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الدورة الثامنة والعشرون

البند ٤ من جدول الأعمال

حالات حقوق الإنسان التي تتطلب اهتمام المجلس بها

تقرير لجنة التحقيق الدولية المستقلة بشأن الجمهورية العربية السورية*

موجز

يُقدّم هذا التقرير إلى مجلس حقوق الإنسان عملاً بقرار المجلس د-١٧/١.

وقد تولّد العنف في الجمهورية العربية السورية عن القلاقل التي حدثت في آذار/مارس ٢٠١١ التي تطورت إلى اضطرابات داخلية وظهور نزاع مسلّح غير دولي في شباط/فبراير ٢٠١٢. ويتسم سلوك عدد متزايد باطراد من الأطراف الفاعلة بالافتقار الكامل إلى الالتزام بقواعد القانون الدولي. وقد تحمّل المدنيون منذ البداية وطأة المعاناة التي تسببت فيها الأطراف المتحاربة.

وقد دأبت لجنة التحقيق منذ إنشائها على توجيه الانتباه إلى الفظائع المرتكبة في أنحاء البلد وتعرض اللجنة في هذا التقرير الاتجاهات والنماذج الرئيسية لانتهاكات حقوق الإنسان وانتهاكات القانون الإنساني المرتكبة في الفترة من آذار/مارس ٢٠١١ إلى كانون الثاني/يناير ٢٠١٥، معتمدةً في ذلك على أكثر من ٣ ٥٥٦ مقابلة مع ضحايا وشهود عيان داخل البلد وخارجه، جرى تجميع بياناتها منذ أيلول/سبتمبر ٢٠١١.

وهذا التقرير، الذي يتناول بالتقييم الأفعال وغياب الأفعال الدولية، يرمي إلى إعادة التأكيد على الوضع العصيب للشعب السوري في ظل عدم وجود حل سياسي للنزاع القائم. وتشدّد اللجنة على الحاجة الملحة إلى القيام بعمل دولي متضافر ومستمر من أجل: إيجاد حل سياسي لهذا النزاع، ووقف الانتهاكات الخطيرة لحقوق الإنسان، وكسر الحلقة العنصرية المتمثلة في الإفلات من العقاب.

* تُعمّم مرفقات هذا التقرير كما وردت وباللغة التي قُدمت بها فقط.

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الرجاء إعادة الاستعمال



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- ١- تولّد العنف في الجمهورية العربية السورية عن القلاقل التي حدثت في آذار/مارس ٢٠١١ التي تطورت إلى اضطرابات داخلية وظهور نزاع مسلّح غير دولي في شباط/فبراير ٢٠١٢. ويتسم سلوك عدد متزايد باطراد من الأطراف الفاعلة بالافتقار الكامل إلى الالتزام بقواعد القانون الدولي.
- ٢- وقد تحمّل المدنيون منذ البداية وطأة المعاناة التي تسببت فيها الأطراف المتحاربة. فقد قُتل مئات الآلاف من السوريين. وفّر نصف سكان البلد من ديارهم ليصبحوا لاجئين أو مشرّدين داخلياً. وتتجاوز الاحتياجات الحالية طاقة الاستجابة الإنسانية الراهنة. ويصعب الوصول إلى كثير من الناس، مما يجعل جهود الحماية الأساسية التي لا بد منها تكاد تكون مستحيلة.
- ٣- وقد دأبت لجنة التحقيق^(١) منذ البداية على توجيه الانتباه إلى الفئات المرتكبة في أنحاء البلد. وتعرض اللجنة في هذا التقرير الاتجاهات والنماذج الرئيسية لانتهاكات حقوق الإنسان وانتهاكات القانون الإنساني المرتكبة في الفترة من آذار/مارس ٢٠١١ إلى كانون الثاني/يناير ٢٠١٥، معتمدةً في ذلك على أكثر من ٣ ٥٥٦ مقابلة مع ضحايا وشهود عيان داخل البلد وخارجه، جرى تجميع بياناتها منذ أيلول/سبتمبر ٢٠١١.
- ٤- ونظراً إلى أن الحكومة قد منعت اللجنة من دخول الجمهورية العربية السورية، اعتمدت اللجنة في المقام الأول على الشهادات المقدّمة من الشهود مباشرة لإثبات استنتاجاتها. وقد تشكّل الأساس الذي قامت عليه استنتاجات اللجنة من الصور الفوتوغرافية، وتسجيلات الفيديو، وصور السواتل (التوابع الاصطناعية)، وسجلات الطب الشرعي والسجلات الطبية. وتُرفق بهذا التقرير (انظر المرفق الأول) المراسلات المتبادلة بين البعثة الدائمة للجمهورية العربية السورية واللجنة.
- ٥- وتعرض اللجنة استنتاجاتها بشأن انتهاكات القانون الدولي المرتكبة في الجمهورية العربية السورية في الفترة من ١٥ تموز/يوليه ٢٠١٤ إلى ١٥ كانون الثاني/يناير ٢٠١٥ (انظر المرفق الثاني). وتستند الاستنتاجات القانونية والوقائية إلى ٣٨٠ مقابلة أُجريت في المنطقة ومن جنيف. وينبغي قراءة هذه الاستنتاجات بالاقتران مع التقارير السابقة المقدّمة من اللجنة^(٢). وما زال معيار الإثبات المستخدم في التقارير السابقة مُطبّقاً.

(١) أعضاء لجنة التحقيق هم: بولو سيرجيو بينهيرو (الرئيس)، و'كارين كونينغ'، وأبو زيد، و'فيتيت مونتاريورن'، و'كارلا دل بونتي'.

(٢) الوثائق: S-17/2/Add.1، وA/HRC/19/69، وA/HRC/21/50، وA/HRC/22/59، وA/HRC/23/58، وA/HRC/24/46، وA/HRC/25/65، وA/HRC/27/60.

ثانياً - حماية الضحايا

ألف - من القلاقل إلى الحرب

١ - القوات الحكومية

- ٦ - ما زال يجري ارتكاب الانتهاكات التي كانت تُرتكب في بداية القلاقل في عام ٢٠١١. وهذه الحقيقة هي تأكيد للإفلات من العقاب الذي ما زالت الحكومة تعمل في ظله.
- ٧ - وعند اندلاع الاحتجاجات في مدينة درعا في آذار/مارس ٢٠١١، قامت القوات الحكومية بإطلاق النار على المتظاهرين. ومع انتشار الاحتجاجات في أنحاء البلد، واجهتها الحكومة بردود أفعال عنيفة كثيراً ما كانت مميتة. وأكدت الحكومة أن المحتجين قد أطلقوا النيران على قواتها وقدمت قائمة بأسماء أفراد قوات الأمن المدّعى أنهم قُتلوا أثناء الاحتجاجات.
- ٨ - ومع تطوّر الاضطرابات إلى عنف مسلّح في أواخر عام ٢٠١١، قامت الحكومة بتكثيف هجماتها الأرضية على مناطق الاضطرابات. وكانت أعمال قتل وتعذيب السكان المدنيين والأفراد المسلّحين الذين يُلقى القبض عليهم تشكّل جزءاً من الهجمات الأرضية في البداية. وبحلول عام ٢٠١٢، ومع تحرك البلد في اتجاه الحرب الأهلية، ارتكبت القوات الحكومية^(٣) عدداً من حالات القتل الجماعية للمدنيين أثناء الهجمات الأرضية.
- ٩ - وبحلول أواخر عام ٢٠١٢، قامت القوات الحكومية بتغيير أساليبها وأصبح من النادر أن تشن هجمات أرضية. وبدا أن الباعث على ذلك هو أن الهجمات الأرضية كانت تتيح للمشاة، وأغلبيتهم من المسلمين السنة، الفرصة للهروب من الجيش، كما كان الباعث عليه الزيادة في قدرة الجماعات المسلّحة على مهاجمة الوحدات الحكومية.
- ١٠ - ومع ذلك، فإن الركائز التي تقوم عليها الهجمات الحكومية على مناطق القلاقل قد ظلت بلا تغيير. وتشمل هذه الركائز: (أ) تطويق المنطقة، بما في ذلك إقامة نقاط تفتيش عند جميع مداخلها؛ و(ب) فرض حصار على المنطقة، بما في ذلك منع تدفق الأغذية والإمدادات الطبية، بل وحتى المياه والكهرباء في بعض الأحيان، إلى المدينة أو المنطقة المعنية؛ و(ج) القصف الأرضي والجوي للمنطقة المحاصرة؛ و(د) القبض على الجرحى، الذين يحاولون ترك المناطق المحاصرة بحثاً عن العلاج الطبي الذي لم يعد متاحاً داخل المنطقة، وكذلك على من يحاولون كسر الحصار وهو ما يجري عادةً عن طريق تهريب الإمدادات الطبية والغذائية إلى المنطقة، بل ويحدث في أحيان كثيرة اختفاء هؤلاء الأشخاص. وكثيراً ما وصف الضحايا الاستراتيجية الحكومية بأنها استراتيجية "تنشيف البحر"، أي تخفيفه من أجل قتل السمك.

(٣) يشمل مصطلح "القوات الحكومية"، ما لم يُحدّد له معنى غير ذلك، القوات المسلحة السورية، وقوات المخابرات والمليشيات الأجنبية والمحلية المرتبطة بها، بما فيها حزب الله والشبيبة واللجان الشعبية وقوات الدفاع الوطني.

١١- وخلال السنوات الأربع الماضية، دأبت الحكومة على تنفيذ هذه الاستراتيجية بشكل ثابت. وأصبحت عمليات الحصار التي تفرضها الحكومة أطول أجلاً ومن ثم أكثر مشقة. فأول حصار من الحصار، أي حصار درعا، قد بدأ في أواخر نيسان/أبريل ٢٠١١ ودام لفترة تقل عن شهرين. أما حصار مدينة حمص فقد بدأ في أواسط عام ٢٠١١ ولم يُرفع عنها إلا عندما سقطت المدينة في أيار/مايو ٢٠١٤. وأما سكان مخيم اليرموك في مدينة دمشق فما زالوا محاصرين منذ أيار/مايو ٢٠١٣. وقد مات أطفال رضع نتيجةً لاستراتيجية الحصار التي تتبعها الحكومة وقوامها "استسلم أو مت جوعاً".

١٢- وفي عامي ٢٠١١ و٢٠١٢، أُجريت عمليات اعتقال على نطاق واسع في ظل مجموعة ظروف مختلفة، من بينها عمليات تفتيش أرضي. وبحلول عام ٢٠١٣، كانت معظم عمليات الاعتقال تحدث عند نقاط التفتيش. واستهدفت عمليات الاعتقال الذكور ما بين سن ١٥ عاماً وسن ٦٠ عاماً وكانت في أحيان كثيرة تعسفية ومصحوبة بإساءة المعاملة والتعذيب. وأدت هذه العمليات أيضاً إلى حالات اختفاء^(٤). وبحلول عام ٢٠١٤، كان السوريون يبذلون جهداً مضنياً من أجل تجنب نقاط التفتيش.

١٣- وارتكز استعمال الحكومة للقصف البري والجوي العشوائي على استخدام مجموعة متنوعة من الأسلحة. وبدأت الحكومة الأعمال الحربية باستخدام قذائف المدفعية ومدافع الهاون والصواريخ ضد مناطق القلاقل وأحياناً ضد المناطق المحاصرة. وبحلول أواسط عام ٢٠١٢، جرى توثيق استخدام الذخائر العنقودية وقنابل الباروم الحراري والقذائف، وهي كثيراً ما استُخدمت ضد أهداف مدنية مثل المدارس والمستشفيات. واستخدمت الحكومة أيضاً أسلحة حارقة.

١٤- وكان أول استخدام للبراميل المتفجرة تحدث عنه التقارير هو في آب/أغسطس ٢٠١٢ في مدينة حمص. بيد أن القوات الحكومية لم تبدأ الحملة الشديدة للقصف بالبراميل المتفجرة إلا في أواسط عام ٢٠١٣ ضد مدينة ومحافظة حلب^(٥). وطوال عامي ٢٠١٣ و٢٠١٤ وفي عام ٢٠١٥، استخدمت الحكومة البراميل المتفجرة استخداماً واسع النطاق. وقد تسببت هذه الحوايات المتفجرة البديلة في وقوع الآلاف من الإصابات في صفوف المدنيين. إذ يجري بصورة منتظمة إلقاء البراميل المتفجرة على مناطق مزدحمة، مثل صفوف الانتظار أمام المخابز، ونقاط تمرکز النقل العام، والعمارات السكنية، والأسواق. واستُهدفت أيضاً عمليات توزيع المعونة.

١٥- وفي نيسان/أبريل ٢٠١٤، أسقطت الحكومة براميل متفجرة تحتوي على مواد كيميائية، من المحتمل أنها كلور، على مواقع في محافظتي إدلب وحمص. ووُجّهت الأنظار إلى أول عملية اكتشاف لاستخدام الأسلحة الكيميائية من جانب طرف متحارب ولكنه لم يدفع إلى اتخاذ إجراء أكبر من أجل إنهاء النزاع.

(٤) الوثيقة A/HRC/25/65، المرفق الرابع.

(٥) المرجع نفسه، المرفق السادس.

١٦- وطوال الفترة التي دام فيها استخدام العنف في الجمهورية العربية السورية، اعتمدت القوات الحكومية على الجماعات شبه العسكرية والمليشيات؛ التي تمثلت في بادئ الأمر في مجموعات "الشبيبة"، ثم الآن في قوات الدفاع الشعبي. وقد استفادت الحكومة من تدخل مقاتلين أجانب، من بينهم حزب الله والمليشيات الشيعية العراقية.

٢- الجماعات المسلحة غير التابعة للدولة

(أ) الجماعات المسلحة المناوئة للحكومة

١٧- بعد المواجهات المسلحة التي اندلعت في جسر الشغور (محافظة إدلب) في حزيران/يونيه ٢٠١١، ظهرت جماعات مسلحة منظمّة في حمص وإدلب وريف دمشق كانت تتكون من أشخاص منشقين عن الجيش ومقاتلين محليين.

١٨- ونظّم بعض الأشخاص المنشقون أنفسهم ليكونوا الجيش السوري الحر. وفي حين أن جماعات مسلحة منظمّة قد حددت نفسها بشكل متزايد على أنها تابعة للجيش السوري الحر، ظل من غير الواضح ما إذا كانت قيادة الجيش السوري الحر، التي يوجد مقرها في تركيا، كانت تمارس السيطرة والقيادة بشكل فعال على هذه القوات الأرضية. وبعد عام ٢٠١٢، ظهرت المئات من الجماعات ذات الأحجام المتباينة. وأدى تكاثر الجهات الفاعلة وتنوعها إلى تفاقم العنف وإلى زيادة تعريض حياة المدنيين للخطر.

١٩- وبينما ركّزت الحكومة على المراكز الحضرية الرئيسية وخطوط الاتصالات، فإن المعارضة المسلحة قد حققت مكاسب في ريف المحافظات التي شهدت الاضطرابات. وأدى وجود قوات هذه المعارضة في مناطق مدنية والهجمات التي شنتها في البداية على نقاط تفتيش منعزلة وعلى قوافل الجيش إلى التسبب في شن هجمات أعنف من جانب الحكومة.

٢٠- وقامت الجماعات المسلحة، التي كانت منضوية آنذاك تحت لواء الجيش السوري الحر، بتعذيب الأفراد المشتبه في أنهم عملاء للحكومة وأفراد مجموعات الشبيبة والمتعاونين مع الحكومة. وأثناء هجوم الحكومة على مدينة حمص في شباط/فبراير ٢٠١٢، قامت جماعات مسلحة بقتل الجنود المأسورين.

٢١- ومع تحوّل العنف المسلح إلى حرب أهلية في شباط/فبراير ٢٠١٢، استمرت الجماعات المسلحة في مهاجمة الأحياء والمناطق التي تسيطر عليها الحكومة. وقد ظل الحيان الدمشقيان جرمانة وباب توما هدفاً لقصف عشوائي لأكثر من عامين من جانب جماعات مسلحة مناوئة للحكومة. وما زالت هذه الهجمات غير المشروعة مستمرة حتى اليوم.

٢٢- وواصلت الجماعات المسلحة أخذ الرهائن لفرض عمليات تبادل للأسرى أو لأخذ فدية. واحتجزت بعض الجماعات رهائن لفترات زمنية طويلة، كما هو الأمر في الحالة المستمرة المتعلقة بالنساء والأطفال المختطفين من المناطق الشرقية من اللاذقية في آب/أغسطس ٢٠١٣. وهؤلاء الأشخاص المأخوذون كرهائن هم جميعاً تقريباً مدنيون ينتمون إلى تجمعات سكانية مؤيدة للحكومة، أو يعيشون في مناطق مؤيدة لها.

- ٢٣- وقامت أيضاً جماعات مسلحة مناوئة للحكومة بمحاصرة بلدات وقرى. وكانت حالات الحصار هذه أقصر أجلاً، وطُبقت على محليات أقل عدداً، من تلك التي فرضتها الحكومة. ونظراً إلى أن الجماعات المسلحة قد وسّعت من نطاق سيطرتها على مناطق الريف الشمالية من محافظة حلب في تموز/يوليه ٢٠١٢، فإنها فرضت حصاراً على جيبين شيعيين هما نبل والزهراء.
- ٢٤- وكان أول مقاتلين أجنب، ومعظمهم لیبیون، قد وصلوا إلى الجمهورية العربية السورية في عام ٢٠١١. وشوهد وجود عناصر أكثر تطرفاً في التفجيرات الانتحارية المتعددة التي استهدفت في بادئ الأمر أجهزة أمن الدولة في عامي ٢٠١١ و ٢٠١٢.
- ٢٥- ومع استمرار القتال، ازدهرت أوضاع الجماعات المسلحة الأكثر تطرفاً، وخاصة جبهة النصرة. وهذا يرجع بدرجة كبيرة إلى كفاءة عملياتها وإلى قدرتها المالية المستقرة مما اجتذب مقاتلين من جماعات أخرى.
- ٢٦- وفي عام ٢٠١٤، قامت جماعات إرهابية باستخدام عمليات انتحارية وسيارات مفخخة في محافظتي حمص وحماة. وعلى عكس التفجيرات السابقة في عامي ٢٠١١ و ٢٠١٢، التي كان معظمها موجهاً ضد أهداف عسكرية، فإن التفجيرات التي وقعت في عامي ٢٠١٣ و ٢٠١٤ قد استهدفت مدنيين.
- ٢٧- وفي أواخر عام ٢٠١٤، حدثت زيادة في الهجمات المسلحة على القرى التي تعيش فيها جماعات أقلية يُنظر إليها على أنها تدعم الحكومة.
- ٢٨- وفقدت الجماعات المسلحة المناهضة للحكومة الزخم عندما بدأت الحكومة، يساعدها في ذلك حزب الله، في استعادة السيطرة على القصير (حمص) في حزيران/يونيه ٢٠١٣. ومنذ ذلك الحين، استمرت هذه الجماعات في فقدان مزيد من الأرض بسبب كل من الافتقار إلى الدعم المنتظم والمستمر، ونقص الوحدة والتماسك، وزيادة الاقتتال الداخلي وخاصة بعد ظهور ما يُسمى 'الدولة الإسلامية في العراق والشام' (بالإنكليزية: Islamic State of Iraq and Al-Sham) (٦) في نيسان/أبريل ٢٠١٣. 'جبهة النصرة'
- ٢٩- أُعلن في كانون الثاني/يناير ٢٠١٢ عن ظهور جبهة النصرة باعتبارها متفرعة عن تنظيم القاعدة في العراق. وتمكنت المجموعة، بسبب كفاءتها التكتيكية وقدراتها اللوجستية المتسقة، من البروز بسرعة في صفوف الجماعات المسلحة الأخرى المناوئة للحكومة، فاجتذبت على نحو متزايد عناصر متطرفة من الداعمين والمقاتلين الأجنب على السواء.
- ٣٠- وبينما استخدمت جبهة النصرة على نطاق واسع السيارات المفخخة والتفجيرات الانتحارية ضد أهداف عسكرية، مثل القوات العسكرية وقوات الأمن، فإنها قامت أيضاً بتفجير قنابل في مناطق مدنية، وخاصة في مدينة حمص في عام ٢٠١٤. وشنت جبهة النصرة أيضاً

(٦) يُشار إليها أيضاً بالإنكليزية باسم "Islamic State in Iraq and the Levant" (ISIL).

هجمات أرضية على مواقع مدنية. وقامت الجماعة، في إطار عمل منسق مع جماعات مسلحة أخرى، بالمشاركة في ارتكاب مذابح لمدينين في ريف دمشق في كانون الأول/ديسمبر ٢٠١٣، وفي حمص في ٢٤ كانون الأول/ديسمبر ٢٠١٣، وفي ٩ شباط/فبراير ٢٠١٤.

٣١- وفي نيسان/أبريل ٢٠١٣، رفضت قيادة جبهة النصرة الاندماج مع تنظيم 'الدولة الإسلامية في العراق والشام'. وبعد أشهر من المواجهات الشديدة، طردت جبهة النصرة من معقلها في دير الزور في تموز/يوليه ٢٠١٤، فخسرت بذلك قدرًا يُعتد به من مواردها النفطية ومن الدعم القبلي.

٣٢- وظلت العلاقات بين جبهة النصرة والجماعات المسلحة الأخرى تعاونية إلى حد كبير. بيد أن هذه الجبهة، التابعة للقاعدة، قد قامت في الآونة الأخيرة في محافظة إدلب بمهاجمة عدد من الأجنحة المسلحة المدعومة من الدول الغربية فكسبت بذلك عتاد هذه الجماعات ومقاتليها وأراضيها.

٢٤ 'تنظيم 'الدولة الإسلامية في العراق والشام'

٣٣- في نيسان/أبريل ٢٠١٣، تحوّل تنظيم 'الدولة الإسلامية في العراق والشام'، عقب اختيار تحالفه مع جبهة النصرة، إلى قوة مسلحة منظمة مهيمنة تسيطر على مناطق شاسعة في الجمهورية العربية السورية والعراق، مشكلاً بذلك تهديداً كبيراً للسلام والاستقرار.

٣٤- وفي عام ٢٠١٤، اتسم الصراع بصعود نجم وتوسع تنظيم 'الدولة الإسلامية في العراق والشام' (تنظيم الدولة الإسلامية) الذي سيطر على أجزاء كبيرة من المنطقة الشمالية الشرقية في الجمهورية العربية السورية. وقام التنظيم في الآونة الأخيرة بتحقيق تقدم في محافظتي حماة وحمص. وفي حزيران/يونيه ٢٠١٤، أعلنت 'الدولة الإسلامية' نفسها "خلافة".

٣٥- واكتسبت هذه الجماعة الإرهابية السيطرة على موارد اقتصادية مهمة واكتسبت معها مصدراً مستقراً للتمويل. وتمكنت الجماعة، باستخدام أساليب بث الرعب في نفوس السكان المدنيين وتقديم الخدمات الأساسية، من دعم الولاء لها في صفوف المجتمعات المحلية في المناطق التي تسيطر عليها.

٣٦- وتدير 'الدولة الإسلامية' نظاماً إدارياً يتسم بالشدّة والجمود يشمل شرطة الآداب والأخلاق الإسلامية أو الحسبة، وقوات الشرطة العامة، والمحاكم، وهيئات تدير شؤون التجنيد والعلاقات مع القبائل والتعليم^(٧).

٣٧- وتفرض 'الدولة الإسلامية' جزاءات شديدة على مَنْ يخالفون حكمها الذي أعلنته من جانب واحد أو مَنْ يرفضونه. وهذا يشمل المئات من حالات الإعدام العلنية، للذكور بصورة رئيسية، والتي يليها عرض الجثث على الملأ في محاولة لبث الرعب في نفوس مجتمعات المدنيين

(٧) انظر الوثيقة A/HRC/27/CRP.3، الفقرة ١٦.

التي تعيش تحت سيطرتها وإجبارها على الخضوع لها. وقامت 'الدولة الإسلامية' أيضاً بتنفيذ عمليات بئر للأعضاء بصورة علنية كعقوبة على السرقة وبجلد السكان في حالتي التدخين وممارسة العمل أثناء أوقات الصلاة.

٣٨- وقامت 'الدولة الإسلامية' بتنفيذ عمليات إعدام في جنود ومقاتلين من جماعات مسلحة أخرى وقعوا في الأسر. وقتلت المئات من المدنيين أثناء الهجمات التي تشنها، مثل هجماتها على حقول الغاز في الشاعر (حمص) في تموز/يوليه وعلى قرى الشيعيات في دير الزور في آب/أغسطس ٢٠١٤.

٣٩- وفي الحالات التي احتلت فيها 'الدولة الإسلامية' مناطق تضم مجتمعات محلية ذات أصول وانتماءات دينية مختلفة، أُجبرت الأقليات إما على الانصهار أو الفرار. وقامت بتشريد الأكراد عنوة من ديارهم في الرقة وكان ذلك في تموز/يوليه ٢٠١٣. وقامت في وقت حديث، هو تشرين الثاني/نوفمبر ٢٠١٤، بطرد الأكراد الذين يعيشون في الباب (حلب). ودمرت أيضاً كنائس مسيحية ومزارات شيعية في المناطق الخاضعة لسيطرتها.

٣٠ وحدات حماية الشعب

٤٠- في أوساط عام ٢٠١٢، ومع بروز الجماعات المسلحة في مناطق غربية وجنوبية من الجمهورية العربية السورية، انسحبت الحكومة من المناطق ذات الأغلبية الكردية في محاولة لنشر قواتها في المناطق التي تمس فيها الحاجة إليها. وحلت وحدات حماية الشعب محلها في السيطرة على هذه المناطق.

٤١- وفي كانون الثاني/يناير ٢٠١٤، أنشأت وحدات حماية الشعب إدارة لتصريف الأمور في المناطق الكردية الواقعة في الجزء الشمالي من الجمهورية العربية السورية. واشتكت هذه الوحدات في أعمال قتالية ضد القوات الحكومية وضد جماعات مسلحة منوثة للحكومة وضد تنظيم 'الدولة الإسلامية' من أجل الدفاع عن المناطق الخاضعة لسيطرتها. كما تمكنت هذه الوحدات حديثاً، مدعومة في ذلك بالضربات الجوية التي شنها التحالف الدولي، من استعادة السيطرة على مدينة عين العرب (كوباني).

٤٢- وقامت وحدات حماية الشعب بتجنيد أطفال - من الأولاد والبنات على السواء - من أجل استخدامهم في أعمال القتال. وفي رسالة مؤرخة ٣٠ أيلول/سبتمبر ٢٠١٣ موجهة إلى اللجنة، أعلنت وحدات حماية الشعب أن سياستها هي عدم استخدام الأطفال الذين تقل أعمارهم عن ١٨ عاماً في القتال. بيد أن أطفالاً قاصرين قد شاركوا في العمليات العسكرية التي قامت بها وحدات حماية الشعب ضد قوات تنظيم الدولة الإسلامية في عين العرب (كوباني) في أيلول/سبتمبر وتشرين الأول/أكتوبر ٢٠١٤.

(ب) جناة مجهولون

٤٣- طوال فترة الصراع، وقعت هجمات لم يُعلن أحد مسؤوليته عنها ولم يكن لها هدف استراتيجي أو عسكري واضح فيما عدا غرض نشر الرعب في صفوف السكان المدنيين. ومن بين هذه الهجمات ما وقع من هجمات بالأسلحة الكيميائية على الغوطة (ريف دمشق) في ٢١ آب/أغسطس ٢٠١٣ وعلى خان العسل (حلب) في ١٩ آذار/مارس ٢٠١٣.

٤٤- أما في الغوطة، فقد استُخدمت كميات كبيرة من غاز السارين في هجوم مخطط له تخطيطاً جيداً استهدف مناطق مسكونة بالمدنيين وتسبب في وقوع إصابات على نطاق واسع. وأشارت الأدلة المتاحة المتعلقة بطبيعة هذه العوامل الكيميائية المستخدمة ونوعيتها وكميتها إلى أن الجناة ربما كانت لديهم إمكانية الوصول إلى مخزونات الأسلحة الكيميائية لدى الجيش السوري وإلى أنهم لديهم الخبرة الفنية والمعدات والأجهزة اللازمة للتعامل مع كميات كبيرة من عوامل الحرب الكيميائية تعاملاً آمناً. وكانت عناصر الأسلحة الكيميائية المستخدمة في خان العسل تحمل نفس البصمات التي كانت تحملها العناصر المستخدمة في الغوطة. وسُجلت أيضاً ادعاءات أخرى تتعلق باستخدام الأسلحة الكيميائية على نطاق أصغر بكثير. ولم يتسن للجنة الوفاء بعبئة الإثبات التي حددتها هي فيما يتعلق بمرتكبي هذه الحوادث.

٤٥- وقد وقعت حالات متعددة جرى فيها تفجير عبوات متفجرة مرتجلة في مناطق خاضعة لسيطرة الحكومة وكذلك في مناطق خاضعة لسيطرة الجماعات المسلحة ولم يتسنّ بشأها تحديد هوية الطرف المسؤول عنها.

٤٦- وحدثت حالات اختطاف وحالات اختفاء لم تصدر بشأها أي مطالبات بالفدية أو أي إعلانات بالمسؤولية عنها. وفي كانون الأول/ديسمبر ٢٠١٣، اختطف أربعة من النشطاء في مجال حقوق الإنسان من مكتبهم في دوما (ريف دمشق). وما زال مصيرهم ومكان وجودهم مجهولين.

باء- الآثار المترتبة على فشل الدولة في حماية المدنيين

٤٧- لا يمكن قياس التكلفة البشرية للنزاع الجاري في الجمهورية العربية السورية. وقد فشلت الدولة السورية فشلاً واضحاً في حماية مواطنيها من الفظائع الجماعية. فقد ارتكبت على نطاق واسع جرائم حرب وجرائم ضد الإنسانية. وعانى كثير من السوريين من انتهاكات واعتداءات متعددة من جانب الأطراف الفاعلة المختلفة. وقد نما حجم المعاناة البشرية نمواً موازياً لتصاعد النزاع.

١- المدنيين

٤٨- المدنيون هم والأشخاص غير المقاتلين، وخاصة الرجال الذين هم في سن القتال، قد شكلوا الضحايا الرئيسيين للعنف منذ بدء الاضطرابات في الجمهورية العربية السورية في آذار/مارس ٢٠١١. وجرى أيضاً استهداف النساء والأطفال. أما من سعى، من الرجال والنساء، إلى إسعاف المصابين أو إلى مساعدة الأشخاص المحتاجين إلى المساعدة الإنسانية، فقد جرى إلقاء القبض عليهم أو احتجازهم أو تعذيبهم أو قتلهم بتهمة "التعاون" مع المعارضة المسلحة.

٤٩- وقد وجهت القوات الحكومية هجماتها ضد السكان المدنيين. وشملت هذه الهجمات القصف البري والجوي الواسع النطاق للمحليات المسكونة بالمدنيين، كما انطوت على استهداف المدنيين بالقبض عليهم أو باحتجازهم أو بشمولهم بالاختفاء بحكم انتماءاتهم أو بحكم النظرة إليهم على أنهم معارضون للحكومة. ويشير التنسيق والمشاركة النشطة من جانب المؤسسات الحكومية إلى أن هذه الهجمات تُشن باعتبارها جانباً من سياسة الدولة. وقامت القوات الحكومية، كجزء من هذا الهجوم الواسع النطاق على السكان المدنيين، بارتكاب أعمال القتل والتعذيب والاعتصاب والاختفاء القسري.

٥٠- وفي الحالات التي حل فيها الجمود على خطوط المواجهة، قامت الحكومة باستخدام استراتيجية قوامها السيطرة على السكان، تجمع بين فرض الحصار المستمر لفترة طويلة والقصف الجوي والبري المستمر. ويجري استهداف المدنيين على أساس معارضتهم المتصورة للحكومة. فمجرد العيش في أحياء أو أماكن معينة أو مجرد الانتماء إليها يؤدي إلى استهدافهم. ففي حملة عسكرية وحشية بشكل خاص، قامت الحكومة بتكثيف هجماتها الواسعة النطاق والمنهجية ضد السكان المدنيين في حلب في تشرين الأول/أكتوبر ٢٠١٣ من أجل معاقبة المدنيين وبث الرعب في نفوسهم بسبب دعمهم للجماعات المسلحة أو استضافتهم لها وذلك في إطار استراتيجية واضحة لتقليل الدعم الشعبي لهذه الجماعات. وتقوم القوات الحكومية الآن باستخدام استراتيجية مماثلة في الرقة، متجاهلة تمام التجاهل التمييز بين الأهداف المدنية والأهداف العسكرية.

٥١- وقامت الجماعات المسلحة المناوئة للحكومة باستهداف مواقع مدنية عمداً، إما انتقاماً بسبب عمليات حكومية أو لتصوّر وجود تأييد من هذه المحليات للحكومة. واستهدفت أيضاً جماعات مسلحة غير تابعة للدولة جماعات أقلية يُنظر إليها على أنها تأوي موالين للحكومة أو على أنها تستفيد من الدعم الحكومي.

٥٢- ومنذ ظهور تنظيم 'الدولة الإسلامية في العراق والشام (الدولة الإسلامية)' في نيسان/أبريل ٢٠١٣، ارتكبت التنظيم أعمال عنف ضد السكان المدنيين الواقعين تحت سيطرته في الرقة ودير الزور والحسكة والمناطق الشمالية - الشرقية من محافظة حلب. ويقوم التنظيم، وهو جماعة منظمّة، بتوجيه وتنظيم أعمال العنف هذه ضد هؤلاء المدنيين منقّداً بذلك سياسة تنظيمية. ونقّذ تنظيم 'الدولة الإسلامية'، كجزء من هذه الهجمات، عمليات إعدام علنية لبث الرعب في نفوس السكان المدنيين بما يكفل الإذعان لسلطة 'الدولة الإسلامية'.

٥٣- وما زالت جميع أطراف النزاع تفرض قيوداً وعقبات تعسفية على عمليات إيصال المساعدات، بما يترتب على ذلك من عواقب وخيمة على المدنيين في المناطق التي يصعب الوصول إليها. وجرى استخدام المساعدات الإنسانية لتحقيق مكاسب عسكرية. فالعراقيل الإدارية التي تفرضها حكومة الجمهورية العربية السورية تشكل إعاقة محسوبة لعملية إيصال المساعدات إلى المدنيين الذين يعيشون في مناطق واقعة تحت سيطرة جماعات مسلحة غير تابعة للدولة. كذلك فإن الشروط التي تفرضها الجماعات المسلحة على إيصال المساعدات الإنسانية إنما تستخدم معاناة المدنيين كإجراء انتقامي.

٢- الذكور الذين هم في سن القتال

٥٤- منذ آذار/مارس ٢٠١١، والذكور الذين يُنظر إليهم على أنهم في سن يسمح لهم بالقتال، بمن فيهم القاصرون، قد جرى استهدافهم في إطار المهجمات العسكرية وعمليات القصف والقنص بنيران القناصة، وتعرضوا لإلقاء القبض عليهم واحتجازهم وتجنيدهم من أجل المشاركة في أعمال القتال. ومع تصاعد النزاع، ظهر الذكور الذين هم في سن القتال على أنهم هدف رئيسي لأعمال العنف. ووفقاً للتحليل الإحصائي لوثائق القتل في الجمهورية العربية السورية، الذي صدر بإجرائه تكليف من مفوضية الأمم السامية لحقوق الإنسان، كانت نسبة ٨٥,١ في المائة من أرقام الضحايا الموثقة هم من الذكور.

٥٥- وقد قامت القوات الحكومية بحملات اعتقال واسعة النطاق أدت إلى حدوث حالات اختفاء قسري لرجال في سن القتال في المناطق التي وقعت تحت سيطرة هذه القوات وكذلك لرجال يقيمون في المناطق التي تسيطر عليها الحكومة أو يسافرون إليها. وكثيراً ما تخشى أسرهم الاقتراب من السلطات للاستفسار عن أماكن وجود أقاربها^(٨). فالذين استفسروا عن ذلك ووجهوا برفض الكشف عن مصير الأشخاص المختفين أو أُجبروا على دفع رشاًوى كبيرة لكي يعرفوا أين يوجد أقاربهم. وكثيراً ما تعرض الرجال المعتقلون للعنف الجنسي كأسلوب من أساليب العقاب والإذلال والإهانة.

٥٦- وعادةً ما يكون ضحايا عمليات الإعدام العلنية التي يقوم بها تنظيم الدولة الإسلامية من الرجال أو الأولاد المتهمين بالانتماء إلى جماعات مسلحة أخرى أو بانتهاك أوامر الدولة الإسلامية. ويُستخدم أيضاً الغلمان الصغار كمنقذين للإعدام ويجري تدريبهم على مهام التفجير الانتحاري ونشرهم في سياق عمليات قتال قائمة.

٥٧- ويواجه الأولاد والرجال خطراً دائماً يتمثل في استهدافهم أو استغلالهم من جانب أطراف النزاع. فالقوات الحكومية وتنظيم الدولة الإسلامية ووحدات حماية الشعب قد مارست جميعها جهداً متضافراً لتجنيد صغار السن في صفوفها. فقد قامت جميع أطراف النزاع، أحياناً بصورة منهجية، بتجنيد القاصرين واستخدامهم.

٥٨- ولا يمنح أي طرف من أطراف النزاع الرجال الذين هم في سن القتال أيّاً من أوجه الحماية الممنوحة للمدنيين. وتشير الأدلة المجمّعة إلى أن نسبة الرجال من المسلمين السنة هي الأعلى بين الضحايا في النزاع السوري، سواء كانوا في ذلك ضحايا لانتهاكات من جانب القوات الحكومية أو من جانب تنظيم الدولة الإسلامية.

٣- النساء والبنات

٥٩- تغيّرت حياة النساء السوريات تغيّراً جذرياً بفعل سنوات النزاع الأربع. فمع قتل الرجال السوريين أو مع اختفائهم أو عدم قدرتهم على التنقل خوفاً من إلقاء القبض عليهم عند نقاط التفتيش، حدثت زيادة هائلة في الأسر المعيشية التي ترأسها إناث. فهؤلاء النساء والبنات،

(٨) انظر الوثيقة A/HRC/25/65، الفقرة ٤٨.

إذ لا يرافقهن رجال وإذ هن عرضة للاعتداءات البدنية، قد أصبحن يواجهن خطر القبض عليهن أو اختطافهن من جانب القوات الحكومية والجماعات المسلحة المناوئة للحكومة. ففي محافظات حلب وحماة وحمص ودرعا، ذكرت النساء الخوف من العنف الجنسي على أنه وراء قرارهن بالفرار من ديارهن.

٦٠- وقد جرى توثيق عدد متزايد من حالات العنف الجنسي وذلك عن طريق إجراء تحريات وعن طريق التعاون على نطاق واسع مع شبكات اجتماعية وطبية. وتبين أنه جرى اغتصاب نساء وفتيات والاعتداء عليهن جنسياً في منشآت احتجاز حكومية وفي فروع التحقيقات التابعة لإدارة المخابرات العسكرية وفي السجون التي تديرها إدارة الأمن العام في دمشق. وارتكب موظفو الدولة عمليات اغتصاب وهو ما يشكل جريمة ضد الإنسانية.

٦١- وقد تكلمت كثير من ضحايا العنف الجنسي والعنف القائم على نوع الجنس (العنف الجنساني) عقب خروجهن من الاعتقال، بينما لزم مرور وقت لكي تتحدث أخريات عن تجاربهن بشأن الانتهاكات التي ارتكبت سراً أو تدرّجاً بدثار الصمت أو الخوف من الفضيحة. وما زال الإقلال من تناول هذا الشأن أو التأخر في تناوله يمثل مشكلة مزمنة. فالوثائق الطبية المعاصرة للحالات المعنية نادرة، ومما يعرقل إصدارها رفض تقديم المساعدة الطبية إلى الأشخاص المحتجزين في أماكن السّجن حيث تُرتكب معظم حالات العنف الجنسي. وكثير من النساء اللاتي أُجريت معهن مقابلات كن قد جرى تشريدهن وسعين إلى التماس اللجوء في دول مجاورة. وهن بحاجة ماسة إلى الدعم النفسي - الاجتماعي الذي يجب التوسع فيه إلى أقصى حد من أجل مساعدة ضحايا العنف الجنسي.

٦٢- وقد أثرت قلّة إمكانية الحصول على الرعاية الطبية على صحة النساء وأطفالهن في فترتي ما قبل الولادة وما بعدها. ولم يُسمح للنساء اللاتي كن في حالة مخاض بالمرور عبر نقاط التفتيش الحكومية وكثيراً ما أُجبرن على الولادة في ظل ظروف خطيرة. وفي المناطق الخاضعة لحصار، اضطرت النساء إلى الولادة في ظل أوضاع لا يوجد فيها تعقيم ولا أدوية مسكّنة للألم.

٦٣- وقامت جماعات مسلحة، مثل أحرار الشام وجبهة النصرة، باستهداف النساء والأطفال على أساس نوع الجنس لكي يُؤخذوا كرهائن من أجل استخدامهم في عمليات تبادل الأسرى. فقد اقتيدت نساء يزيديات، كن قد اختُطفن من العراق، إلى الجمهورية العربية السورية وجرى بيعهن (أو إعادة بيعهن) في أسواق أو توزيعهن على مقاتلي تنظيم الدولة الإسلامية باعتبارهن غنائم حرب. وأثناء الاحتفاظ بهن كإماء، يجري إخضاعهن لعنف جنسي فظيع ومتكرر. وتعيش البنات والنساء في المناطق الخاضعة لسيطرة تنظيم الدولة الإسلامية في حالة خوف من إكراههن على الزواج من المقاتلين.

٦٤- وقد فرض تنظيم الدولة الإسلامية تفسيراً متشدداً للشريعة الإسلامية، لم يُر من قبل في الجمهورية العربية السورية - صدرت في ظلّه مراسيم تنظّم جميع جوانب الحياة، ابتداءً من اللباس إلى التنقل والتوظيف والالتزام بتعاليم الدين - أدى إلى تقييد الحريات الأساسية، وخاصة فيما يتعلق

بالمرأة. إذ يجب أن تكون النساء والبنات اللاتي تزيد أعمارهن عن ١٠ سنوات مرتديات لباساً يغطي البدن بالكامل عند الخروج من منازلهن. ولا يُسمح للنساء والبنات أن يكن في صحة رجال غير محارمهن. فعدم الالتزام بهذه القواعد يُعاقب عليه بالجلد. ويمكن تنفيذ هذه العقوبات على يد شرطة الآداب والأخلاق الإسلامية (الحسبة)، ولكن تقع هذه المسؤولية بدرجة متزايدة على عاتق لواء الخنساء الذي يتألف برمته من النساء. وقام تنظيم الدولة الإسلامية بإعدام نساء، فضلاً عن رجال، بتهم الزنا. وجرى توثيق حالات لرحم النساء حتى الموت. ويُستخدَم العرض العلني لهذه الأعمال الوحشية بغية زرع الخوف في نفوس النساء بما يمنع من عصيان مراسيم الدولة الإسلامية.

٤ - الأطفال

٦٥ - شهدت اللجنة تدهور حالة حقوق الأطفال في الجمهورية العربية السورية. فقد تعرّض الأطفال للقتل والإصابة وبت الأطراف والمعاناة من الآثار المباشرة للعنف العشوائي الذي تمارسه القوات الحكومية. وتأثر الأطفال أيضاً بعمليات النزوح وفقدان الأقارب والصدمة الناجمة عن مشاهدتهم بأنفسهم لأعمال العنف.

٦٦ - وقامت أجهزة المخابرات والأمن باعتقال صغار الأطفال منذ عام ٢٠١١. وإذ يجري احتجاز الأطفال في نفس الزنانات التي يُحتجز فيها البالغون، فإنهم يتعرّضون للعنف الجنسي ولنفس المعاملة السيئة وأعمال التعذيب التي يتعرّض لها المحتجزون البالغون. وشهد الأطفال أيضاً أثناء الاحتجاز أعمال التعذيب العنيف وحالات وفاة.

٦٧ - ومع تطوّر الاضطرابات إلى نزاع مسلّح، بدأت القوات الحكومية في استخدام الأطفال كجزء من عمليات عسكرية منسّقة ترمي إلى تحديد أماكن وجود مقاتلي الجماعات المسلحة قبل الهجوم عليهم أو في استخدامهم للعمل كمخبرين، الأمر الذي يعرّضهم للانتقام والعقاب.

٦٨ - ومع تدمير زهاء ٥٠٠٠ مدرسة في الجمهورية العربية السورية، ما زالت تتبدّى ملامح النقص الحاد الناجم عن ذلك من حيث تعليم الأطفال باعتبار هذا النقص هو أحد أكبر أوجه القلق القائمة لدى الأشخاص الذين أُجريت معهم مقابلات. إذ تقوم القوات الحكومية بمهاجمة المدارس في سياق عملياتها العسكرية. ووفقاً لمنظمة الأمم المتحدة للطفولة (اليونيسيف)، قُتل ١٦٠ طفلاً في هجمات على المدارس في عام ٢٠١٤. وقامت القوات المسلحة العادية أيضاً باستخدام المدارس لأغراض عسكرية، حارمةً بذلك الأطفال من التعليم ومُعرّضة المنشآت التعليمية للهجوم.

٦٩ - وبعض الأطفال الذين سُردوا أو التمسوا اللجوء في دول مجاورة قد تُركوا خارج المدارس لمدة سنتين أو ثلاث سنوات، ما يزيد من خطر التطرّف لدى الشباب المراهقين. وقد استفادت الجماعات المسلحة من الأطفال المشردّين والمنفصلين عن مجتمعاتهم المحلية. فقد جرى تجنيد الأطفال وتدريبهم واستخدامهم في أدوار قتالية نشطة. وعادة ما يقوم الأطباء العاملون في مستشفيات ميدانية بمعالجة أشخاص قاصرين مصابين في المعارك. وأدى استخدام الجماعات المسلحة للمدارس لأغراض عسكرية إلى تعريض الأطفال للخطر وإلى إصابتهم ووفاتهم. ودأبت الجماعات المسلحة المناوئة للحكومة على استهداف المدارس والأبنية المدرسية وهو ما أدى إلى مقتل أطفال أو إصابتهم أو بتر أطرافهم.

٧٠- واستخدم تنظيم الدولة الإسلامية الأطفال لتحقيق أغراضه وسبب لهم الأذى على نطاق لم يُر من قبل في النزاع السوري. فقد أنشأ التنظيم "معسكرات الأشبال" في المناطق التي تقع تحت سيطرته حيث يُعلّم الأطفال كيفية استخدام الأسلحة ويُدرّبون على العمل كمفجّرين انتحاريين. وفي أيلول/سبتمبر وتشرين الأول/أكتوبر ٢٠١٤، كان أشخاص قاصرون جزءاً من قوات تنظيم الدولة الإسلامية أثناء هجومها على عين العرب (كوباني). وجرى استهداف الأطفال عمداً بعمليات إرهابهم المعتقدات واستخدامهم لتحقيق أغراض التنظيم. واستخدم التنظيم المدارس لأغراض عسكرية، معرضاً الأطفال للخطر وحائلاً دون نيلهم التعليم.

٧١- وقامت وحدات حماية الشعب الكردية باختطاف الأطفال وبقبولهم للانخراط في صفوفها. ونشروا الأطفال في عمليات قتال فعلي رغم تعهدهم بالتزام دولي يُلزم بعكس ذلك.

٧٢- ونتيجةً لاحتلال المدارس وتدميرها وانعدام الأمن بها، فإن أكثر من نصف عدد أطفال سوريا الذين هم في سن المدارس، أي ما يصل إلى ٢,٤ مليون طفل، لا يدرسون بمدارس. ومع ازدياد أعداد الأطفال الذين يجري تجنيدهم لغرض القتال، سيكون لخطورة حالة الأطفال في الجمهورية العربية السورية ولافتقارهم إلى الحماية آثار تدوم لفترة زمنية طويلة.

٥- الأشخاص المحتجزون

٧٣- جمعت اللجنة روايات عديدة عن حالات تعذيب ووفيات حدثت أثناء الاحتجاز في السجون الحكومية في أنحاء الجمهورية العربية السورية في الفترة ما بين آذار/مارس ٢٠١١ وكانون الثاني/يناير ٢٠١٥، وهي روايات تدعم استنتاجاتها المتعلقة بارتكاب جريمة ضد الإنسانية متمثلة في حالات التعذيب والقتل. فاستخدام التعذيب استخداماً واسع النطاق ومنهجياً هو أمر قد وُثّق حدوثه في منشآت شتى في دمشق، ومن بينها فروع الأمن العسكري ٢١٥ و ٢٣٥ (المعروف أيضاً بفرع فلسطين) و ٢٢٧؛ وفرع الأمن السياسي بدمشق؛ وفرعا المخابرات الجوية في حرستا ومطار المزة العسكري؛ والمستشفى العسكري في حرستا وسجن صيدنايا. وكانت الإصابات البدنية الموثقة التي وقعت للضحايا تتفق مع الروايات التي أدلوا بها عن التعذيب الشديد الذي تعرضوا له كأسلوب من أساليب الاستجواب، أو للحط من كرامتهم وإذلالهم. واشتمل التعذيب أيضاً على الاغتصاب والعنف الجنسي. واتصفت أوضاع الاحتجاز بالافتقار إلى الطعام والمياه والحيز المكاني والنوم والنظافة الصحية والرعاية الطبية والحرمان من الأدوية المنقذة للحياة. وكثيراً ما جرى نزع ثياب المحتجزين عند وصولهم واحتجازهم لفترات طويلة بملابسهم الداخلية. وتشير المعلومات المجمعة إلى وجود سياسة حكومية في هذا الصدد يجري تنفيذها في جميع المحافظات.

٧٤- وظهرت تقارير عديدة عن حدوث وفيات أثناء الحبس في فرع المخابرات الجوية في مطار المزة العسكري وفي فرعي الأمن العسكري رقمي ٢١٥ و ٢٣٥ وفي سجن صيدنايا. وكثيراً ما كانت أسر المحتجزين توجّه إلى الشرطة العسكرية في القابون للحصول على معلومات عن الأقارب المحتجزين ثم إلى مستشفى تشرين العسكري. بيد أنه لم تجر إعادة الجثامين في معظم الحالات. وأصدرت سلطات الدولة شهادات وفاة مزورة القصد منها فيما يبدو هو إخفاء

سبب ومكان الوفاة والحيلولة دون ظهور أي سجل رسمي يفيد استخدام التعذيب. وبتزييف السلطات الحكومية لظروف الوفاة في محاولة منها لإخفاء إساءة معاملة المحتجزين، فإنها دعمت نظاماً قوامه التعذيب والقتل غير المشروع المرتكبين على نطاق واسع ومنهجي.

٧٥- ويتسبب تنظيم الدولة الإسلامية في حدوث آلام أو معاناة بدنية أو نفسية شديدة للسكان المدنيين في المناطق الخاضعة لسيطرتها، وخاصة عن طريق ما يقوم به علانيةً من عمليات جلد أو بتر كجزء من هجومه الواسع النطاق والمنهجي على السكان المدنيين. وقد حدثت زيادة في التعذيب والمعاملة القاسية واللاإنسانية والمهينة للسكان المدنيين في محافظات الرقة ودير الزور وحلب. كما ارتكبت التعذيب على نحو منهجي ضد الأسرى من مقاتلي الجيش السوري الحر ووحدات حماية الشعب الكردية. وقام مقاتلو تنظيم الدولة الإسلامية، أثناء عمليات الاستجواب، بضرب وقتل الأشخاص المحتجزين في مراكز الاحتجاز التابعة لهم في محافظتي الرقة وحلب. وشملت عمليات الضرب جلد المحتجزين بالكابلات. وذكر محتجزون سابقون في منشآت الاحتجاز التابعة للتنظيم في محافظة الرقة أنهم كانوا يُحتجزون في زنانات مكتظة مليئة بالحشرات. وكان المحتجزون يحصلون على قدر غير كافٍ من الغذاء ولم يكن يُسمح لهم بالاتصال بأحد خارج المنشأة المعنية.

٦- المرضى والمصابون

٧٦- أدى تعمّد حرمان الأشخاص الذين يُنظر إليهم على أنهم أعداء من الرعاية إلى تفاقم حالة المعاناة الإنسانية في الجمهورية العربية السورية. فمنذ أولى أيام الاضطرابات، درج العمل على منع المحتجين المصابين في المظاهرات من الحصول على خدمات الرعاية بالمستشفيات. ومع تصاعد النزاع، فإن كثيراً من المدنيين المصابين في الهجمات العشوائية وغير المتناسبة قد توفوا بسبب عدم القدرة على الوصول إلى الرعاية الطبية. ودأبت قوات الأمن على إلقاء القبض على الجرحى الساعين إلى تلقي العلاج وعلى احتجازهم، مدعيةً أن إصابتهم بالرصاص أو بالشظايا دليل على اشتراكهم في أنشطة المعارضة. وأجبر الأطباء والمرضى على وقف العلاج تحت التهديد بالعنف. وجرى استهداف المرضى والمصابين بنيران القناصة، كما جرى استهدافهم أثناء الاعتداءات العسكرية على المنشآت الطبية. وجرى عسكرة الرعاية الصحية إلى حد أن كثيراً ممن يحتاجون إلى هذه الرعاية يختارون عدم محاولة الحصول على المساعدة الطبية في المستشفيات خوفاً من إلقاء القبض عليهم أو احتجازهم أو تعرضهم للتعذيب والقتل.

٧٧- وشكل زوال الحيادية إحدى الخصائص المميّزة لهذا النزاع. ففي جميع أنحاء الجمهورية العربية السورية، رفضت القوات الحكومية السماح بعمليات إيصال الأدوية واللوازم الجراحية الأساسية. وكانت إحدى النتائج المباشرة المترتبة على ذلك هي افتقار المستشفيات الميدانية إلى الضروريات الأساسية وأنها لا تستطيع تقديم العلاج الطبي إلا في أبسط صورته. وبمواصلة السلطات الحكومية لسياسة رفض تقديم الرعاية الطبية على أساس أنها قد تُستخدم لعلاج المقاتلين المصابين، فإنها تتصرف تصرفاً يشكل خرقاً مباشراً للتعهدات الملزمة المتعهد بها بموجب القانون الدولي الإنساني والقاضية بضمان جمع الجرحى والمرضى والاعتناء بهم، وبضمان مرور مواد الإغاثة الإنسانية بسرعة وبلا عائق.

٧- الأشخاص ذوو الإعاقة

٧٨- يوجد عدد متزايد من الأشخاص ذوي الإعاقة بسبب استخدام المتفجرات، وخاصة في المناطق الحضرية المكتظة بالسكان. وأدت زيادة استخدام الألغام البرية والعبوات المتفجرة المرتجلة من جانب جميع أطراف النزاع إلى إصابة عدد كبير من الضحايا وبترا أطرافهم. كما أن الأسلحة التي تستخدمها القوات الحكومية، وخاصة البراميل المتفجرة، تسبب إصابات شديدة، بما في ذلك فقدان الأطراف وحدوث جروح غائرة ناتجة عن الشظايا. وقد بُترت أطراف كثير من الضحايا الناجين من آثار البراميل المتفجرة.

٧٩- وكان كثير من الشهود الذين أجرت معهم اللجنة لقاءات يعانون من إصابات أو عاهات أو أمراض مزمنة. وفيما يتعلق بالأغلبية الساحقة منهم، حدثت حالات الإعاقة هذه كنتيجة مباشرة للنزاع. ويواجه الأشخاص ذوو الإعاقة مشاق محددة. وقد عانوا من التقليل الشديد لإمكانية الحصول على ما يكفي من الخدمات نتيجة للنزاع. وجرى توثيق حالات لأشخاص ذوي إعاقات عقلية وبدنية لم يستطيعوا الفرار أو قُتلوا في أعمال القتال في عين العرب (كوباني) في أيلول/سبتمبر ٢٠١٤.

٨- العاملون الطبيون والعاملون في مجال المساعدة الإنسانية

٨٠- أدى فقدان العاملين الطبيين إلى تسارع انهيار نظام الصحة العامة السوري خلال السنوات الأربع الماضية. فقد وقعت هجمات على سائقي سيارات الإسعاف والمرضى والمرضات والأطباء والمتطوعين الطبيين، وتعرضوا لإلقاء القبض عليهم وللاحتجاز والاختفاء. واشتملت قوانين مكافحة الإرهاب الصادرة في ٢ تموز/يوليه ٢٠١٢ على التجريم الفعلي لتقديم المساعدة الطبية إلى المعارضة. وتتعارض القوانين أرقام ١٩ و ٢٠ و ٢١ مع القاعدة المنصوص عليها في القانون الدولي الإنساني العرفي وهي أنه "لا يجوز بأي حال من الأحوال توقيع العقاب على أي شخص لقيامه بنشاط ذي صفة طبية يتفق مع شرف المهنة الطبية بغض النظر عن شخص المستفيد من هذا النشاط"^(٩). ونتيجة لذلك، تأثر نظام الرعاية الصحية تأثراً شديداً أثناء العمليات العسكرية التي قامت بها القوات الحكومية، كما تأثر بالحملة المتعمدة والمنهجية الرامية إلى اضطهاد العاملين الطبيين الذين يعالجون أي شخص يُتصوّر أنه يعارض الحكومة.

٨١- وجرى استهداف المستشفيات والمنشآت الطبية استهدافاً منهجياً، مما أدى إلى وفاة وإصابة عاملين طبيين. وعلى مستوى البلد، في الفترة من تموز/يوليه ٢٠١٤ إلى كانون الثاني/يناير ٢٠١٥، هوجم عشرة مستشفيات على الأقل في ضربات جوية حكومية، بعضها كان بصورة متكررة، مما نتج عنه في كثير من الأحيان قتل أطباء وممرضات/ممرضين يعملون داخلها.

(٩) البروتوكول الإضافي الأول (المادة ١٦(١)) والبروتوكول الإضافي الثاني (المادة ١٠(١)) لاتفاقيات جنيف المؤرخة ١٢ آب/أغسطس ١٩٤٩.

٨٢- وقام تنظيم الدولة الإسلامية والجماعات المسلحة المناوئة للحكومة باحتجاز عاملين طبيين، منتهكةً بذلك القانون الدولي الإنساني الذي يحظر معاقبة الأشخاص على قيامهم بعمل طبي. ودفع اختطاف العاملين في المجالين الإنساني والطبي إلى هروب العاملين الطبيين خوفاً من اعتقالهم. وهرب الأطباء والمرضات/المرضون أيضاً بسبب القيود التي يفرضها تنظيم الدولة الإسلامية على أنشطتهم المهنية.

٨٣- وما زال العنف الذي يستهدف العاملين في المجال الإنساني يعرقل جهود وكالات العمل الإنساني الرامية إلى تقديم المساعدات إلى السوريين الأشد احتياجاً إليها. وقد جرى استهداف العاملين في المجال الإنساني، مما منعهم من تقديم المساعدات وتقليص أنشطة الوكالات العاملة في المجال الإنساني.

٩- الأشخاص المشردون داخلياً واللاجئون

٨٤- منذ بداية الأزمة في الجمهورية العربية السورية، فرّ أكثر من عشرة ملايين سوري من ديارهم. وهذا يبلغ نحو نصف عدد سكان البلد، وهم محرومون الآن من حقوقهم الأساسية في المأوى والسكن اللائق والأمن والكرامة الإنسانية. وكثير منهم ضحايا لانتهاكات لحقوقهم الإنسانية ولاعتداءات ولديهم حاجة ماسة إلى تدابير الحماية والدعم.

٨٥- وقد لاذ أكثر من ثلاثة ملايين شخص، معظمهم نساء وأطفال، بالفرار من الجمهورية العربية السورية. وتحمّلت البلدان المجاورة، وخاصة لبنان والأردن وتركيا والعراق، المسؤولية الرئيسية عن استضافة إحدى أكبر موجات النزوح في التاريخ الحديث. ويُعتقد أن ٦,٥ ملايين أخرى من الأشخاص مشردون داخلياً. فيحتاج ما يُقدَّر بـ ١٠,٨ ملايين شخص إلى المساعدة الإنسانية داخل الجمهورية العربية السورية، يعيش منهم ٤,٦ ملايين شخص في ظل الحصار أو في مناطق يصعب الوصول إليها.

٨٦- وقد ظهر أن إحدى المجموعات ذات الوضع المشبوه بصورة خاصة في الجمهورية العربية السورية هي الفلسطينيين. وكثيراً ما لا توجد أماكن أخرى يمكن أن يلتجئ إليها الفلسطينيين الذين استهدفتهم القوات الحكومية بالهجوم في مخيمي اليرموك وخان الشيخ في دمشق وفي مخيم الحنדרات في حلب، وفي مخيم درعا. وقد قيّدت الدول المجاورة دخول بعض الفلسطينيين إليها وفرضت تدابير تمييزية ضدهم، بما يشكل انتهاكاً لالتزاماتها المتعلقة باللجوء وبعدم الإعادة القسرية للاجئين.

جيم- تدابير حماية المدنيين

٨٧- حدث إخفاق تام في حماية المدنيين في الجمهورية العربية السورية. إذ يجري استهداف المدنيين على نحو منهجي من جانب جميع أطراف النزاع، بما نجم عن ذلك من فظائع شنيعة. وكنتيجة مباشرة لسلوك الأطراف المتحاربة، ظل حيز العمل الإنساني يتقلص بشكل بارز، الأمر الذي يزيد من حجم التكلفة البشرية للنزاع.

٨٨- فالأشخاص المحرومون من حريتهم، وخاصة الأشخاص المحتجزون فيما يتصل بالاضطرابات والنزاع المسلح، قلما يجري إبلاغهم بالتهم الموجهة إليهم وليس لديهم إمكانية الحصول على محاكمات منصفة ونزيهة أو إلى سبل انتصاف فعالة أو إلى سبل الحماية التي تكفلها بصورة عامة الإجراءات القانونية الواجبة. ولا تُمنح الجهات المحايدة العاملة في المجال الإنساني إمكانية الوصول إلى الأغلبية الكبرى من مرافق الاحتجاز التي تديرها الحكومة أو الجماعات المسلحة غير التابعة للدولة.

٨٩- وبالمثل لا توجد في الجمهورية العربية السورية سوى قلة من أوجه الحماية المتاحة للمدنيين والأشخاص الآخرين غير المشاركين - أو الذين لم يعودوا مشاركين - في النزاع أو في حالات العنف الأخرى، وخاصة المجموعات أو الأشخاص المعرضون لمخاطر خاصة، مثل الأطفال والنساء والمسنين والأشخاص ذوي الإعاقة والمشرّدين.

٩٠- ومع القيود الشديدة التي تعترض الوصول إلى كثير من أنحاء البلد، لا تتوافر لوكالات المساعدة الدولية القدرة على القيام بزيارات حماية إلى مرافق الاحتجاز أو القدرة على إجراء عمليات تقييم للاحتياجات في المناطق التي تستضيف أعداداً كبيرة من الأشخاص المشرّدين داخلياً.

٩١- كما أن السلطات الحكومية، المتورطة في ارتكاب انتهاكات جسيمة وما زالت ترتكب جرائم اتباعاً لسياسة الدولة، قد برهنت على عزمها على رفض التفاعل مع أي جهات فاعلة نزيهة تعمل في المجال الإنساني. فالتشريعات المعتمدة منذ بداية الأزمة في الجمهورية العربية السورية قد جرّمت الأنشطة الأساسية في المجال الإنساني، بما في ذلك تقديم الرعاية الطبية على نحو محايد. وأدت الهجمات التي شنت على العاملين في مجال المساعدة الإنسانية هي واعتقال المدافعين عن حقوق الإنسان إلى الإعاقة الشديدة لجهود الجهات الساعية إلى التخفيف من معاناة ضحايا النزاع وجهود الجهات العاملة على حماية المدنيين. وأسفرت الحرب الرامية إلى فرض الحصار هي ورفض وصول المساعدات الإنسانية عن جعل جهود الحماية الأساسية في كثير من المناطق مستحيلة عملياً.

٩٢- ولم يبذل أي من الأطراف المسلحة جهداً واضحاً لإعادة النظر في ممارساته المتعلقة بالاستهداف من أجل الحد من الإصابات في صفوف المدنيين أو من أجل الحيولة دون حدوثها. وما زالت الأطراف تمارس أعمال القتال بطريقة لا تميز فيها وكثيراً ما تكون غير متناسبة وغير مشروعة. وهي لا تتخذ سوى قلة من الاحتياطات ولا يبدو أنها تتخذ إجراء عاجلاً للحد من إصابات المدنيين، بما في ذلك إجراء تحقيقات مستقلة في الحوادث التي تسفر عن وقوع إصابات في صفوف المدنيين.

٩٣- وقد تفتتت الجماعات المسلحة غير التابعة للدولة بما يجعل من الصعب تحقيق التنسيق والترويج المطردئين بشأن تدابير حماية المدنيين. ففي ظل عدم وجود محاورين معروفين موثوق بهم، لم تتمكن الجهات العاملة في المجال الإنساني من الإبقاء على قنوات ملائمة لإجراء حوار مفيد بشأن تدابير حماية المدنيين. ونتيجة لذلك، لا تتوافر سوى أوجه حماية ضئيلة للأشخاص

المحرومين من حريتهم وللأشخاص الذين يحتاجون إلى الرعاية الطبية وإلى المساعدة الإنسانية والغذائية. كما أسفر انتشار تنظيم الدولة الإسلامية وتصاعد أعمال القتال عن وقف جميع عمليات توصيل المساعدات الإنسانية إلى المناطق الواقعة تحت الحصار.

٩٤- وتبرهن مجموعة الأدلة التي جمعتها اللجنة برهنةً لا لبس فيها على استخفاف الأطراف المتحاربة بحياة البشر وبأوجه الحماية الممنوحة للمدنيين. ويجب أن تكون زيادة الحماية الممنوحة للمدنيين ركيزةً رئيسيةً من ركائز أي حوار سياسي أو إنساني أو دبلوماسي مع الأطراف المتحاربة يهدف إلى زيادة وتيرة العمل الإنساني في الجمهورية العربية السورية. أما خارج حدود الجمهورية العربية السورية، فيلزم على سبيل الاستعجال القيام بعمل دولي متضافر لتلبية احتياجات الحماية الإنسانية لمجموع اللاجئين في المنطقة.

ثالثاً - المساءلة

٩٥- اتسم النزاع المسلح بارتكاب انتهاكات هائلة ومتواترة لحقوق الإنسان وللقانون الدولي الإنساني تتطلب اتخاذ إجراءات دولية ووطنية عاجلة. وقد سلّم بذلك مجلس الأمن في قراره ٢١٣٩ (٢٠١٤) الذي شدد فيه المجلس على الحاجة إلى إنهاء الإفلات من العقاب، وأكد فيه من جديد الحاجة إلى تقديم مرتكبي هذه الانتهاكات إلى العدالة. ورغم توافق الآراء المتوصّل إليه في هذا القرار، لا توجد حتى الآن تدابير ملموسة لضمان المساءلة.

٩٦- ودعت اللجنة مراراً مجلس الأمن إلى إحالة الحالة في الجمهورية العربية السورية إلى المحكمة الجنائية الدولية أو إلى محكمة دولية مخصصة لهذا الغرض. كما أنها سعت، حيثما كان ذلك ممكناً، إلى استخدام المعلومات المتوافرة لديها لتحديد المسؤولين عن الجرائم المرتكبة وغيرها من الانتهاكات وإلى المساعدة على ضمان محاسبة مرتكبي هذه الجرائم والانتهاكات^(١٠).

٩٧- وقد جرى تجميع أكثر من ٣ ٥٠٠ شهادة أدلى بها ضحايا وشهود عيان تؤثّق جرائم الحرب والجرائم ضد الإنسانية وكذلك انتهاكات أخرى لحقوق الإنسان وللقانون الدولي الإنساني. وحُفظت هذه المقابلات من أجل تقاسمها وإحالتها مستقبلاً إلى آليات العدالة، دولية كانت أم وطنية. وفي جميع الحالات، طُلب من الأشخاص الذين أُجريت معهم هذه المقابلات إعطاء موافقتهم الصريحة لكي تستخدم اللجنة المعلومات المقدّمة في تقاريرها و/أو لكي تتقاسم التفاصيل المناسبة مع آليات المساءلة حالياً ومستقبلاً.

(١٠) انظر الوثيقة A/HRC/22/59، المرفق الرابع عشر.

ألف- تحديد هوية الأشخاص المدعى أنهم جناة

- ٩٨- في نهاية فترة كل ولاية، تقوم اللجنة بتجميع قائمة سرية بأسماء الأشخاص المدعى أنهم جناة. وقد حُددت هوية هؤلاء الجناة بالاستناد إلى شهادات الشهود والضحايا المتحقق منها.
- ٩٩- ويجري تسجيل جميع المعلومات المتعلقة بالجناة المحتملين، أفراداً كانوا أم كيانات، وهو ما يشمل الاسم، واسم الجهة التي ينتسب إليها، ورتبته، ومصدر المعلومات، والظروف المحددة للحادث (أو للحوادث) التي يدعى تورط الفرد المعني أو الجماعة المعنية فيه. ويُجرى مراجعة لتحديد ما إذا كانت المعلومات التي تربط الجناة المحددة هويتهم بالجريمة أو بالانتهاكات قد جرى التحقق منها على نحو يفي بمستوى الإثبات الذي تأخذ به اللجنة.
- ١٠٠- ويوضع الفرد أو الكيان على القائمة النهائية عند وجود "أسباب معقولة للاعتقاد" بحدوث جريمة أو انتهاك وتورط الفرد المدرج بالقائمة أو الوحدة المدرجة بها فيها على النحو المشروح. وقد أُدرج في القائمة عدد من قادة الوحدات وقادة الجماعات المسلحة على أساس مسؤوليتهم كقادة.

باء- فئات من يُدعى أنهم جناة

- ١٠١- ستقدم اللجنة في آذار/مارس ٢٠١٥ قائمة خامسة بأسماء من يُدعى أنهم جناة إلى مفوض الأمم المتحدة السامي لحقوق الإنسان. وقد شملت الوثائق السابقة أسماء قادة بالجيش وبوحدات الأمن، بمن فيهم رؤساء مرافق الاحتجاز وأفراد آخرون يعملون تحت إمرة الحكومة أو يدعمونها، وقادة جماعات مسلحة غير تابعة للدولة بمن فيهم من يُسمون "أمراء" جماعات متطرفة، وذلك متى تم إثبات مسؤوليتهم عن الجرائم والانتهاكات المعنية وفقاً لمعيار الإثبات الذي تأخذ به اللجنة.

جيم- السعي إلى تحقيق العدالة

- ١٠٢- نظراً إلى أنه لم يجر حتى الآن إحالة الحالة في الجمهورية العربية السورية إلى المحكمة الجنائية الدولية، تسلّم اللجنة بوجوب البحث عن خيارات أخرى لتحقيق العدالة الجنائية. ولما كانت المحكمة ستتركز على الأشخاص المدعى أنهم أكثر من يتحملون المسؤولية، فسيتعين النظر في الحالات الإضافية من جانب آليات دولية أو وطنية أخرى. ونظراً إلى انتشار استخدام الجماعات المتطرفة لمقاتلين أجانب، فإن دولاً كثيرة قد أظهرت الاستعداد للتحقيق مع مواطنيها المشتبه في ارتكابهم جرائم في النزاع السوري ولمقاضاتهم.
- ١٠٣- وبعد رصد الإجراءات الوطنية طوال أكثر من ثلاث سنوات، خلصت اللجنة إلى أن المحاكم الوطنية السورية ليست في هذا الوقت أداة فعالة يمكن عن طريقها تحقيق العدالة.

ولم تعثر اللجنة حتى الآن على أدلة تثبت أن المحاكم السورية لديها الإرادة أو القدرة اللازمة للوفاء بالتزامات الدولية التي توجب مقاضاة مرتكبي الجرائم الدولية الخطيرة.

١٠٤- ويبدو أن العمل بطريقة تعسفية دون ضمانات تتعلق بالمحاكمة العادلة هو سمة محكمة مكافحة الإرهاب والمحاكم الجنائية العادية والمحاكم العسكرية الميدانية الخاصة والمحاكم الشرعية المحلية المختلفة في المناطق التي تسيطر عليها الحكومة. وبالمثل، فإن المحاكم الشرعية التي تعمل في المناطق الواقعة تحت سيطرة جماعات مسلحة غير تابعة للدولة، بما فيها تنظيم الدولة الإسلامية وجبهة النصرة، لا تعمل بطريقة تتفق مع المعايير الدولية مما ينتج عنه إجهاض العدالة.

١٠٥- ويبدو أن محكمة مكافحة الإرهاب والمحاكم العسكرية الميدانية تعتمد بشكل حصري تقريباً على الاعترافات المنتزعة قسراً وعلى المعلومات المتحصّل عليها بالتعذيب. ونتيجة لذلك، تشعر اللجنة بالقلق لكون نظام القضاء الجنائي السوري ينتهك حالياً الحقوق الدولية المتعلقة بتطبيق الإجراءات القانونية الواجبة وبالوصول على محاكمة عادلة، مما يفاقم ويضعف معاناة ضحايا النزاع المسلح القائم.

دال- تقديم المساعدة إلى عمليات المقاضاة على الصعيد الوطني

١٠٦- لزيادة النهوض بالمساءلة، تقاسمت اللجنة المعلومات - في الحالات التي تم فيها الحصول على موافقة الأشخاص الذين أُجريت معهم المقابلات - مع نظم القضاء في الدول الراغبة في ممارسة ولايتها القضائية الوطنية بشأن الجرائم المرتكبة في الجمهورية العربية السورية. فمع عودة المقاتلين الأجانب إلى بلدانهم من ميادين المعركة في هذا البلد، حدثت زيادة في الطلبات المقدمة من هذه الدول على مدى الأشهر الستة الماضية.

١٠٧- وأوضحت بعض الدول أيضاً استعدادها لتأكيد الولاية القضائية العالمية بغية إجراء تحقيقات جنائية مع الأشخاص المشتبه في أنهم جناة، بمن فيهم المواطنون الأجانب، في سياق النزاع المسلح المعني. وفي حالة وضع إحدى هذه الدول اليد على هؤلاء الجناة وكانت محاكمها الوطنية تلي المعايير الدولية المتعلقة بالمحاكمة العادلة، ستكون اللجنة على استعداد لتقاسم المعلومات التي لديها معها عند تلقيها طلباً بذلك.

هاء- تدابير إضافية في معرض السعي إلى تحقيق العدالة

١٠٨- أكد مجلس الأمن في قراره ٢١٧٨ (٢٠١٤) على الحاجة إلى معالجة الأوضاع المؤدية إلى انتشار الإرهاب. وتؤيد اللجنة النداء الموجه إلى الدول من المجلس في هذا القرار بأن تنظر في مجموعة كاملة من التدابير الرامية إلى مكافحة الأسباب الجذرية للتطرف عن طريق التعليم والسياسة العامة والتفاعل مع المجتمعات المحلية المعرضة لخطر التجنيد في أوساطها.

رابعاً- المسؤولية المشتركة

ألف- الإخفاق في التوصل إلى حل سياسي

١٠٩- على الرغم من طرح عدد من المبادرات بغية وضع حد للنزاع الذي دام أربع سنوات في الجمهورية العربية السورية، فقد قُصرت هذه المبادرات حتى الآن عن التوصل إلى حل سياسي. وتبرّز من بين هذه المبادرات خطة النقاط الست المقدّمة من المبعوث الخاص المشترك للأمم المتحدة وجامعة الدول العربية المعني بالأزمة السورية، السيد كوفي أنان، في ٢٧ آذار/مارس ٢٠١٢. وقد دعت هذه الخطة بصورة رئيسية حكومة الجمهورية العربية السورية إلى الاضطلاع بعملية سياسية شاملة وإلى وقف أعمال القتال العسكرية وإلى السماح بوصول المساعدات الإنسانية إلى المناطق المتأثرة بالقتال. وبعد ذلك بفترة وجيزة، في نيسان/أبريل ٢٠١٢، جرى تعيين بعثة الأمم المتحدة للمراقبة في الجمهورية العربية السورية بهدف رصد وقف إطلاق النار المعلن الذي وافقت في بادئ الأمر الحكومة والمعارضة المسلحة على الالتزام به. وفي ١٦ حزيران/يونيه، جرى تعليق البعثة عندما استؤنفت أعمال القتال.

١١٠- وما زال البيان الختامي المعتمد في مجموعة العمل من أجل سوريا (بيان جنيف)، الصادر في حزيران/يونيه ٢٠١٢^(١١)، هو أحد أكثر المحاولات جدية لحل النزاع سلمياً. فهو ينص على خارطة طريق من أجل تحقيق انتقال سلمي للسلطة عن طريق إنشاء هيئة حكم انتقالية ذات صلاحيات تنفيذية. وبعد تعيين السيد الأخضر الإبراهيمي مباحثاً في آب/أغسطس ٢٠١٢، ليكون هو الممثل الخاص المشترك للأمم المتحدة وجامعة الدول العربية، فإنه دعا إلى تنفيذ أحكام 'بيان جنيف'. وبعد شهر من المفاوضات ودفعة دبلوماسية اتسمت بالثابرة من جانب الولايات المتحدة الأمريكية والاتحاد الروسي مع أطراف النزاع، عُقد مؤتمر ("جنيف الثاني") في مدينة 'مونتريه' بسويسرا في ٢٣ كانون الثاني/يناير ٢٠١٤. وقد انهارت المفاوضات بعد جولتين اثنتين من المباحثات بين الحكومة والمعارضة التي مثلها في معظمها الائتلاف الوطني السوري. وتركزت نقطة الاختلاف الرئيسية على الأولويات التي تُدرج في جدول أعمال المفاوضات بالنظر إلى أن الحكومة قد أصرت على تناول مسألة الإرهاب قبل تناول القضايا المتعلقة بالحكم الانتقالي وهو ما رفضه الائتلاف.

١١١- وزاد من تعقيد احتمالات التوصل إلى حل سياسي تكاثر الجهات الفاعلة العسكرية على أرض الواقع. فالتوسّع الإقليمي الكبير من جانب تنظيم الدولة الإسلامية، مقترناً باستمرار تفتّت الجماعات المنتسبة إلى الجيش السوري الحر، قد جعل من المستحيل التوصل إلى وقف إطلاق نار شامل أو اتفاق سياسي أوسع نطاقاً. كما أدى إلى زيادة إضعاف موقف الائتلاف الوطني السوري بسبب الاضمحلال التدريجي لتأثيره على هذه الجماعات. ووجّهت الجهود

(١١) الوثيقة A/66/865-S/2012/522، المرفق.

المبدولة مؤخراً نحو "تنسيق" علاقات هذا الائتلاف مع الجماعات المسلحة المؤثرة على الأرض، مع التفاعل أيضاً مع المعارضة السياسية الداخلية. وكان الاجتماع الأخير الذي عُقد في القاهرة في ٢٢ كانون الثاني/يناير ٢٠١٥ بين الائتلاف الوطني السوري وأعضاء من المعارضة الداخلية يهدف تحديداً إلى وضع برنامج مشترك. ووافقت أغلبية الأعضاء المشاركين على وثيقة ختامية من عشر نقاط. ودعت هذه الوثيقة إلى إيجاد فترة انتقالية سلمية تحقق الانتقال إلى نظام ديمقراطي ومدني، مع التشديد في الوقت نفسه على أن بيان جنيف ما زال هو الأساس لأي مفاوضات مع الحكومة.

١١٢- وهدفت المبادرة التي اتخذها الاتحاد الروسي في كانون الثاني/يناير ٢٠١٥ إلى جمع أعضاء المعارضة والحكومة معاً. ورُفضت المبادرة من كتلة المعارضة الخارجية الرئيسية وهي الائتلاف الوطني السوري، بينما وافق أعضاء من جماعات شتى من المعارضة الداخلية على الحضور. وتم التوصل إلى توافق آراء بشأن الحاجة إلى الحفاظ على سيادة الجمهورية العربية السورية ووحدتها؛ وعلى رفض التدخل الخارجي؛ ومكافحة الإرهاب باعتبارها إحدى الأولويات؛ وإنهاء الحرب الأهلية بالوسائل السلمية.

١١٣- وأدى أيضاً توسع الجماعات المتطرفة إلى تشدد الحكومة في موقفها التفاوضي وفي استعدادها لتقديم تنازلات. وحددت الحكومة باستمرار مسألة إنهاء الدعم العسكري الخارجي للجماعات المسلحة ومسألة ما يُسمى بـ "مكافحة الإرهاب" كشرطين مسبقين لأي عملية سياسية أو انتقالية. ورفضت الحكومة أيضاً الاعتراف بالائتلاف الوطني السوري ككيان موحد وركزت بدلاً من ذلك على جهودها الرامية إلى التعامل مع المعارضة المسموح بها داخلياً.

١١٤- ويهدف نهج الخطوة خطوة الحالي الذي يتبعه المبعوث الخاص للأمم العام السيد 'ستيفان دي ميستورا' إلى تناول مسألة تفكيك النزاع عن طريق التركيز على التجميد الموضوعي لأعمال القتال في مدينة حلب. ويؤكد هذا النهج على اتباع نهج تصاعدي من أسفل إلى أعلى لحل النزاع عن طريق تعزيز اتفاقات محلية يمكن استنساخها على نطاق أكبر ما يُيسر تحقيق تحوّل تدريجي نحو حل سياسي أوسع نطاقاً. ولم تُعرض حتى الآن خطة محددة ولكن بنجاح تجميد القتال في حلب سيكون اختباراً كاشفاً لمدى إمكانية نجاح هذا النموذج في مناطق أخرى.

١١٥- وبينما يمكن أن يؤدي الانتقال التدريجي المصحوب بتدابير لبناء الثقة إلى الحد من أعمال القتال محلياً وإلى تحسين الأوضاع الإنسانية، فإنه سيتعين في خاتمة المطاف أن يكون ذا منظور أطول أجلاً. ورغم أن بيان جنيف قد أتاح إطاراً لتسوية سياسية، فما زالت توجد قضايا مثيرة للخلاف من بينها نطاق وطبيعة تمثيل المعارضة في أي ترتيب انتقالي. وما زال دور الرئيس الأسد في المرحلة الانتقالية يشكل قضية مثيرة للخلاف بشكل عميق لدى الأطراف. ويجب تناول هذه الجوانب قبل أن يتسنى التفكير بجدية في اتفاق دائم في هذا الصدد.

باء- دور الجهات الفاعلة الخارجية

١١٦- إلى جانب التصعيد الداخلي، الذي حدث في آذار/مارس ٢٠١١ بفعل الاستخدام المفرط للقوة من جانب الحكومة ضد المحتجين غير المسلحين إلى حد كبير، أسهمت عدة جهات فاعلة خارجية في عملية العسكرة التي حوّلت الاضطرابات إلى حرب أهلية وحشية.

١- دور الدول ذات التأثير على كلا جانبي النزاع

١١٧- منذ بدء الانتفاضة، سعت بعض الدول إلى التأثير على مسلك الأطراف المختلفة تبعاً لمصالحها الجغرافية - السياسية. وقد امتد نطاق تأييدها ليشمل المجالين المالي والعسكري، بما تقدّمه إلى أطراف النزاع، وإن كان ذلك بدرجة غير متساوية، من القدرات المطلوبة لتصعيد إمكانات هذه الأطراف أو على الأقل للحفاظ عليها. وبصورة خاصة، تتنافس البلدان الواقعة في المنطقة على التأثير على المتحاربين، محوّلةً بذلك الأزمة السورية تدريجياً إلى تنافس إقليمي.

١١٨- فالمساعدة المالية والعسكرية البالغة الأهمية التي ضختها الدول المختلفة في مجرى النزاع قد زادت من عدم استعداد الأطراف المتحاربة للوصول إلى حل توافقي بالنظر أن هذه الأطراف استمرت في الاعتقاد بأنها يمكن أن تغلب عسكرياً. وأدى الدعم المستمر المقدم من بعض الدول إلى الأطراف، وهو دعم استفاد منه المتشدّدون على جانبي النزاع، إلى إلحاق الخطر بالجهود المحدودة التي بذلها المجتمع الدولي من أجل استعادة السلام والاستقرار في المنطقة.

١١٩- كما أدى الدعم المستمر المقدم إلى الحكومة من داعميها الدوليين، في شكل عتاد عسكري ومشورة وتدريب، إلى تشجيعها على مواصلة نهجها العسكري والأمني القائم على استخدام القوة بشكل مفرط. وقد مكّنها هذا الدعم من تعديل أوضاع وقدرات وبنية قواتها لكي تتلاءم مع قتالها غير المتماثل ضد العنف المسلح المتصاعد.

١٢٠- وقامت أيضاً الدول الداعمة للمعارضة بتزويد الجماعات والائتلافات المختلفة بعتاد عسكري فتاك وغير فتاك. وبسبب القيود المفروضة ذاتياً من جانب مقدمي هذا الدعم، فإن حجمه والسياسة التي يقوم عليها لم يمنحاً هذه الجماعات قط القدرات المطلوبة لكي تشكل خطراً جاداً على القوات الحكومية في الأجلين المتوسط والطويل. ورغم جميع الاحتياطات التي يُدعى أن الدول الموجهة لهذه العملية قد اتخذتها، فإن الدعم المقدم إلى الجماعات التي تُسمّى بـ "المعتدلة" قد أدى في خاتمة المطاف إلى دعم هيمنة الجماعات المتطرفة مثل تنظيم الدولة الإسلامية وجبهة النصرة اللتين تمكّنتا من اجتياح مواقع الجماعات المعتدلة وإلى كسب الولاءات في صفوفها.

٢- دور الجهات الفاعلة، غير التابعة للدولة، من الدول المجاورة

١٢١- قامت عدة جهات فاعلة، غير تابعة للدولة، من دول في المنطقة بالمشاركة في الحرب الدائرة إما عن طريق نشر قواتها بصورة مباشرة أو عن طريق تقديم الدعم اللوجستي والمالي إلى جانب أو آخر من جانبي النزاع. وكان دخول قواتها ميسراً بفعل عدم إحكام السيطرة على أجزاء كبيرة من الحدود السورية.

١٢٢- وقد أدت المشاركة المتزايدة من جانب هذه الجهات الفاعلة إلى انسياب العنف إلى بلدانها الأصلية. فتدخّل حزب الله والمليشيات الشيعية العراقية عسكرياً إلى جانب الحكومة واشترك الآلاف من المقاتلين المتطرفين دعماً للمتمردين قد زاد من حدة مخاطر عدم الاستقرار القائمة من قبل في الدول المجاورة. فالمواجهات المسلحة المستمرة في شمال لبنان وصعود نجم تنظيم الدولة الإسلامية وحملته اللاحقة في العراق هي جميعاً مؤشرات على زيادة صبغ الأزمة بصبغة إقليمية.

١٢٣- وزادت الجهات الفاعلة غير التابعة للدولة من حدة العنف على أساس الانتماء المذهبي، وذلك بسبب خلفية هذه الجهات وما تقدمه من روايات تبرر بها وجودها وعملياتها في الجمهورية العربية السورية، الأمر الذي زاد من تفاقم الانقسامات الدينية والعرقية.

١٢٤- وأشعلت أيضاً الجهات غير التابعة للدولة حدة التطرف لدى المتحاربين، وخاصة الجماعات المسلحة. فالمنظمات الخيرية والجهات المانحة الخاصة المهتمة بنشر الأيديولوجيات المتطرفة قد قامت، في معرض دعمها للجماعات المسلحة المناوئة للحكومة، بمحاباة الجماعات المستعدة لإقرار معتقداتها.

٣- تدفق المقاتلين الأجانب تدفقاً نتج عنه ارتفاع مستوى التطرف والإرهاب

١٢٥- حظي المقاتلون الأجانب الذين انضموا إلى الجماعات المسلحة غير التابعة للدولة بموضع الصدارة في بادئ الأمر في صفوف نظرائهم بسبب مشاركتهم بكفاءة في أنشطة العمليات وفي أنشطة الإدارة على السواء، وكانت الأيديولوجية الدينية المتشددة هي الدافع المهيمن وراء انضمامهم إلى هذه الجماعات. وقد أدى الاحترام الذي نالوه لدى المجتمعات المحلية في المناطق التي سيطرت عليها الجماعات المسلحة أو الخوف الذي فرضوه على هذه المجتمعات إلى تمكينهم من التأثير على المشهد العام في اتجاه التطرف.

١٢٦- وأفادت مشاركة المقاتلين الأجانب الجماعات المتطرفة، مثل تنظيم الدولة الإسلامية وجهة النصرة. فهاتان الجماعتان، اللتان وُصفتا بأتهما جماعتان إرهابيتان بموجب قرار مجلس الأمن ٢١٧٠ (٢٠١٤)، قد استخدمتا أيديولوجيتهما لحشد المقاتلين وتجنيدهم بصورة فعالة. وزاد ذلك من علو الشأن الذي اكتسبته هاتان الجماعتان على الجماعات المسلحة من التيار الرئيسي طوال الحرب، وخاصة في عام ٢٠١٤.

١٢٧- وقد دفع هؤلاء المقاتلون بعملية التطرف إلى الأمام في المناطق التي تسيطر عليها الجماعات المسلحة. فهم، إلى جانب مشاركتهم العسكرية، قد أدوا دوراً بارزاً في المجالات الدينية والنظم التعليمية والقضائية التي أنشأوها في هذه المناطق. وستؤدي السيطرة على هذه الجوانب الأساسية من الحياة المدنية إلى زيادة نزعة التطرف لدى المجتمعات الواقعة تحت سلطتهم.

جيم- مسؤولية منظومة الأمم المتحدة

١٢٨- بعد أكثر من عامين من عدم اتخاذ إجراء بشأن الأزمة في الجمهورية العربية السورية، اعتمد مجلس الأمن القرار ٢١١٨ في أيلول/سبتمبر ٢٠١٣، الذي طلب فيه التحقق من مخزونات

الأسلحة الكيميائية وتدمير هذه المخزونات، ودعا فيه إلى عقد الجولة الثانية من محادثات جنيف للسلام، وأيد فيه إقامة هيئة حكم انتقالية لها كامل السلطات التنفيذية.

١٢٩- ومع تفاقم الأزمة، اعتمد مجلس الأمن القرار ٢١٣٩ في شباط/فبراير ٢٠١٤. وفي ذلك القرار، طلب المجلس من جميع الأطراف، وخاصة الحكومة، أن تسمح بإيصال المساعدات الإنسانية عبر خطوط النزاع، في المناطق المحاصرة، وعبر الحدود. وجرى توسيع نطاق القرار ٢١٣٩ (٢٠١٤) باعتماد القرار ٢١٦٥ (٢٠١٤)، الذي أذن فيه بمرور الأمم المتحدة وشركائها عبر الحدود وعبر الخطوط الفاصلة من أجل إيصال المساعدات الإنسانية دون موافقة الدولة. وحدد المجلس، في قراره ٢١٩١ المعتمد في كانون الأول/ديسمبر ٢٠١٤، إذنه باستخدام الطرق عبر خطوط النزاع وكذلك استخدام معابر حدودية محددة. وحدد المجلس أيضاً آلية الرصد التي أنشأها ذلك القرار.

١٣٠- وفي الإحاطات الإعلامية الشهرية المقدّمة إلى مجلس الأمن عن متابعة تنفيذ القرارين ٢١٣٩ (٢٠١٤) و ٢١٦٥ (٢٠١٤)، تناولت وكالة الأمين العام للشؤون الإنسانية ومنسقة عمليات الإغاثة في حالات الطوارئ التحديات والمعوقات العديدة التي ما زالت تعرقل إمكانية وصول المساعدات الإنسانية وسلطات الأضواء على القضايا المتعلقة بحماية المدنيين. وفي ١٥ كانون الأول/ديسمبر ٢٠١٤، ناشدت وكالة الأمين العام المجلس أن يضمن قيام أطراف النزاع بالامتثال للقرار ٢١٣٩ (٢٠١٤) برمته. ورغم أن القرار ٢١٧٥ (٢٠١٤) لم يُعتمد تحديداً في سياق الحالة في الجمهورية العربية السورية، فإنه يستنكر الحوادث الشائعة على نحو متزايد التي يُرتكب فيها العنف ضد المشاركين في العمليات الإنسانية، كما استنكر الهجمات التي تُشن على القوافل الإنسانية وتدمير أصولها ونهبها.

١٣١- وأعرب مجلس الأمن، في القرار ٢١٧٠ (٢٠١٤)، عن بالغ القلق من وقوع أراضٍ في أنحاء من العراق والجمهورية العربية السورية تحت سيطرة تنظيم الدولة الإسلامية في العراق والشام، وجبهة النصرة، وأضاف المجلس ستة أفراد مرتبطين بهاتين الجماعتين إلى قائمة الجزاءات المفروضة على تنظيم القاعدة، وهدد باتخاذ تدابير ضد من يقومون بتمويلهم وتجنيدهم وتزويدهم بالأسلحة. وأكد المجلس الحاجة إلى محاسبة مرتكبي الانتهاكات في العراق والجمهورية العربية السورية. ووسّع المجلس، في قراره ٢١٧٨ (٢٠١٤)، من إطار مكافحة الإرهاب عن طريق فرض التزامات على الدول الأعضاء بالتصدّي لخطر المقاتلين الأجانب.

١٣٢- بيد أن عدم توصل مجلس الأمن إلى توافق في الآراء بشأن مسألة محاسبة مرتكبي الانتهاكات قد سمح لهم بمواصلة العمل مع التمتع بالإفلات من العقاب. وفي أيار/مايو ٢٠١٤، لم يتمكن المجلس من اعتماد مشروع قرار يدعو إلى إحالة الوضع في الجمهورية العربية السورية إلى المحكمة الجنائية الدولية.

١٣٣- وفي ضوء الفشل الواضح للحكومة في حماية سكانها من الانتهاكات الهائلة لحقوق الإنسان، فإن المجتمع الدولي، عن طريق الأمم المتحدة، يتحمّل المسؤولية عن حماية السكان السوريين من هذه الجرائم. وتتطلع اللجنة قُدماً إلى اتخاذ إجراء محدد من جانب الأمم المتحدة

لكي تعتمد وتنفذ بسرعة استراتيجية مشتركة عنوانها "الحقوق أولاً" للتأكد من أن كل تعامل مع الجمهورية العربية السورية يأخذ في الحسبان ويعالج على نحو فعال الحالة الخطيرة لحقوق الإنسان.

خامساً - استنتاجات وتوصيات

ألف - استنتاجات

١٣٤ - جمّعت اللجنة في هذا التقرير الحالي التطورات المهمة في الجمهورية العربية السورية على مدى السنوات الأربع الماضية، مسلّطة الأضواء على الاتجاهات الرئيسية التي اتسم بها النزاع. وقد تطوّر الوضع من تطلعات شعبية مشروعة إلى مواجهة على نطاق وبحجم لا مثيل لهما.

١٣٥ - وأدت الزيادة المهولة في ارتكاب جرائم الحرب والجرائم المرتكبة ضد الإنسانية وانتهاكات حقوق الإنسان إلى تفاقم الأثر المترتب على ضياع الفرص الإنسانية. وما زال السكان المدنيون يتحملون وطأة الآلام والمعاناة بينما يُحصّن الجنّة من المساءلة. وتتفاسم مجموعة متنوعة من الجهات الفاعلة، الوطنية والإقليمية والدولية، المسؤولية عن هذه المأساة التي تمضي بلا هوادة.

١٣٦ - ومن وجهة نظر وصول المساعدات الإنسانية وحماية المدنيين، يتمثل التحدي المطروح في اعتماد تدابير أكثر حزمًا لضمان تحقيق ذلك عن طريق دمج حقوق الإنسان في أعمال منظومة الأمم المتحدة بأسرها بغية حماية المدنيين على نحو أكثر فعالية، مع إيلاء الاعتبار الواجب لحساسية الاعتبارات المتعلقة بنوع الجنس وللاحتياجات المحددة للأطفال.

١٣٧ - وكانت اللجنة، فيما صدر عنها من تذكير بعدم وجود حل عسكري للنزاع، قد تنبأت بانسداد أفق العمل العسكري. فلا مناص حتى الآن من عملية سياسية شاملة للجميع تستهدف إحلال السلام. ولن يكون من شأن أي مزيد من التأخير أو التقاعس إلا أن يُسهّم في انتشار التطرف وحدوث طفرة في أعداد المقاتلين الأجانب وفي الإرهاب وزعزعة استقرار المنطقة.

١٣٨ - وقد دأب الجنّة، طوال أكثر من أربع سنوات، على ارتكاب جرائم تصدم ضمير الإنسانية، وتثير أسئلة حول عدم كفاية رد فعل المجتمع الدولي. وبرهنت السلطات السورية على عدم استعدادها لتقديم الجنّة إلى العدالة. ويتكاثر الإرهاب والتطرف يوماً بعد يوم، مع قيام جماعات مثل تنظيم 'الدولة الإسلامية في العراق والشام' وجبهة النصرة بارتكاب فظاعات لا توصف.

١٣٩ - وبالنظر إلى خطورة استنتاجات اللجنة، فمن المهم بصورة حاسمة أن يعتمد المجتمع الدولي استراتيجية مشتركة فعالة للتصدّي للتحديات المتعلقة بالإفلات من

العقاب في الجمهورية العربية السورية. وما زال أحد الخيارات الرئيسية هو إحالة الحالة في الجمهورية العربية السورية إلى المحكمة الجنائية الدولية عن طريق مجلس الأمن؛ بيد أن الافتقار الحالي إلى توافق آراء فيما بين الأعضاء الدائمين في مجلس الأمن يتطلب النظر على وجه الاستعجال في إنشاء محكمة دولية مخصصة لهذا الغرض.

١٤٠- وقد ظل موقف اللجنة القائم منذ أمد طويل هو أن منهجيتها في التحقيق لا تلبى المتطلبات المعتادة للأصول القانونية الواجبة الاتباع وبناء على ذلك ينبغي عدم ذكر أسماء الأشخاص المدعى أنهم مرتكبو جرائم الحرب والجرائم ضد الإنسانية. بيد أنه بعد أربع سنوات من الرصد المكثف وتقديم أربع قوائم سرية بمرتكبي الجرائم، سيكون من شأن عدم نشر الأسماء في هذه المرحلة من التحقيقات أن يعزز الإفلات من العقاب الذي كُلفت اللجنة بمكافحته.

١٤١- وترى اللجنة أنها ينبغي أن تفسر ولايتها بطريقة تفضي على أفضل وجه إلى حماية ضحايا النزاع وحققهم في معرفة الحقيقة. ويحدو اللجنة الأمل في أن يُسفر لفت نظر الأشخاص المدعى أنهم مرتكبون للجرائم عن زيادة الأثر الرادع المحتمل لاستنتاجات اللجنة إلى أقصى حد وعن المساعدة في حماية الأشخاص المعرضين لخطر التجاوزات.

باء- توصيات

١٤٢- تكرر لجنة التحقيق تقديم التوصيات المدرجة في تقاريرها السابقة، وتقديم التوصيات الواردة أدناه.

١٤٣- توصي اللجنة بقيام جميع الأطراف بما يلي:

(أ) الامتثال على نحو فعال لمقتضيات حقوق الإنسان والقانون الدولي الإنساني وقرارات مجلس الأمن ذات الصلة، واستخدام تأثيرها لضمان أن يمثل لها أيضاً من يحظى بدعمها من الأفراد والجماعات؛

(ب) مكافحة انتشار الانتهاكات والتطرف والإرهاب عن طريق تقديم الجناة إلى العدالة مع التصدي للأسباب الجذرية لذلك، والنهوض بالإدماج الاجتماعي، والأخذ بدائل سلمية للخطاب المتسم بالعنف؛

(ج) عرض تقديم الحماية والمساعدة على نحو فعال إلى المدنيين، بمن فيهم اللاجئون والأشخاص المشردون داخلياً، مثلاً عن طريق توفير أماكن آمنة وإمكانية حصولهم على الضروريات الأساسية؛

(د) مطالبة جميع الأطراف باتخاذ تدابير فعالة لإنهاء جميع أشكال تجنيد الأطفال بصورة غير قانونية أو استخدامهم في أعمال القتال؛

(هـ) احترام مبدأ عدم الإعادة القسرية لمتمسكي اللجوء وتقاسم العبء عن طريق مجموعة متنوعة من التدابير، من بينها إعادة توطين اللاجئين ودعم السكان المحليين المتأثرين، والاستجابة على نحو وافي؛

(و) تعزيز التدابير الرامية إلى مساعدة فئات محددة، مثل النساء والأطفال والأشخاص ذوي الإعاقة والأقليات، وهو ما يشمل إيجاد مزيد من البرامج لتقديم الدعم الاجتماعي - النفسي من أجل إعادة التأهيل/إعادة الاندماج الاجتماعي، مع إيلاء الاعتبار الواجب للمشاركة الفعالة من جانب المستفيدين؛

(ز) تقديم ما يكفي من تمويل وموارد أخرى للاستجابة لمتطلبات الحالة الإنسانية.

١٤٤ - توصي اللجنة بقيام حكومة الجمهورية العربية السورية بما يلي:

(أ) الوقف الفوري لاستخدام الأسلحة غير المشروعة والعشوائية، بما في ذلك البراميل المتفجرة؛

(ب) إنهاء الاحتجاز التعسفي، وحالات الاختفاء القسري، والتعذيب، والانتهاكات المماثلة الأخرى؛

(ج) السماح للجهات الفاعلة العاملة في المجال الإنساني بإمكانية الوصول على نحو كامل وبلا عائق، امتثالاً لقرارات مجلس الأمن في هذا الصدد؛

(د) السماح للجنة بدخول البلد والتعاون معها.

١٤٥ - توصي اللجنة بقيام المجتمع الدولي بما يلي:

(أ) استخدام مبدأ الولاية القضائية العالمية وفقاً للقانون الوطني بغية التحقيق مع المتورطين في الانتهاكات المشينة من أشخاص وجماعات؛

(ب) اعتماد تدابير تستهدف المذكورين آنفاً من أشخاص وجماعات؛

(ج) ضمان توقف الدول والأفراد عن تمويل الإرهاب والتطرف، امتثالاً لقرارات مجلس الأمن ذات الصلة بالموضوع؛

(د) دعوة جميع الأطراف إلى ضمان اشتغال المناقشات المتعلقة بإحلال السلام أو المصالحة على الشواغل المتعلقة بحماية الأطفال والحماية القائمة على نوع الجنس وذلك بصورة منهجية؛

(هـ) الاستجابة على نحو كافٍ للاحتياجات المتنامية لكل من اللاجئين والأشخاص المشردين داخلياً والمجتمعات المحلية المستضيفة لهم، بما في ذلك الاستجابة لها بالوفاء بالتعهدات القائمة الصادرة تلبيةً لنداءات الأمم المتحدة.

١٤٦ - توصي اللجنة بقيام مجلس الأمن بما يلي:

(أ) دعم أعمال اللجنة ودخولها أراضي الجمهورية العربية السورية، وإدراج الحالة فيها كجزء من جدول أعماله الرسمي من أجل مناقشتها، ودعوة اللجنة إلى تقديم إحاطات إعلامية دورية تبعاً لذلك؛

(ب) إحالة الحالة المعنية إلى القضاء، عن طريق المحكمة الجنائية الدولية أو إلى محكمة دولية مخصصة لهذا الغرض، على أن توضع في الاعتبار الحاجة إلى التصدي للإجهاض المستمر للعدالة على المستوى الوطني السوري والحاجة إلى إصلاح قطاع القضاء الوطني السوري إصلاحاً جوهرياً؛

(ج) اعتماد تدابير موجّهة ضد مَنْ تشير الأدلة ذات المصادقية إلى تورّطه في الانتهاكات المشينة من أشخاص وجماعات؛

(د) فرض تدابير أكثر حزمًا بغية تعزيز تنفيذ قرارات مجلس الأمن المتعلقة بالجمهورية العربية السورية ومتابعة تنفيذها.

١٤٧ - توصي اللجنة بقيام الجمعية العامة بما يلي:

(أ) اعتماد قرار تطلب فيه إلى مجلس الأمن إحالة هذه الحالة إلى القضاء؛

(ب) دعم أعمال اللجنة، بما في ذلك دعمها عن طريق إحالة تقريرها إلى مجلس الأمن، ودعوة اللجنة إلى تقديم إحاطات دورية تبعاً لذلك.

١٤٨ - توصي اللجنة بقيام مجلس حقوق الإنسان بما يلي:

(أ) دعم توصيات اللجنة وضمّان رصد الحالة باستمرار في الجمهورية العربية السورية وتقديم تقارير عنها بصورة مستمرة.

Annexes

[English only]

Annex I

Correspondence with the Government of the Syrian Arab Republic

NATIONS UNIES
DROITS DE L'HOMME
HAUT-COMMISSARIAT



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

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

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

3 September 2014

Excellency,

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

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

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

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

Sincerely,

James Rodchaver

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

15 December 2014

Excellency,

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

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

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

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

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

Sincerely,

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

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

Annex II

Violations documented between 15 July 2014 and 15 January 2015

A. Massacres and other unlawful killing

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

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

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

1. Government forces

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

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

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

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

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

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

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

2. Non-State armed groups

Anti-Government armed groups

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

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

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

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

Islamic State of Iraq and Al-Sham (ISIS)

21. ISIS has carried out massacres of civilians and captured soldiers in Ar 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 Raqqa), 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 video 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 Raqqa 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 Raqqa, 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 returned 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 at 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 Raqqa 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 Raqqa and detained by ISIS fighters. His family believe he was targeted because he was Christian. They were too frightened to seek information about his whereabouts. He has not been heard from since. As previously reported, ISIS abducted a Jesuit priest, Father Dall'Oglio on 28 January 2013. Since his disappearance, there has been no information about his fate.

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

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

3. Unknown perpetrators

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

E. Torture and other forms of ill-treatment

1. Government forces

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

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

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

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

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

136. Methods of torture remained consistent across time and governorates. In this reporting period, former detainees described being beaten on the head, bodies and soles of feet with wooden and metal sticks, hoses, cables, belts, whips, and wires. Detainees were also sexually assaulted; given electric shocks, including to their genitals; burnt with cigarettes; and were placed in stress positions for prolonged periods of time. A substantial number of male detainees reported having their hands handcuffed behind their backs and then being suspended by their wrists from the ceiling or a wall for hours. Detainees emphasised that they were beaten not only during interrogations, but also in the cells by the prison guards.

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

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

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

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

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

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

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

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

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

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

^b See paragraphs 176-183, below.

inside the cells, appeared designed to humiliate and punish those held in Government custody.

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

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

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

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

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

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

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

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

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

^c See paragraph 195, below.

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 Raqqa 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 Raqqa city (Ar Raqqa), 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.^d These executions, carried out as punishment for crimes such as adultery, were utilised to instil fear among women for disobeying the social edicts imposed by ISIS.

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

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

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

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

G. Violations of children's rights

1. Government forces

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

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

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

near continuous bombardment by Government forces and inadequate humanitarian relief 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 Doukhanayah, killing a 10-year-old boy and injuring other civilians who were walking along a residential street.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

People's Protection Units (YPG)

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

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

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

H. Unlawful attacks

1. Government forces

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

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

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

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

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

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

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

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

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

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

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

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

2. Non-State armed groups

Anti-Government armed groups

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

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

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

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

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

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

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

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

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

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

Islamic State of Iraq and Al-Sham

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

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

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

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

3. Undetermined perpetrator

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

I. Specifically protected persons and objects

1. Government forces

244. Government forces have continued to target medical facilities in the course of their military operations against armed groups. The remaining functioning hospitals and medical facilities in non-State armed group-controlled areas do not mark their buildings with the Red Cross or Red Crescent emblem to avoid being targeted by Government forces.

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

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

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

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

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

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

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

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

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

254. The documented incidents of attacks against hospitals are of grave concern, as they demonstrate a disregard for the specially protected status of healthcare facilities and a failure to take precautions to avoid civilian casualties and protected the sick and wounded. The pattern of attacks indicates that Government forces deliberately target hospitals and medical units to gain military advantage by depriving anti-Government armed groups and their perceived supporters of medical assistance.

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

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

2. Non-State armed groups

Islamic State of Iraq and Al-Sham

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

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

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

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

J. Sieges and denial of humanitarian access

1. Government forces

261. The Government continues to conduct its military operations in a manner which disregards the humanitarian needs of the civilian population. Government authorities prohibit the inclusion of medical and surgical supplies in humanitarian convoys making cross-line deliveries. In Damascus, the impact of the eastern Ghouta siege on food security has harmed children. The siege is enforced through checkpoints encircling eastern Ghouta, manned by elite units, including the 3rd, 4th Divisions, and Republican Guard. Government forces shelled Hamouriyah in eastern Ghouta between March and September, worsening

^f See paragraphs 279-281, below.

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

the humanitarian conditions and contributing to displacement. Those who fled described a lack of adequate humanitarian aid and access to basic foodstuffs.

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

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

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

2. Non-State armed groups

Anti-Government armed groups

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

266. On 24 November 2014, armed groups attacked Ain Al-Fijeh, the source of fresh water for Damascus city, in retaliation for the Government offensive against their positions.

An estimated five million people living in Damascus suffered shortages of water as a result, as water had to be re-routed from other localities to Damascus.

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

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

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

Islamic State of Iraq and Al-Sham (ISIS)

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

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

K. Arbitrary and forced displacement

1. Government forces

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

273. By causing such large-scale displacements as a result of its unlawful attacks, the Government has failed in its obligations under international human rights law to protect civilians from such displacement. It has also failed to comply with its duties under customary international humanitarian law to take all possible measures to provide displaced civilians shelter, hygiene, health, safety and nutrition and to ensure that members of the same family are not separated.

2. Non-State armed groups

Islamic State of Iraq and Al-Sham (ISIS)

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

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

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

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

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

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

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

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

282. In early November 2014, ISIS expelled a family from its home in Al-Bab on the grounds that the father of the family was an activist working against ISIS. The man’s wife and six children were forced to leave, with one fighter saying “this home is no longer their property but the property of the Islamic State”. Other activists and their families were also

reportedly ordered to vacate their homes by ISIS, with ISIS then confiscating their houses and property for its fighters' own use.

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

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

Annex III

Map of the Syrian Arab Republic

