. La coordination et la participation active des institutions gouvernementales montrent que ces attaques participent d'une politique d'État. Pendant ces attaques généralisées contre la population civile, les forces gouvernementales ont commis des meurtres, des viols et des actes de torture et de disparition forcée.

50. Là où les lignes de front se sont figées, le Gouvernement a recouru à une stratégie de contrôle de la population combinant des sièges de longue durée et des bombardements aériens et terrestres continus. Les civils sont visés sur la base de leur opposition présumée

au régime. Le simple fait de vivre dans certains quartiers ou d'en être originaire fait de quiconque une cible. En octobre 2013, lors d'une campagne militaire particulièrement brutale, le Gouvernement a intensifié ses attaques généralisées et systématiques contre la population civile d'Alep, afin de la punir et de la terroriser pour avoir soutenu ou accueilli des groupes armés, apparemment dans le cadre d'une stratégie visant à amoindrir le soutien populaire dont jouissent ces groupes. Les forces gouvernementales suivent actuellement une stratégie semblable à Raqqa, au mépris total de la distinction entre objets civils et objets militaires.

51. Des groupes armés antigouvernementaux ont ciblé délibérément des localités civiles à titre de représailles contre des opérations gouvernementales ou parce que leur population était perçue comme favorable au régime. Des groupes armés non étatiques ont attaqué des groupes minoritaires considérés loyaux au régime ou comme bénéficiant de son soutien.

52. Depuis son arrivée au premier plan, en avril 2013, l'EIIL a commis des actes de violence contre la population civile sous son contrôle dans les gouvernorats de Raqqa, de Deir-ez-Zor et de Hasakah, ainsi que dans le nord-est du gouvernorat d'Alep. Le groupe structuré qu'est l'EIIL dirige et organise ces violences contre les civils dans le cadre d'une politique planifiée. Au cours de ces opérations, l'EIIL a procédé à des exécutions publiques pour terroriser la population civile et l'amener à se soumettre à son autorité.

53. Toutes les parties au conflit continuent de restreindre et d'entraver arbitrairement la distribution d'aide, ce qui a des conséquences dévastatrices pour les civils dans les zones difficiles à atteindre. L'aide humanitaire a été instrumentalisée à des fins militaires. Les entraves bureaucratiques imposées par le Gouvernement de la République arabe syrienne relèvent d'une obstruction calculée à la fourniture d'une aide aux civils vivant dans les zones sous contrôle de groupes armés non étatiques. Les conditions que des groupes armés imposent à la distribution d'aide humanitaire font de la souffrance des civils un instrument de représailles.

2. Hommes en âge de combattre

54. Depuis mars 2011, les hommes considérés en âge de combattre, mineurs compris, sont la cible d'attaques militaires, de bombardements et de tireurs embusqués, et il sont arrêtés, détenus ou recrutés pour participer aux hostilités. Au fur et à mesure de l'escalade du conflit, les hommes en âge de combattre sont devenus les principales cibles des violences. Les analyses de données relatives aux personnes tuées en République arabe syrienne, commandées par le Haut-Commissariat des Nations Unies aux droits de l'homme, font apparaître que quelque 85,1 % des victimes documentées sont des hommes.

55. Les forces gouvernementales ont mené des campagnes d'arrestations en masse ayant abouti à la disparition forcée d'hommes en âge de combattre dans les zones tombées sous leur contrôle, ainsi que d'hommes résidant dans des zones tenues par le régime ou s'y rendant. Souvent les familles ont trop peur pour s'enquérir du sort de leurs proches auprès des autorités⁸. Des personnes s'étant renseignées ont essuyé un refus des autorités de fournir des informations sur le sort du disparu ou ont été contraintes de verser une grosse somme pour savoir ce que leur proche était devenu. Beaucoup des hommes détenus ont été soumis à des violences sexuelles visant à les punir, à les humilier et à les dégrader.

56. Les victimes des exécutions publiques auxquelles procède l'EIIL sont en général des hommes ou des garçons accusés d'être affiliés à d'autres groupes armés ou d'avoir enfreint les règles édictées par l'EIIL. Des soldats gouvernementaux capturés et hors de combat ont été exécutés en masse. De jeunes garçons font office de bourreaux, sont formés pour commettre des attentats suicides ou sont envoyés dans des zones de combat.

⁸ A/HRC/25/65, par. 48.

57. Les hommes et les garçons courent constamment le risque d'être pris pour cible ou instrumentalisés par les parties au conflit. Tant les forces gouvernementales que l'EIIL et les Unités de protection populaires s'emploient à recruter des jeunes hommes. Des mineurs ont été enrôlés et utilisés par toutes les parties au conflit, parfois systématiquement.

58. Aucune des parties au conflit n'assure la protection due aux civils aux hommes en âge de combattre. Les informations recueillies font apparaître que dans le conflit syrien les musulmans sunnites sont surreprésentés parmi les victimes de violations, qu'elles soient le fait des forces gouvernementales ou de l'EIIL.

3. Femmes et filles

59. Les quatre années de conflit ont bouleversé radicalement la vie des Syriennes. Le nombre des ménages ayant une femme pour soutien de famille a connu une spectaculaire hausse en Syrie, du fait que beaucoup des hommes du pays ont été tués, ont disparu ou ont renoncé à se déplacer dans la peur d'une arrestation à un point de contrôle. Faute d'être accompagnées par un homme, les femmes et les filles risquent d'être arrêtées ou enlevées par les forces gouvernementales ou les groupes armés antigouvernementaux et sont vulnérables aux atteintes physiques. Dans les gouvernorats de Alep, Hama, Homs et Deraa, des femmes ont dit avoir été poussées à fuir de chez elles par peur de violences sexuelles.

60. Des enquêtes ciblées, menées en coopération avec de vastes réseaux sociaux et médicaux, ont permis de documenter un nombre croissant de cas de violences sexuelles. Des femmes et des filles ont été violées et agressées sexuellement dans des lieux de détention gouvernementaux, en particulier les locaux des services d'enquête de la Direction des renseignements militaires et les prisons administrées par la Direction générale de la sécurité à Damas. Des agents de l'État ont commis le crime contre l'humanité qu'est le viol.

61. De nombreuses victimes de violences sexuelles ou sexistes ont parlé dès leur remise en liberté, mais d'autres ont n'ont relaté qu'au bout d'un certain temps les violences qu'elles avaient subies dans le secret et passées sous silence parce que frappées de tabou. Sous-signalment et signalment tardif des violences sexuelles demeurent endémiques. L'établissement immédiat de constatations médicales est rare, d'autant plus que c'est dans le contexte d'une détention que la plupart des violences sexuelles sont commises et que les personnes détenues se voient refuser tous soins médicaux. Un bon nombre des femmes interrogées avaient fui et cherché refuge dans un État voisin. Elles avaient désespérément besoin d'un soutien psychosocial, essentiel dans le cas des victimes de violences sexuelles.

62. Le défaut d'accès aux soins médicaux a nui à la santé prénatale et postnatale des femmes et à celle de leurs enfants. Des femmes sur le point d'accoucher n'ont pas été autorisées à franchir des points de contrôle gouvernementaux et ont parfois été obligées d'accoucher dans des circonstances dangereuses. Dans des zones assiégées, des femmes ont dû accoucher dans des conditions d'hygiène déplorables et sans analgésiques.

63. Des groupes armés, dont Ahrar Al-Sham et le Front el-Nosra, ont pris des femmes et des enfants en otage en fonction de leur sexe pour les utiliser dans des échanges de prisonniers. Des femmes yazidis enlevées en Iraq ont été conduites en République arabe syrienne et vendues (puis revendues) sur des marchés ou données à des combattants de l'EIIL comme prise de guerre. Réduites à l'esclavage, elles sont soumises régulièrement à d'effroyables violences sexuelles. Les femmes et les filles habitant dans des zones sous contrôle de l'EIIL vivent dans la crainte d'un mariage forcé à un de ses combattants.

64. L'EIIL impose une interprétation stricte de la charia sans précédent en République arabe syrienne en édictant des règles relatives à tous les aspects de la vie, allant de la manière de s'habiller jusqu'aux déplacements, à la profession et à l'observance religieuse, ce qui a restreint les libertés fondamentales, des femmes en particulier. Les femmes et les filles âgées de plus de 10 ans doivent être totalement couvertes lorsqu'elles

s'aventurent dehors. Elles ne sont pas autorisées à être en compagnie d'hommes, hormis ceux de leur famille immédiate. L'inobservance de ces règles est punie par des coups de fouet. Les châtiments peuvent être administrés par la police des mœurs (hisbah), mais relèvent toujours plus de la responsabilité de la brigade Al-Khans'aa, entièrement féminine. L'EIIL a exécuté des femmes, ainsi que des hommes, pour adultère. Des cas de lapidation à mort de femmes ont été signalés. De telles manifestations publiques de brutalité servent à dissuader par la peur les femmes de ne pas se conformer aux règles édictées par l'EIIL.

4. Enfants

65. La Commission a été témoin de la détérioration de la situation des droits de l'enfant en République arabe syrienne. Des enfants ont été tués, blessés et mutilés, en conséquence directe de la violence aveugle des forces gouvernementales. Des enfants ont été déplacés, ont perdu des proches ou ont été traumatisés par la vue d'actes de violence.

66. Depuis 2011, les services de renseignement et de sécurité arrêtent de jeunes enfants. Détenus dans les mêmes cellules que les adultes, les enfants sont exposés aux violences sexuelles et subissent les mêmes mauvais traitements et actes de torture que les détenus adultes. En détention, des enfants ont été témoin d'actes de torture et de morts violentes.

67. Lorsque les troubles ont dégénéré en conflit armé, les forces gouvernementales ont commencé à utiliser des enfants dans le cadre d'opérations militaires coordonnées pour localiser des combattants de groupes armés avant une attaque ou servir d'informateurs, les exposant ainsi à des représailles et à des châtiments.

68. La forte régression observée dans le domaine de l'éducation des enfants suite à la destruction de quelque 5 000 écoles en République arabe syrienne demeure un des plus graves sujets de préoccupation des personnes interrogées. Les forces gouvernementales attaquent des écoles dans le cadre de leurs opérations militaires. Selon le Fonds des Nations Unies pour l'enfance, 160 enfants ont été tués lors d'attaques contre des écoles en 2014. Les forces armées régulières ont en outre utilisé des écoles à des fins militaires, privant ainsi les enfants d'éducation et exposant les établissements d'enseignement aux attaques.

69. Certains enfants déplacés ou ayant cherché refuge dans un des États voisins ne vont plus à l'école depuis deux ou trois ans, ce qui accentue le risque de radicalisation chez les adolescents. Des groupes armés ont exploité des enfants déplacés et coupés de leur communauté. Des enfants ont été recrutés, formés et impliqués activement dans des combats. Les médecins travaillant dans les hôpitaux de campagne soignent régulièrement des mineurs blessés au combat. L'utilisation d'écoles par des groupes armés à des fins militaires a mis des enfants en danger, certains étant blessés et d'autres tués. Des groupes armés antigouvernementaux ont systématiquement ciblés des écoles et des cours d'écoles, tuant, blessant et mutilant des enfants.

70. L'EIIL a instrumentalisé et maltraité des enfants à une échelle sans précédent dans le conflit syrien. Dans les zones tombées sous son contrôle, il a établi des «camps de louveteaux» où les enfants sont formés au maniement des armes et à la réalisation d'un attentat suicide à la bombe. Des mineurs figuraient dans les rangs des forces de l'EIIL lancées à l'assaut d'Aïn al-Arab (Kobané) en septembre et octobre 2014. L'EIIL s'est employé délibérément à endoctriner et à utiliser des enfants et a utilisé des écoles à des fins militaires, mettant ainsi les enfants en danger et les privant d'accès à l'éducation.

71. Les Unités de protection populaires ont enlevé des enfants et ont admis des enfants dans leurs rangs. Au mépris de leur engagement international, elles ont impliqué activement des enfants dans des hostilités.

72. Plus de la moitié des enfants syriens d'âge scolaire, soit près de 2,4 millions, sont déscolarisés suite à l'occupation, à la destruction ou à l'insécurité des écoles. Le nombre d'enfants recrutés pour combattre s'accroît et la vulnérabilité et le manque de protection actuels des enfants en République arabe syrienne auront des conséquences durables.

5. Détenus

73. La Commission a recueilli de nombreux récits faisant état d'actes de torture et de décès en détention dans les prisons gouvernementales en République arabe syrienne entre sur la période de mars 2011 à janvier 2015; ces récits corroborent le constat auquel elle est parvenue comme quoi ont été commis des crimes contre l'humanité sous forme d'actes de torture et de meurtres. Il a été établi qu'à Damas le recours à la torture était généralisé et systématique dans les locaux de plusieurs institutions, dont: les sections 215, 235 (aussi dite section Palestine) et 227 de la Sécurité militaire; la Section de Damas de la Sécurité politique; les sections du Service de renseignement des Forces aériennes de Harasta et de l'aéroport militaire de Mezzeh; l'hôpital militaire de Harasta; la prison de Sednaya. Les blessures constatées sur les victimes concordaient avec leurs récits de tortures graves infligées comme méthode d'interrogatoire ou comme tactique pour dégrader et humilier. Le viol et autres violences sexuelles faisaient aussi partie des actes de torture. Les conditions de détention se caractérisaient par un manque de nourriture, d'eau, d'espace, de sommeil, d'hygiène et de soins médicaux, ainsi que par la privation de médicaments vitaux. Souvent, les détenus devaient se déshabiller à leur arrivée et restaient longtemps en sous-vêtements. Les informations recueillies dénotent l'existence d'une politique d'État mise en œuvre dans les différents gouvernorats.

74. De multiples sources font état de décès en détention dans les locaux de la Section du Service de renseignement des forces aériennes de l'aéroport militaire de Mezzeh, des Sections 215 et 235 de la Sécurité militaire et de la prison de Sednaya. Les familles qui demandaient des informations sur leurs proches détenus étaient souvent orientées vers le bureau de la police militaire du quartier Al-Qaboun, puis vers l'hôpital militaire Tichreen. Dans la plupart des cas les corps n'avaient pas été rendus. Les autorités de l'État ont établi des certificats de décès falsifiés, apparemment dans le souci de dissimuler la cause et le lieu du décès et d'éviter que l'usage de la torture ne puisse être établi officiellement. En maquillant les circonstances des décès pour occulter les violences contre les détenus, les autorités gouvernementales ont conforté un système de torture généralisée et systématique et d'homicides illégaux.

75. L'EIIL inflige des souffrances physiques ou mentales aiguës aux civils des zones sous son contrôle, notamment par l'administration en public de châtiments comme la flagellation ou l'amputation, dans le cadre d'une agression généralisée et systématique contre les civils. On a constaté une montée du recours à la torture et à d'autres traitements cruels, inhumains et dégradants contre les civils dans les gouvernorats de Raqqa, Deir ez-Zor et Alep. Des actes de torture ont aussi été infligés systématiquement à des combattants capturés de l'Armée syrienne libre et des Unités de protection populaires. Au cours d'interrogatoires dans des lieux de détention des gouvernorats de Raqqa et d'Alep, des combattants de l'EIIL ont frappé, notamment à coups de câble, et tué des détenus. Des personnes qui avaient été incarcérées dans des lieux de détention de l'EIIL du gouvernorat de Raqqa ont dit avoir été entassées dans des cellules surpeuplées infestées d'insectes. Les détenus ne recevaient pas assez de nourriture et il leur était interdit de communiquer avec quiconque à l'extérieur.

6. Blessés et malades

76. Le refus délibéré de soins aux personnes jugées hostiles a amplifié les souffrances humaines en République arabe syrienne. Dès les premiers jours d'agitation, les personnes blessées au cours d'une manifestation ont été empêchées d'accéder aux hôpitaux.

Avec l'escalade du conflit, beaucoup de civils blessés lors d'attaques aveugles et hors de proportion sont morts faute d'accès à des soins médicaux. Les forces de sécurité ont arrêté et placé en détention des blessés qui voulaient se faire soigner, au motif que les blessures par balle ou éclat d'obus prouvaient une participation aux activités de l'opposition. Sous de violentes menaces, des médecins et infirmiers ont été contraints, de refuser des soins. Des malades et des blessés ont été pris pour cible par des tireurs embusqués et lors d'attaques militaires contre des installations médicales. Le système de santé s'est militarisé à un tel point que de nombreuses personnes ayant besoin de soins médicaux renoncent à se rendre dans un hôpital par crainte d'arrestation, de détention, de torture ou de mort.

77. L'abandon de l'impartialité est un des traits saillants de ce conflit. Dans toute la République arabe syrienne, les forces gouvernementales ont refusé d'autoriser la livraison de médicaments essentiels et de fournitures chirurgicales, avec pour conséquence immédiate que les hôpitaux de campagne manquent d'articles essentiels et ne peuvent dispenser que des soins rudimentaires. En persistant dans leur politique de refus de soins médicaux au motif que des combattants blessés pourraient en bénéficier, les autorités gouvernementales agissent en violation directe de l'obligation leur incombant en vertu du droit international humanitaire de veiller à ce que les blessés et les malades soient recueillis et soignés et d'assurer le passage rapide et sans entrave de l'aide humanitaire.

7. Personnes handicapées

78. Le nombre de personnes handicapées des suites de blessures par explosifs est en augmentation, surtout dans les zones urbaines densément peuplées. De nombreuses personnes ont été blessées et mutilées suite au recours accru par toutes les parties au conflit à des mines terrestres et à des engins explosifs artisanaux. Les armes qu'emploient les forces gouvernementales, en particulier les barils d'explosifs, causent des blessures graves, y compris la perte de membres et des lésions profondes par éclat d'obus. De nombreuses personnes blessées lors d'attaque au baril d'explosifs sont mutilées.

79. De nombreux témoins interrogés ont dit souffrir de blessures, d'un trouble ou d'une maladie chronique. Le problème de santé de la plupart d'entre eux résultait directement du conflit. Les personnes handicapées vivent des épreuves particulières. Le conflit a restreint fortement leur accès à des services adéquats. Selon des sources documentées, en septembre 2014 des personnes qui présentaient un handicap mental ou physique ont été tuées au cours des combats à Aïn al-Arab (Kobané) ou n'ont pu les fuir.

8. Membres du corps médical et travailleurs humanitaires

80. L'effondrement du système de santé public syrien au cours des quatre dernières années a été accéléré par la perte de personnel médical. Des ambulanciers, des infirmiers, des médecins et des bénévoles médicaux ont été attaqués, arrêtés et détenus illégalement; certains ont disparu. Les lois antiterroristes entrées en vigueur le 2 juillet 2012 incriminent expressément la fourniture de toute aide médicale à l'opposition. Les lois 19, 20 et 21 sont contraires à la règle du droit international humanitaire coutumier selon laquelle «nul ne sera puni pour avoir exercé une activité de caractère médical conforme à la déontologie, quels qu'aient été [...] les bénéficiaires de cette activité»⁹. Le système de santé a ainsi gravement souffert au cours des opérations militaires menées par les forces gouvernementales, ainsi que du fait de la campagne délibérée et systématique de persécution des membres du corps médical qui dispensent des soins à toute personne perçue comme opposée au régime.

⁹ Protocoles additionnels I (art. 16 1)) et II (art. 10 1)) aux Conventions de Genève du 12 août 1949.

81. Les hôpitaux et les installations médicales ont été la cible d'attaques systématiques au cours desquelles des membres du corps médical ont été tués et d'autres blessés. Entre juillet 2014 et janvier 2015, au moins 10 hôpitaux ont été visés par des attaques aériennes des forces gouvernementales dans le pays, certains à plusieurs reprises; des médecins et des infirmiers qui y travaillaient ont dans bien des cas été tués.

82. L'EIIL et d'autres groupes armés antigouvernementaux ont arrêté des membres du corps médical en violation du droit international humanitaire coutumier, qui interdit de punir des personnes qui exercent des activités médicales. L'enlèvement de travailleurs humanitaires et de membres du corps médical a poussé les personnels de santé à fuir dans la crainte d'une arrestation. Des médecins et infirmiers ont dû fuir en raison des restrictions à leur activité professionnelle imposées par l'EIIL.

83. Les attaques contre les travailleurs et les installations humanitaires continuent d'entraver la fourniture par les organismes humanitaires d'une aide aux Syriens qui en ont le plus besoin. Des travailleurs humanitaires ont été ciblés délibérément, ce qui les empêche d'apporter de l'aide aux victimes et restreint les activités des organismes humanitaires.

9. Personnes déplacées à l'intérieur du pays et réfugiés

84. Plus de 10 millions de Syriens ont fui leur domicile depuis le début de la crise en République arabe syrienne. Près de la moitié des habitants du pays sont maintenant privés de leurs droits fondamentaux à un abri et à un logement adéquat, à la sécurité et à la dignité humaine. Un grand nombre de ces personnes sont victimes de violations des droits de l'homme et d'abus et ont donc un besoin urgent de mesures de protection et de soutien.

85. Plus de 3 millions de personnes, des femmes et des enfants pour la plupart, ont fui la République arabe syrienne. Les pays limitrophes, en particulier le Liban, la Jordanie, la Turquie et l'Iraq, ont assumé le gros de la responsabilité d'accueillir cet afflux de personne. l'un des plus grands exodes de l'histoire récente. En outre, 6,5 millions de personnes seraient déplacées à l'intérieur du pays. Selon les estimations, en République arabe syrienne 10,8 millions de personnes ont besoin d'une aide humanitaire, dont 4,6 millions qui habitent dans des localités assiégées ou difficiles d'accès.

86. Les Palestiniens établis en République arabe syrienne forment un groupe spécialement vulnérable. Pris pour cible par les forces gouvernementales dans les camps de Yarmouk et Khan Al-Cheeh, à Damas, dans le camp de Handarat, à Alep, et celui de Deraa, les Palestiniens n'ont bien souvent nulle part où se réfugier. Les États voisins ont restreint l'entrée de certains Palestiniens et imposé des mesures discriminatoires, en violation de leurs obligations en matière d'asile et de non refoulement.

C. Mesures de protection des civils

87. Un défaut total de protection des civils est manifeste en République arabe syrienne. Toutes les parties au conflit s'en prennent systématiquement aux civils, avec pour résultat d'effroyables atrocités. En conséquence directe du comportement des belligérants, l'espace d'action humanitaire ne cesse de rétrécir, ce qui alourdit le coût humain du conflit.

88. Les personnes privées de liberté, en particulier pour des motifs en lien avec les troubles et le conflit armé, sont rarement informées des charges qui pèsent sur elles et n'ont accès ni à un tribunal équitable et impartial, ni à un recours utile, ni aux garanties judiciaires en général. Les acteurs humanitaires impartiaux ne sont pas autorisés à accéder à la majeure partie des lieux de détention tenus par le Gouvernement ou des groupes armés non étatiques.

89. Les civils et autres personnes ne participant pas, ou plus, au conflit ou autres formes de violence, en particulier les personnes ou groupes exposés à des risques particuliers, dont les enfants, les femmes, les personnes âgées, les personnes handicapées et les personnes déplacées, ne bénéficient elles aussi que de peu de protection en République arabe syrienne.

90. L'accès à une grande partie du territoire étant extrêmement restreint, les organismes humanitaires internationaux sont dans l'incapacité d'effectuer des visites de protection dans les lieux de détention et de procéder à une évaluation des besoins dans les zones qui accueillent un grand nombre de personnes déplacées internes.

91. Impliquées dans la commission de violations flagrantes et continuant de perpétrer des crimes dans le cadre d'une politique d'État, les autorités gouvernementales ont fait la preuve de leur refus obstiné de collaborer avec les acteurs humanitaires impartiaux. Certaines lois adoptées depuis le début de la crise en République arabe syrienne incriminent des activités humanitaires essentielles, dont la fourniture impartiale de soins médicaux. Les attaques contre des travailleurs humanitaires et la mise en détention de défenseurs des droits de l'homme ont grandement contrariée les efforts des acteurs qui s'emploient à soulager les souffrances des victimes du conflit et de l'acteur qui œuvrent à la protection des civils. La guerre de siège et le refus d'accès humanitaire ont rendu pratiquement impossible d'assurer une protection, ne serait-ce que rudimentaire, dans de nombreuses régions.

92. Aucun acteur armé ne semble s'être soucié de revoir ses pratiques en matière de ciblage pour réduire ou éviter les pertes civiles. Les belligérants s'obstinent à mener les hostilités dans le mépris des principes de distinction, de proportionnalité et de légalité. Ils prennent peu de précautions et ne semblent pas prendre de mesures correctives, du type enquêtes indépendantes sur les incidents causés de pertes civiles, pour réduire ces pertes.

93. Des groupes armés non étatiques ont connu des scissions, ce qui rend difficile de coordonner les mesures de protection des civils et de les promouvoir. Faute de disposer d'interlocuteurs reconnus fiables, les acteurs humanitaires ont été dans l'incapacité de maintenir des canaux adaptés pour mener un dialogue constructif sur les mesures de protection des civils. En conséquence, les personnes privées de liberté et les personnes ayant besoin de soins médicaux ou d'aide humanitaire et alimentaire ne bénéficient que de peu de protection. L'essor de l'EIL et l'escalade des hostilités ont abouti à l'interruption de la fourniture de toute aide humanitaire dans les zones passées sous son contrôle.

94. La masse d'éléments probants recueillis par la Commission montre sans équivoque que les parties belligérantes méprisent la vie humaine et la protection censée être accordée aux civils. Une protection accrue des civils doit être l'élément central de tout dialogue politique, humanitaire ou diplomatique avec les parties belligérantes, le but en étant d'étendre l'espace d'action humanitaire en République arabe syrienne. Par-delà les frontières de la République arabe syrienne, une action internationale concertée s'impose d'urgence pour répondre aux besoins de protection humanitaire des réfugiés dans la région.

III. Obligation de rendre compte

95. Les violations massives et répétées des droits de l'homme et du droit international humanitaire qui caractérisent le conflit armé rendent nécessaire une action d'urgence aux échelons international et national. C'est ce que le Conseil de sécurité a estimé dans sa résolution 2139 (2014), en soulignant qu'il fallait mettre fin à l'impunité et en réaffirmant que les responsables devaient être traduits en justice. En dépit du consensus dont cette résolution a fait l'objet, aucune mesure concrète n'a encore été prise pour donner effet à l'obligation de rendre compte.

96. La Commission a demandé à plusieurs reprises au Conseil de sécurité de saisir de la situation la Cour pénale internationale ou un tribunal international spécial. Elle s'est en outre attachée, dans la mesure du possible, à exploiter les informations à sa disposition pour identifier les responsables de crimes et d'autres violations et concourir à les faire rendre compte de leurs actes¹⁰.

97. Les plus de 3 500 récits de victimes et de témoins oculaires recueillis ont permis de documenter des crimes de guerre, des crimes contre l'humanité et d'autres violations des droits de l'homme et du droit international humanitaire. Ces témoignages ont été archivés et seront à la disposition des mécanismes judiciaires internationaux ou nationaux saisis. Il été demandé à toutes les personnes interrogées de consentir expressément à ce que la Commission utilise dans ses rapports les informations fournies et/ou communique tous éléments utiles aux systèmes en place ou à venir de mise en œuvre de l'obligation de rendre compte.

A. Identification des responsables présumés

98. À la fin de chaque mandat, la Commission établit une liste confidentielle de responsables présumés, identifiés en se fondant sur des déclarations de témoins et de victimes, après vérification.

99. Qu'il s'agisse de personnes ou d'entités, toutes les informations sur l'identité des responsables présumés (nom, affiliation, rang, source, circonstances exactes du fait ou des faits imputés à la personne ou au groupe) sont consignées. Il est procédé à un examen pour déterminer si les informations permettant d'établir un lien entre les infractions ou crimes commis et leurs auteurs présumés satisfont aux règles de preuve de la Commission.

100. Une personne ou une entité est inscrite sur la liste définitive s'il existe des «motifs raisonnables de croire» qu'un crime ou une violation a été commis et que cette personne ou entité a joué le rôle qui lui est imputé. Plusieurs commandants d'unité et chefs de groupes armés ont été inscrits sur la liste au titre de leur responsabilité de commandement.

B. Catégories de responsables présumés

101. En mars 2015, la Commission présentera une cinquième liste de responsables présumés au Haut-Commissaire des Nations Unies aux droits de l'homme. Sur les listes précédentes figuraient les noms de commandants d'unités de l'armée et de services de sécurité, de directeurs de lieux de détention et d'autres personnes agissant sous les ordres des autorités gouvernementales ou leur apportant un soutien, ainsi que de chefs de groupes armés non étatiques, dont de prétendus «émirs» de groupes radicaux, considérés responsables de crimes et de violations conformément aux règles de preuve de la Commission.

C. La quête de justice

102. La Cour pénale internationale n'ayant pas encore été saisie de la situation en République arabe syrienne, la Commission estime qu'il faut envisager d'autres voies de poursuites pénales. Étant donné que la Cour se concentrerait sur les personnes suspectées de porter la responsabilité la plus lourde, la majeure partie des autres dossiers devraient être renvoyés devant d'autres mécanismes, internationaux ou nationaux. Comme les groupes

¹⁰ Voir A/HRC/22/59, annexe XIV.

extrémistes emploient un nombre croissant de combattants étrangers, de nombreux États souhaitent mener des enquêtes sur leurs ressortissants suspectés de crimes commis dans le cadre du conflit syrien et engager des poursuites contre eux.

103. Après avoir suivi pendant plus de trois ans les procédures menées au niveau national, la Commission a établi que, à l'instant présent, les tribunaux syriens n'étaient pas un mécanisme judiciaire apte à rendre la justice. La Commission ne dispose encore d'aucun élément prouvant que les tribunaux syriens aient la volonté ou la capacité de poursuivre, en vertu des obligations internationales, les auteurs de crimes internationaux graves.

104. Le Tribunal antiterroriste, les tribunaux pénaux ordinaires, les tribunaux militaires spéciaux et les divers tribunaux religieux locaux en place dans les zones sous contrôle gouvernemental semblent fonctionner dans l'arbitraire sans respecter les garanties d'un procès équitable. Pareillement, le fonctionnement des tribunaux religieux des zones contrôlées par des groupes armés non étatiques tels que l'EIIL et le Front el-Nosra contrevient aux normes internationales, avec pour résultat des dénis de justice.

105. Le Tribunal antiterroriste et les tribunaux militaires semblent se fonder uniquement sur des aveux forcés et des informations obtenues en recourant à la torture. La Commission constate donc avec inquiétude qu'à l'heure actuelle le système de justice pénale syrien viole le droit internationalement reconnu à une procédure régulière et à un procès équitable, ce qui ne fait qu'amplifier et accentuer les souffrances des victimes du conflit armé.

D. Aide aux poursuites au niveau national

106. Afin de promouvoir plus activement la mise en œuvre de l'obligation de rendre compte, la Commission a, avec le consentement des personnes interrogées dont elles émanaient, fourni des informations aux autorités judiciaires des États disposés à saisir de crimes commis en République arabe syrienne leurs juridictions de jugement nationales. Avec le retour dans leur pays de personnes ayant combattu en Syrie, le nombre des demandes à cet effet présentées par ces États a augmenté au cours des six derniers mois.

107. Quelques États se sont dits prêts, dans l'exercice de leur compétence universelle, à mener des enquêtes criminelles sur des individus, y compris des ressortissants étrangers, suspectés d'implication dans le conflit armé. La Commission serait prête à fournir, sur demande, des informations dont elle dispose à tout État qui aurait placé un tel suspect en détention, pourvu que ses tribunaux internes respectent les normes internationales garantissant un procès équitable.

E. Mesures supplémentaires dans la quête de la justice

108. Dans sa résolution 2178 (2014), le Conseil de sécurité a souligné que les États devaient éliminer les conditions propices à la propagation du terrorisme. La Commission s'associe à l'appel que le Conseil a adressé aux États dans cette même résolution leur demandant d'envisager, pour lutter contre les causes profondes de l'extrémisme, de mettre en place un ensemble complet de mesures fondées sur l'éducation, les politiques publiques et la mobilisation des populations contre le risque d'embrigadement.

IV. Responsabilité commune

A. Échec à parvenir à une solution politique

109. Plusieurs initiatives ont été lancées en vue de mettre fin au conflit qui sévit depuis quatre ans en République arabe syrienne, mais elles n'ont à ce jour pas permis de trouver de solution politique. Une des plus notables est le plan de paix en six points présenté le 27 mars 2012 par Kofi Annan, Envoyé spécial conjoint de l'Organisation des Nations Unies et de la Ligue des États arabes pour la crise en Syrie. Dans ce plan, il est avant tout demandé au Gouvernement de la République arabe syrienne de s'engager dans un processus politique ouvert, de cesser les opérations militaires et d'autoriser l'acheminement de l'aide humanitaire vers les zones touchées par les combats. La Mission de supervision des Nations Unies en République arabe syrienne a été instituée peu de temps après, en avril 2012, pour contrôler le respect du cessez-le-feu auquel le Gouvernement et l'opposition armée avaient souscrit initialement. Le 16 juin, la Mission a été suspendue suite à la reprise des hostilités.

110. Le communiqué final du Groupe d'action pour la Syrie (Communiqué de Genève), publié en juin 2012¹¹, reste une des tentatives les plus sérieuses de solution politique du conflit. Il contient une feuille de route pour un transfert pacifique du pouvoir reposant sur la création d'un organe de gouvernement transitoire investi de pouvoirs exécutifs. Après sa nomination, en août 2012, le Représentant spécial conjoint de l'Organisation des Nations Unies et de la Ligue des États arabes, M. Lakhdar Brahimi, a tout de suite demandé que les dispositions du communiqué de Genève soient appliquées. Au bout de mois de négociations et de pressions diplomatiques exercées avec insistance par les États-Unis d'Amérique et la Fédération de Russie sur les parties au conflit, une conférence (Genève II) a eu lieu le 23 janvier 2014 à Montreux (Suisse). Les négociations ont été rompues après deux séries d'entretiens entre le Gouvernement et l'opposition, représentée principalement par la Coalition nationale syrienne (CNS). Le principal point de désaccord portait sur les priorités de l'ordre du jour des négociations, le Gouvernement insistant pour traiter du terrorisme avant d'aborder les questions liées au Gouvernement de transition, ce que refusait la CNS.

111. La prolifération des acteurs armés sur le terrain a encore assombri les perspectives d'une solution politique. L'expansion territoriale vertigineuse de l'EIL, couplée à la fragmentation constante des groupes affiliés à l'ASL, a empêché la conclusion d'un cessez-le-feu global ou d'un accord politique plus vaste. La position de la CNS s'est trouvée affaiblie par sa perte progressive d'emprise sur ces groupes. Les efforts récents ont été axés sur «l'harmonisation» des relations entre la CNS et les groupes armés influents sur le terrain, en parallèle avec le dialogue avec l'opposition politique interne. La dernière réunion en date, qui a rassemblé, le 22 janvier 2015 au Caire, la CNS et des membres de l'opposition interne, visait spécialement à définir une plate-forme commune. La majorité des participants ont souscrit à un document en dix points, qui préconise une transition pacifique vers un système démocratique et civil et souligne que le Communiqué de Genève demeure la base de toutes négociations avec le Gouvernement.

112. En janvier 2015, la Fédération de Russie a tenté de réunir des représentants de l'opposition et du Gouvernement autour d'une même table. Le principal groupement de l'opposition externe, la CNS, a décliné l'invitation, mais des membres de divers groupes d'opposition interne l'ont acceptée. Un consensus s'est dégagé sur la nécessité de préserver la souveraineté et l'unité de la République arabe syrienne, le refus de l'ingérence étrangère, la lutte à titre prioritaire contre le terrorisme, et le recours à des moyens pacifiques pour mettre fin à la guerre civile.

¹¹ A/66/865-S/2012/522, annexe.

113. L'expansion des groupes extrémistes a poussé le Gouvernement à durcir sa position dans les négociations et à se montrer moins enclin aux concessions. Le Gouvernement syrien n'a cessé de faire de la fin de l'aide militaire étrangère aux groupes armés et de la prétendue «lutte contre le terrorisme» des préalables à tout processus de transition. Il a en outre refusé de considérer la CNS comme seule entité représentative et a préféré axer ses efforts sur le dialogue avec l'opposition interne tolérée.

114. La méthode des petits pas que suit actuellement Staffan de Mistura, l'Envoyé spécial du Secrétaire général, vise, eu égard à la fragmentation du conflit, à se concentrer sur le gel local des hostilités dans la ville d'Alep. M. de Mistura privilégie une approche ascendante tendant à régler le conflit en consolidant des accords locaux transposables à plus grande échelle de manière à faciliter la transition progressive vers une solution politique plus globale. Aucun plan précis n'a été présenté à ce jour, mais un succès à Alep permettrait de déterminer si ce modèle peut fonctionner dans d'autres zones.

115. Une transition progressive assortie de mesures énergiques de renforcement de la confiance pourrait atténuer les hostilités localement et améliorer la situation humanitaire, mais à terme il faudra se placer dans une perspective plus longue. Le Communiqué de Genève a défini le cadre d'une solution politique mais des points de désaccord subsistent, en particulier l'ampleur et la nature de la représentation de l'opposition dans tout dispositif de transition. Le rôle du Président Assad pendant la phase de transition demeure un autre point de profond désaccord entre les parties. Ces points doivent être réglés avant de pouvoir réfléchir sérieusement à un accord durable.

B. Implication d'acteurs extérieurs

116. En usant d'une force excessive pour réprimer les manifestations dans l'ensemble non violentes de mars 2011, le Gouvernement a enclenché un processus interne d'escalade de la violence mais plusieurs acteurs extérieurs ont concouru au processus de militarisation qui a vu ces troubles dégénérer en une guerre civile implacable.

1. Implications d'États influents dans les deux camps en conflit

117. Depuis le début de l'insurrection, certains États s'emploient à infléchir dans le sens de leurs intérêts géopolitiques le comportement de différentes parties au conflit. L'aide financière et militaire qu'ils ont apportée à différentes parties belligérantes ont donné à ces dernières les moyens, à des degrés certes divers, d'intensifier leur action ou, au moins, de la poursuivre. En particulier, les pays de la région rivalisent pour influencer sur les belligérants, et font ainsi graduellement dériver la crise syrienne vers un affrontement régional.

118. L'aide financière et militaire cruciale que plusieurs États ont injectée dans le conflit a conforté le refus des belligérants de transiger, convaincus qu'ils restent de pouvoir l'emporter militairement. Les modestes efforts entrepris par la communauté internationale en vue de rétablir la paix et la stabilité dans la région ont été hypothéqués par le soutien continu apporté à différentes parties par certains États, qui ont fait le jeu des tenants d'une ligne dure de tous les camps.

119. L'aide que le Gouvernement a reçu sans discontinuer de ses soutiens internationaux, sous forme de matériel militaire, de conseils et de formation, l'a encouragé à s'en tenir à son approche militaire et sécuritaire reposant sur un usage excessif de la force. Cette aide lui a permis d'adapter le mode opératoire, les capacités et la structure de ses forces à un combat asymétrique contre un mouvement de violence armé qui est allé en s'intensifiant.

120. Les États qui soutiennent l'opposition ont fourni du matériel militaire létal ou non létal à plusieurs groupes et coalitions. Du fait des limites que s'imposent ces États, l'ampleur et la nature de leur soutien n'ont jamais permis à ces groupes d'acquiescer les

capacités requises pour mettre sérieusement en difficulté les forces gouvernementales à moyen et à long terme. Malgré toutes les précautions qu'affirment avoir prises les États qui pilotent ce processus, le soutien apporté aux «modérés» a fini par renforcer la suprématie de groupes extrémistes comme l'EIIL et le Front el-Nosra, qui ont réussi à s'emparer des positions des modérés et à rallier des soutiens loyaux issus de leurs rangs.

2. Implications d'acteurs non étatiques originaire d'États voisins

121. Plusieurs acteurs non étatiques originaires de pays de la région se sont engagés dans la guerre en déployant directement des forces ou en apportant un soutien logistique et financier à un camp ou à l'autre. Leur infiltration a été facilitée par la porosité d'une grande partie des frontières syriennes.

122. L'implication croissante de ces acteurs a induit une extension de la violence à leur pays d'origine. L'intervention militaire du Hezbollah et de milices chiites iraqiennes dans le camp gouvernemental et l'afflux de milliers de militants extrémistes dans le camp des rebelles accentuent les risques préexistants de déstabilisation dans des pays limitrophes. Les affrontements armés incessants dans le nord du Liban et la montée en puissance de l'EIIL puis son offensive en Iraq sont symptomatiques de la régionalisation croissante de la crise.

123. De par leurs antécédents et les motifs qu'ils invoquent pour justifier leur présence et leurs opérations en République arabe syrienne, les acteurs non étatiques ont exacerbé le caractère sectaire des violences et ainsi accentué encore la discorde religieuse et ethnique.

124. Les acteurs non étatiques ont en outre favorisé la radicalisation des belligérants, en particulier des groupes armés. Les organisations caritatives et donateurs privés soucieux de propager des idéologies extrémistes qui soutiennent les groupes antigouvernementaux ont privilégié les groupes disposés à se rallier à leurs convictions.

3. Afflux de combattants étrangers résultant de la montée de l'extrémisme et du terrorisme

125. Mus principalement par une idéologie religieuse radicale, les combattants étrangers qui ont rejoint des groupes armés non étatiques y ont d'emblée acquis une certaine prépondérance du fait de leur efficacité sur le terrain et en matière de gouvernance. Le respect qu'ils ont suscité ou la crainte qu'ils ont inspiré aux habitants des zones tenues par les groupes armés leur ont permis de faire pencher la balance du côté de l'extrémisme.

126. Des groupes extrémistes comme l'EIIL et le Front el-Nosra ont bénéficié de cet afflux de combattants étrangers. Ces groupes, que la résolution 2170 (2014) du Conseil de sécurité qualifie de terroristes, ont tiré parti de leurs aptitudes au combat et, surtout, de leur capacité à exploiter leur idéologie pour attirer et enrôler des combattants, ce qui a encore conforté leur suprématie sur les groupes armés ordinaires tout au long de la guerre, mais surtout en 2014.

127. Ces combattants ont été le moteur de la radicalisation dans les zones tenues par des groupes armés. Outre leur apport militaire, ils jouent un rôle prépondérant dans les «systèmes» religieux, éducatifs et judiciaires établis dans ces zones. Le contrôle de ces aspects fondamentaux de la vie civile favorisera encore la radicalisation des populations soumises à leur autorité.

C. Responsabilité du système des Nations Unies

128. Après plus de deux ans d'inaction face à la crise en République arabe syrienne, en septembre 2013 le Conseil de sécurité a adopté la résolution 2118, dans laquelle il a demandé de procéder à la destruction des stocks d'armes chimiques et à sa vérification, a appelé à la convocation de pourparlers de paix (Genève II) et a souscrit à la mise en place d'un organe de gouvernement transitoire doté de tous les pouvoirs exécutifs.

129. Devant l'aggravation de la crise, en février 2014 le Conseil de sécurité a adopté la résolution 2139, dans laquelle il a demandé à toutes les parties, en particulier au Gouvernement, d'autoriser l'acheminement de l'aide humanitaire à travers les lignes de conflit et à travers les frontières des pays voisins et dans les zones assiégées. Le champ de la résolution 2139 (2014) a été élargi par la résolution 2165 (2014), dans laquelle le Conseil a autorisé l'ONU et ses partenaires à acheminer l'aide humanitaire en traversant les lignes de conflit et les frontières des pays voisins sans le consentement des autorités. Dans sa résolution 2191, adoptée en décembre 2014, le Conseil a reconduit son autorisation d'utiliser les routes franchissant les lignes de conflit et certains postes frontière, ainsi que le mécanisme de surveillance institué par cette résolution.

130. Lors des séances d'information mensuelles à l'intention du Conseil de sécurité sur l'état d'application des résolutions 2139 (2014) et 2165 (2014), la Secrétaire générale adjointe aux affaires humanitaires et Coordonnatrice des secours d'urgence a indiqué que des problèmes et obstacles sérieux continuaient d'entraver l'acheminement de l'aide humanitaire et a mis en relief certaines questions relatives à la protection des civils. Le 15 décembre 2014, elle a appelé le Conseil à faire en sorte que les différentes parties au conflit appliquent la résolution 2139 (2014) dans son intégralité. La résolution 2175 (2014), adoptée sans viser spécifiquement la République arabe syrienne, dénonce la fréquence croissante et la généralisation des cas de violences contre les participants à des opérations humanitaires, ainsi que des attaques contre des convois humanitaires et des actes de destruction et de pillage de biens d'organisations humanitaires.

131. Dans sa résolution 2170 (2014), le Conseil a constaté avec une préoccupation extrême qu'une partie du territoire de l'Iraq et de la Syrie était sous le contrôle de l'État islamique d'Iraq et du Levant et du Front el-Nosra, a inscrit six personnes affiliées à ces groupes sur sa Liste relative aux sanctions contre Al-Qaida et a menacé de réserver le même sort à ceux qui leur fournissent des fonds ou des armes ou recrutent pour leur compte. Il a souligné la nécessité de faire rendre compte les auteurs de violations perpétrées en Iraq et en République arabe syrienne. Dans sa résolution 2178 (2014), le Conseil a élargi le cadre de la lutte contre le terrorisme en imposant aux États Membres des obligations en matière de lutte contre la menace que représentent les combattants étrangers.

132. Comme le Conseil de sécurité n'est pas parvenu à un consensus sur la mise en œuvre de l'obligation de rendre compte, les auteurs de violations continuent d'agir dans l'impunité. En mai 2014, le Conseil a échoué à adopter un projet de résolution demandant que la Cour pénale internationale soit saisie de la situation en République arabe syrienne.

133. Devant l'incapacité manifeste du Gouvernement de la République arabe syrienne à protéger la population du pays contre les violations flagrantes des droits de l'homme, il incombe à la communauté internationale, par l'intermédiaire de l'ONU, d'assurer la protection de la population syrienne contre de tels crimes. La Commission attend avec impatience des Nations Unies qu'elles adoptent et appliquent de toute urgence une stratégie commune pour «les droits de l'homme avant tout» afin d'assurer la prise en considération effective dans toutes les interactions avec la République arabe syrienne de la gravité de la situation en matière de droits de l'homme et de la nécessité d'y remédier.

V. Conclusions et recommandations

A. Conclusions

134. Dans le présent rapport, la Commission a fait le point sur les profonds bouleversements survenus en République arabe syrienne ces quatre dernières années et a dégagé les grandes tendances caractérisant le conflit. Les aspirations légitimes de la population ont marqué le début d'un enchaînement qui a dégénéré en un embrasement d'une ampleur et d'une intensité sans pareilles.

135. Les conséquences des occasions manquées dans le domaine humanitaire ont été aggravées encore par la croissance exponentielle du nombre des crimes de guerre, crimes contre l'humanité et violations des droits de l'homme perpétrés. La population civile continue de supporter le gros du fardeau et des souffrances, alors que les auteurs des faits sont à l'abri des poursuites. Différents acteurs nationaux, régionaux et internationaux portent une part de responsabilité dans cette tragédie sans fin.

136. Pour ce qui a trait à l'acheminement de l'aide humanitaire et à la protection des civils, la tâche consiste à prendre des mesures plus énergiques pour assurer le respect des règles en la matière en intégrant les droits de l'homme dans l'ensemble du système des Nations Unies de manière à mieux protéger les victimes, en tenant dûment compte de l'optique du genre et des besoins particuliers des enfants.

137. L'actuelle impasse militaire est tout sauf inattendue, la Commission ayant rappelé qu'il n'y avait pas de solution militaire au conflit. Un processus politique et sans exclusive demeure incontournable pour parvenir à la paix. Tarder encore à agir ou ne pas agir ne peut que concourir à favoriser la diffusion de l'extrémisme, l'afflux de combattants étrangers, le terrorisme et la déstabilisation de la région.

138. Des crimes qui heurtent la conscience humaine sont commis sans discontinuer depuis plus de quatre ans, ce qui amène à s'interroger sur les causes de l'inadéquation de la réaction de la communauté internationale. Les autorités syriennes ont montré ne pas être disposées à traduire en justice les auteurs de ces crimes. L'extrémisme et le terrorisme gagnent chaque jour du terrain et des groupes comme l'EIIL et le Front el-Nosra perpètrent des horreurs indicibles.

139. Eu égard à la gravité des constatations de la Commission, la communauté internationale doit absolument adopter une stratégie commune et efficace pour en finir avec l'impunité qui sévit en République arabe syrienne. Saisir la Cour pénale internationale de la situation en République arabe syrienne par l'intermédiaire du Conseil de sécurité demeure une des grandes options, mais l'absence actuelle de consensus sur ce point entre les membres permanents du Conseil de sécurité incite à envisager d'urgence la création d'un tribunal international spécial.

140. La Commission a depuis longtemps pour position que sa méthode d'enquête ne satisfait pas aux normes ordinaires garantissant une procédure régulière et, par conséquent, que les auteurs présumés de crimes de guerre et de crimes contre l'humanité ne devraient pas être désignés nommément. Toutefois, après quatre années de suivi intensif de la situation et la soumission de quatre listes confidentielles d'auteurs présumés, à ce stade de l'enquête ne pas divulguer de noms renforcerait l'impunité que la Commission a reçu mandat de combattre.

141. La Commission juge qu'il lui faut interpréter son mandat dans le sens le plus apte à assurer la protection des victimes du conflit et l'exercice de leur droit à la vérité. Elle espère que désigner nommément les auteurs présumés permettra de maximiser l'effet dissuasif de ses constatations et de protéger les personnes exposés à des risques d'atteintes.

B. Recommandations

142. La Commission d'enquête renouvelle les recommandations qu'elle a formulées dans ses précédents rapports et y ajoute celles qui suivent.

143. La Commission recommande que toutes les parties:

- a) Se conforment comme il se doit aux droits de l'homme, au droit international humanitaire et aux résolutions pertinentes du Conseil de sécurité, et usent de leur influence pour amener les personnes et groupes qu'elles soutiennent à s'y conformer également;
- b) Luttent contre l'extension des violations, de l'extrémisme et du terrorisme, en traduisant les auteurs des faits en justice, tout en s'attaquant aux causes profondes et en promouvant l'inclusion sociale et un discours de paix pour faire taire les appels à la violence;
- c) Apportent une protection et une aide efficaces aux civils, dont les réfugiés et les personnes déplacées internes, notamment en leur assurant des espaces sûrs et l'accès aux biens et services de première nécessité;
- d) Prennent des mesures efficaces pour en finir avec le recrutement illégal d'enfants sous toutes ses formes ou l'utilisation d'enfants dans les hostilités;
- e) Respectent le principe de non-refoulement et assument une partie du fardeau moyennant diverses mesures, dont la réinstallation des réfugiés, la fourniture d'une aide aux populations locales touchées et une réponse adaptée;
- f) Renforcent l'aide en faveur de certains groupes de population, tels que les femmes, les enfants, les personnes handicapées et les minorités, notamment en faisant une place accrue à des programmes d'accompagnement sociopsychologique aux fins de la réadaptation ou de la réinsertion sociale et en veillant à assurer dûment la participation des bénéficiaires;
- g) Engagent des ressources financières et autres adéquates pour faire face à la situation humanitaire.

144. La Commission recommande que le Gouvernement de la République arabe syrienne:

- a) Mette fin à l'usage d'armes illégales et frappant sans discrimination, dont les barils d'explosifs;
- b) Mette un terme aux détentions arbitraires, aux disparitions forcées, à la torture et aux autres violations de ce type;
- c) Assure à tous les acteurs humanitaires un accès intégral et sans entrave, en application des résolutions du Conseil de sécurité;
- d) Autorise la Commission à venir dans le pays et coopère avec elle.

145. La Commission recommande, pour ce qui est de la communauté internationale, que les États:

- a) Appliquent le principe de compétence universelle conformément à leur droit interne afin d'enquêter sur les personnes ou groupes impliqués dans des violations flagrantes et d'engager des poursuites à leur encontre;
- b) Adoptent des mesures ciblant les personnes et groupes susmentionnés;
- c) Veillent à ce que les États et les personnes ne financent pas le terrorisme et l'extrémisme, en application des résolutions pertinentes du Conseil de sécurité;
- d) Appellent toutes les parties à tenir compte systématiquement des sujets de préoccupation en lien avec la protection des femmes et des enfants dans les pourparlers de paix et de réconciliation;

e) Répondent adéquatement aux besoins croissants des réfugiés, des déplacés et des communautés qui les accueillent, notamment en honorant les annonces de contribution qui ont été faites en réponse aux appels des Nations Unies.

146. La Commission recommande que le Conseil de sécurité:

a) Soutienne les travaux de la Commission et son accès à la République arabe syrienne, inscrive la situation à son ordre du jour officiel et invite en conséquence la Commission à le tenir périodiquement informé de son évolution;

b) Porte la situation devant la justice, par la saisine de la Cour pénale internationale ou d'un tribunal international spécial, en ayant à l'esprit la nécessité de remédier au déni de justice systématique sévissant au niveau national en Syrie et de réformer de fond en comble le secteur de la justice en République arabe syrienne;

c) Adopte des mesures ciblant les personnes et groupes dont l'implication dans des violations flagrantes est plausible;

d) Impose des mesures plus énergiques pour renforcer l'application de ses résolutions relatives à la République arabe syrienne et son suivi.

147. La Commission recommande que l'Assemblée générale:

a) Adopte une résolution demandant au Conseil de sécurité de porter la situation devant la justice;

b) Soutienne les travaux de la Commission, notamment en présentant son rapport au Conseil de sécurité, et invite la Commission à la tenir périodiquement informée;

148. La Commission recommande que le Conseil des droits de l'homme:

a) Soutienne les recommandations de la Commission et veille à ce que la situation en République arabe syrienne continue de donner lieu à une surveillance et à l'établissement de rapports.

Annexes

[Anglais seulement]

Annexe 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
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 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

Annexe 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,¹² 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.

¹² 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 Raqqah, 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 Raqqah city and the Tabqa airbase, two of the last Syrian army positions in Ar Raqqah 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 Raqqah 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 Raqqah 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 Intelligences 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.¹³

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,

¹³ 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.¹⁴ 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.

¹⁴ 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

Islamic State of Iraq and Al-Sham

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 Raqqah 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 Raqqah, 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.¹⁵ 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'.¹⁶ 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

¹⁵ See paragraphs 72, 75 below, as well as A/HRC/27/CRP.3, paragraph 52.

¹⁶ 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 aerielly 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.¹⁷

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".¹⁸

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,

¹⁷ See paragraphs 279-281, below.

¹⁸ 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, Mhajah, 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.

Annexe III

Map of the Syrian Arab Republic

