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### Human rights situations that require the Council's attention

## Report of the Independent International Commission of Inquiry on the Syrian Arab Republic\*, \*\*

### *Summary*

In the present report, submitted to the Human Rights Council pursuant to its resolution 43/28, the Independent International Commission of Inquiry on the Syrian Arab Republic presents its findings based on investigations conducted from 11 January 2020 to 1 July 2020.

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\* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.

\*\* The annexes to the present report are circulated as received, in the language of submission only.



## I. Mandate and methodology

1. Pursuant to its established methodology, which is based on standard practices of commissions of inquiry and human rights investigations, the Independent International Commission of Inquiry on the Syrian Arab Republic<sup>1</sup> relied primarily on 538 interviews, conducted in person in the region as well as from Geneva, in producing the present report.<sup>2</sup> Official documents, reports, photographs, videos and satellite imagery were collected and analysed from multiple sources, including following the Commission's call for submissions.<sup>3</sup> The standard of proof was considered met when the Commission had reasonable grounds to believe that incidents had occurred as described, and, where possible, that violations had been committed by the warring party identified.

2. The Commission's investigations remain curtailed by the denial of access to the country and protection concerns in relation to interviewees. In all cases, the Commission remained guided by the principle of "do no harm".

3. The Commission thanks all who provided information, in particular victims and witnesses.

## II. Political and military developments

4. Notwithstanding a relative reduction in large-scale hostilities in recent months due to general conflict dynamics and the impact of coronavirus disease (COVID-19), there were regular spikes in violence and continuous violations of human rights across the Syrian Arab Republic. Idlib Governorate and surrounding areas remained the epicentre of confrontation<sup>4</sup> between pro-government forces<sup>5</sup> and opposition armed groups during the first half of 2020. While the ceasefire starting on 5 March offered respite, sporadic fighting between pro-government forces and terrorist groups<sup>6</sup> resumed in May and intensified in June, including around the Ghab plain and Jabal al-Zawiya, in the southern countryside of Idlib Governorate.

5. In the north-east of the country, while joint Turkish-Russian military patrols resumed<sup>7</sup> along the Syrian-Turkish border, periodic clashes between the Kurdish People's Protection Units, the Syrian National Army<sup>8</sup> and Turkish military forces continued. Car bomb attacks, such as the one on 9 January in Ra's al-Ayn that killed four Turkish soldiers, or the market attack in Afrin on 28 April that caused over 100 casualties (see para. 42 below), further destabilized the region. The security situation also deteriorated in Dayr al-Zawr, where the Syrian Democratic Forces<sup>9</sup> increased raids and arrests of civilians with alleged links to Islamic State in Iraq and the Levant (ISIL). Between March and May, two major riots in the Syrian Democratic Forces-run Ghweran and Hasakah prisons erupted, allowing the escape of several prisoners. In June, reports of fighting between Turkish-

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<sup>1</sup> The commissioners are Paulo Sérgio Pinheiro (Chair), Karen Koning AbuZayd and Hanny Megally.

<sup>2</sup> In view of the travel limitations related to COVID-19, the majority of the interviews were undertaken remotely.

<sup>3</sup> See [www.ohchr.org/coisyrria](http://www.ohchr.org/coisyrria).

<sup>4</sup> See A/HRC/44/61.

<sup>5</sup> See A/HRC/31/68, footnote 3.

<sup>6</sup> The Commission continues to regard Islamic State in Iraq and the Levant (ISIL), Hay'at Tahrir al-Sham, Hurras al-Din and other Al-Qaida-aligned groups as terrorist entities, as designated by the Security Council pursuant to its resolutions 1267 (1999), 1989 (2011), 2170 (2014) and 2253 (2015).

<sup>7</sup> Joint patrols temporarily halted at the height of the Government's campaign in the north-west of the Syrian Arab Republic in January and February 2020.

<sup>8</sup> A/HRC/43/57, footnote 3.

<sup>9</sup> A/HRC/31/68, para. 11. The People's Protection Units (Kurdish People's Protection Units/Women's Protection Units) operate under the effective command and control of the Syrian Democratic Forces; see <https://childrenandarmedconflict.un.org/2019/07/syrian-democratic-forces-sign-action-plan-to-end-and-prevent-the-recruitment-and-use-of-children/>.

backed groups and the Syrian Democratic Forces in the Al-Bab area, infighting between Syrian National Army groups in Ra's al-Ayn, and ISIL attacks against Syrian Arab Army units in the Dayr al-Zawr countryside, were received.

6. ISIL remained active in central areas of the Syrian Arab Republic. In January and February, the terrorist group launched attacks on Syrian Arab Army positions in the Sukhnah region in Homs Governorate. The attacks prompted the Government to increase security measures in eastern Homs Governorate, and by mid-April, the Government had regained control of fuel refineries in the Governorate. Nonetheless, attacks by ISIL cells against Syrian Arab Army positions in the Badiya Al-Sham region and around Resafa continued.

7. In the south of the country, unrest intensified. In Suwayda', protests erupted in January, and continued throughout the first six months of 2020, due to price inflation, corruption and deteriorating living standards. In Dar'a, tensions between local opposition fighters and government forces, as well as civilians, escalated. In mid-March, artillery shelling by the Syrian Arab Army targeted the southerly Dar'a Governorate, triggering retaliatory attacks by local militants near Nawa. The situation remained volatile in May and June following clashes, targeted killings, and the killing of nine Syrian police officers in Muzayrib. In response to these incidents, the Syrian Arab Army deployed additional troops to the region. Throughout the reporting period, Israeli airstrikes were directed at a broad range of targets across the Syrian Arab Republic, including Iranian and Iranian-backed actors.

8. At the political level, the President, Bashar al-Assad, issued a legislative decree granting pardons for a narrow ambit of crimes committed before 22 March 2020, and proposed a limited amnesty for military deserters. The Government announced that parliamentary elections in government-controlled areas would be held in April, which were subsequently postponed until 19 July 2020 due to the COVID-19 pandemic. On 1 June, the President swore in new governors for the Homs, Qunaytirah, Dar'a and Hasakah Governorates.

9. During the reporting period, the country's economic crisis accelerated. On 18 January, two legislative decrees were issued,<sup>10</sup> which prohibited the use of foreign currencies as payment for commercial transactions and set out tighter penalties for disseminating, what the Government viewed to be, misinformation that caused currency depreciation. The currency crisis, compounded by the global pandemic, led to rapidly rising food prices, food insecurity and growing levels of poverty.<sup>11</sup> In response, the Syrian authorities stepped up measures to clamp down on currency speculators and forced the closure of exchange offices. Despite these measures, the Syrian pound depreciated further, prompting the President to replace the trade minister on 11 May and the Prime Minister on 11 June. The following week, in June, the United States of America brought the Caesar Syria Civilian Protection Act<sup>12</sup> into force, imposing new sanctions on officials of the Government of the Syrian Arab Republic and on military officials and business associates.

10. Internationally, diplomatic efforts to seek a political solution to the conflict continued. In January, the Special Envoy of the Secretary-General for Syria, Geir Pedersen, travelled to Moscow and Damascus where he met with senior Russian and Syrian officials to discuss the Syrian peace process. During the period under review, the Security Council held six meetings on the humanitarian situation and the political process. Moreover, on 11 July, after weeks of discussions, on its fourth attempt, the Security Council authorized cross-border humanitarian aid from Turkey into the north-west of the Syrian Arab Republic for one year, limiting the entry of United Nations cross-border aid to only the Bab al-Hawa crossing in Idlib Governorate. Meanwhile, the Government and opposition representatives

<sup>10</sup> Nos. 3/2020 and 4/2020.

<sup>11</sup> The number of Syrians who are food-insecure is now 9.3 million, with an increase of 1.4 million in 2020. See [www.wfp.org/news/more-syrians-ever-grip-hunger-and-poverty](http://www.wfp.org/news/more-syrians-ever-grip-hunger-and-poverty).

<sup>12</sup> See A/HRC/43/57.

agreed to reconvene for the third round of talks of the small body of the Constitutional Committee<sup>13</sup> in Geneva as soon as the pandemic situation allowed.

11. The Secretary-General of the United Nations also submitted to the Security Council a summary<sup>14</sup> of the report of the United Nations Headquarters Board of Inquiry into certain incidents that had occurred in north-west Syria since 17 September 2018. The Board analysed seven attacks on hospitals, schools, and camps for internally displaced persons and offered conclusions relating to six of the sites. Separately, on 8 April, the Organization for the Prohibition of Chemical Weapons released the findings of the first report of its investigation and identification team<sup>15</sup> on the use of chemical weapons by the Syrian Arab Air Force in Ltamenah. Additionally, in April, the first trial in the world on State torture in the Syrian Arab Republic began in Koblenz, Germany.

12. On 22 March, the Government of the Syrian Arab Republic confirmed the first COVID-19 case. In response, authorities announced a host of measures, including the temporary closure of businesses, a ban on movement between governorates, a curfew and the creation of medical emergency centres. In light of the COVID-19 pandemic, the Secretary-General issued an appeal for a nationwide ceasefire and encouraged G-20 members to waive sanctions imposed on countries in order to ensure access to food, essential health supplies and COVID-19 medical support.<sup>16</sup> The Special Envoy of the Secretary-General for Syria reiterated this message and also called upon all parties to carry out unilateral releases of detainees and abductees.<sup>17</sup> In parallel, the Government intensified calls for the lifting of coercive unilateral measures, indicating that they constituted a challenge in fighting the pandemic.<sup>18</sup> The Syrian Democratic Forces-linked autonomous administration in north-east Syria (hereinafter referred to as the self-administration) closed all crossings into government-held areas, banned movement between towns, imposed a curfew and set up a specialized hospital.

### III. Government-held areas

“Every month I would go to look... They would reply that they had no news about him or even his name in their records. This continued for one year. I then gave up any hope.”

- Father of a disappeared person, Rif Damascus, February 2020

13. In Dar’a and Suwayda’, the security situation significantly deteriorated, with a number of incidents of armed violence between the multitude of armed actors vying for control. In Damascus, around Rif Damascus, Suwayda’ and Dar’a, arbitrary detention, enforced disappearance and torture remained pervasive. The price of food and basic goods significantly increased in government-held areas, with the devaluation of the Syrian pound exacerbating an already difficult living situation. At the same time, the Government continued to prevent thousands of individuals from returning to their homes in areas that had been retaken in the preceding five years. In such areas, the denial of freedom of movement also continued to affect people’s ability to access health care, education and other vital services, and to exercise basic rights.

<sup>13</sup> See [www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/A8CE345167D1CD0FC12584A9006285A9?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/A8CE345167D1CD0FC12584A9006285A9?OpenDocument).

<sup>14</sup> See [www.un.org/sg/sites/www.un.org.sg/files/atoms/files/NWS\\_BOI\\_Summary\\_06\\_April\\_2020.pdf](http://www.un.org/sg/sites/www.un.org.sg/files/atoms/files/NWS_BOI_Summary_06_April_2020.pdf).

<sup>15</sup> Document S/1867/2020.

<sup>16</sup> See [www.un.org/sg/en/content/sg/note-correspondents/2020-03-24/note-correspondents-letter-the-secretary-general-g-20-members](http://www.un.org/sg/en/content/sg/note-correspondents/2020-03-24/note-correspondents-letter-the-secretary-general-g-20-members).

<sup>17</sup> See [www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/D6B51AE793261B7BC12585AE00587A85?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/D6B51AE793261B7BC12585AE00587A85?OpenDocument).

<sup>18</sup> See S/2020/471.

## A. Conduct of hostilities

14. In Dar'a and Suwayda' Governorates, armed clashes resulted in civilian casualties. For example, on 1 March, the 4th Division and 9th Division of the Syrian Arab Army launched a ground attack on the town of Sanamayn in Dar'a Governorate. The offensive followed a series of arrests and killings by government and allied forces<sup>19</sup> and reprisals by armed groups who took Syrian Arab Army troops hostage. At least three civilians died due to indiscriminate shelling and rocket attacks on Sanamayn on 1 March by government forces, including an imam who was killed by rocket fire while performing the call to prayer and two other men who were killed by indirect fire, one in his home and one while visiting a relative. A number of injured persons were transferred to the military hospital in Sanamayn. The Commission also received reports of the summary execution of an 18-year-old male by members of the Criminal Security Department, and of government and allied forces deliberately destroying houses after having retaken the town. Clashes ended following the interposition of the Fifth Assault Corps, which negotiated the evacuation of members of armed groups in exchange for the release of Syrian Arab Army troops.

15. On 18 March, in Jallayn, Dar'a Governorate, indiscriminate mortar and rocket attacks by the Syrian Arab Army started at around 2 p.m., killing six civilians, including two children, and injuring one civilian. The shelling was described as originating from the bases of the 5th Division and the 175th Artillery Regiment in Izra', as well as the military base located in the Municipal Stadium in the city of Dar'a. The incident followed tensions due to the establishment of checkpoints around Jallayn. In response to the checkpoints, members of the Central Negotiation Committee<sup>20</sup> attempted to approach Syrian Arab Army troops, reportedly to enter into discussions. When approaching the checkpoint, two of the Committee members were killed and one was injured. Subsequently, the checkpoint was attacked and Syrian Arab Army soldiers were killed. Following this attack, government forces shelled the town.

16. In late March, an incursion by the Fifth Assault Corps in Al-Qurayya, Suwayda' Governorate, resulted in the killing of 10 civilians during exchanges of small arms fire. The incident followed a spate of kidnappings and retaliatory acts in the area that involved the Fifth Assault Corps, elements of the local armed groups affiliated to Yahya Raed Najm,<sup>21</sup> and civilians. The catalyst was the abduction of two cattle sellers from Busra al-Sham in Suwayda' Governorate on 26 March. The next day, on 27 March, Druze villagers, who were armed but, according to multiple interviewees, not members of armed groups, intervened, allegedly to prevent further abductions. Eight villagers from Al-Qurayya were killed in exchanges of fire, and six were kidnapped. Days later, following the intervention of the Syrian Arab Red Crescent, the bodies of the six villagers were returned to their families; they had allegedly been executed by the Fifth Assault Corps.

17. Reports of targeted killings of individuals increased<sup>22</sup> across Dar'a and Suwayda' Governorates during the reporting period, in what appeared to be retaliatory acts by numerous local armed actors. Reportedly, there were at least 53 such killings across Dar'a between January and June targeting medical professionals, political actors with both pro- and anti-government stances, judges, members of armed groups who had "reconciled" their status, and members of the security apparatus. In nearly all documented cases, the killings were carried out by men on motorcycles using small arms, rendering identification of the perpetrator difficult. For example, on 27 May, at around 8 p.m., an apparent ambush between Muzayrib and Tafas targeted Dar'a Central Committee members and their guard,

<sup>19</sup> "Government and allied forces" denotes entities operating in the southern part of the Syrian Arab Republic – among others, the Syrian Arab Army, the Syrian intelligence apparatus, popular committees and the Fifth Assault Corps.

<sup>20</sup> The Committee comprises former armed group members, civilian activists, sheikhs and jurists, and acts as an intermediary between civilians, the Government and the Russian Federation.

<sup>21</sup> The leader of a local armed group.

<sup>22</sup> Although COVID-19 movement restrictions led to a decrease, the first half of 2020 nevertheless saw an increase in the number of reported targeted killings (see A/HRC/14/24/Add.6, paras. 8–10, for a definition) in comparison to previous years.

resulting in the killing of four persons (a member of the Committee and three bodyguards), and injury to two due to small arms fire.

18. The Commission investigated at least five cases where civilians had been killed. In some incidents, doctors who had been active in treating fighters appeared to be specifically targeted as they left their clinics. Based on the information gathered from interviewees, the Commission has no evidence that the competent authority launched investigations into these incidents.<sup>23</sup>

#### *Findings*

19. Regarding the attacks on 1 and 18 March in Sanamayn and Jallayn respectively, the Commission has reasonable grounds to believe that in each incident, government and allied forces did not direct the attacks at a specific military objective, which may amount to the war crime of launching indiscriminate attacks resulting in death or injury to civilians.

## **B. Violations outside the context of the conduct of hostilities**

### *Arbitrary detention, enforced disappearance, and torture, sexual violence and death in detention*

20. Risks of reprisals and other protection concerns continued to affect the Commission's ability to investigate detention-related human rights violations.<sup>24</sup> The cases below are illustrative of the ongoing patterns of arbitrary detention, enforced disappearance, and torture and death in detention.<sup>25</sup>

21. Almost all cases of arbitrary arrest and detention that were investigated in the reporting period resulted in enforced disappearance, with at least 34 men, one woman and 10 children disappeared. These took place in Dar'a, Homs, Qunaytirah, Rif Damascus and Suwayda' Governorates, involving government security forces, including the Military Intelligence Directorate and the Military Police.

22. Those subjected to enforced disappearance included defectors as well as current and former humanitarian workers, activists and other civilians, including those who had undergone so-called "reconciliation" processes in Dar'a Governorate.

23. Demonstrating the longevity of this practice and its harrowing impact on families, the Commission, during the reporting period, documented cases of individuals still missing at the time of writing, up to eight years after being disappeared by the Government.<sup>26</sup>

24. Most recently in the city of Suwayda', at least 15 men were detained between 9 and 16 June following their participation in peaceful protests to demand better living conditions. The men were allegedly detained at the Military Police branch in Suwayda' and neither lawyers nor family members were permitted to make contact. At the time of writing, in July, the Commission received information that the protesters had been released following pressure from local actors.

25. Moreover, the Commission documented 13 accounts of torture of persons held in detention by the Syrian authorities,<sup>27</sup> with some having experienced torture over lengthy periods, even beyond seven years. Locations where torture took place included the Criminal Security Department branch in Aleppo, Air Force Intelligence Directorate branches in

<sup>23</sup> On 30 June, the Commission requested information from the Government of the Syrian Arab Republic regarding its response to the killing of civilians, but no reply was received.

<sup>24</sup> This section of the report represents only a small anonymized representation of information collected by the Commission in the reporting period.

<sup>25</sup> See A/HRC/31/CRP.1, available from [www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx](http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx).

<sup>26</sup> The Commission is of the view that enforced disappearance as a violation of international law continues as long as families do not know the victim's fate and whereabouts; see art. 17 (1) of the Declaration on the Protection of All Persons from Enforced Disappearance.

<sup>27</sup> Some were released prior to 10 January 2020.

Abasin, Harasta and Mazzah and the headquarters in Damascus, the Military Police branch in Qaboun, State Security Branch 285, the Political Security Directorate branch in Tartus Central Prison and Air Force Intelligence Branch 227, and, most brutally, at Saydnaya Prison in Rif Damascus. In line with previous patterns,<sup>28</sup> the detainees were beaten with sticks and cables, bound around tyres, hung from ceilings and walls and lashed. One detainee reported being beaten on his genitals. Interviewees also reported witnessing female detainees being sexually assaulted by staff<sup>29</sup> at a number of informal detention sites, including Branch 227, while men were reported to have been sexually abused in Saydnaya Prison.<sup>30</sup>

26. Inhumane conditions were described across both official and informal detention centres. One interviewee detailed how over a dozen people had been held in a 2 x 1 metre cell for over two weeks in Air Force Intelligence Branch 227. Another detainee in Saydnaya Prison had been placed in solitary confinement in a 1.5 x 1 metre cell, with no blanket or floor mat, for three months. One interviewee detailed how water had been cut off from their cell, where the toilets were placed, for 23 days, resulting in there being faeces, urine and vomit around the room. Typical food in a 24-hour period included one loaf of bread with four olives, and detainees described eating the olive pits in order to get extra nutrition.

27. Previous patterns of death in detention<sup>31</sup> continued, with reports of at least 19 cases during the reporting period.<sup>32</sup> One man in Dar'a was allegedly accused of treason in late 2018 and his family was given his death certificate in February 2020. Another interviewee, who tried to visit her 17-year-old son in Saydnaya Prison in December 2019, was informed that he had died and she should approach Tishrin Military Hospital in Damascus, however his body was not at the facility. This was the pattern in the majority of cases, with no body being provided to families and only verbal information provided about the death, or cause of death. In a small number of cases, individuals' bodies were provided to families following deaths in State custody. The family members of one detainee who had been arrested in Damascus in March 2020 were informed that they should collect the body, following the detainee's alleged death from a heart attack, from Tishrin Military Hospital in Damascus in May. The body exhibited injuries and signs of torture.

28. The Commission continues to receive information about limited numbers of persons being released from detention, with 49 persons (including one woman and two children) reportedly released in Dar'a in the reporting period. The Commission also documented a small number of releases elsewhere in the country.

#### *Economic and social rights*

29. Previously reported concerns regarding access to water, electricity and fuel<sup>33</sup> were aggravated by the rapidly deepening economic and currency crisis, and were further compounded by the global pandemic and tightening sanctions (see para. 9 above). This, in turn, risked refuelling the root causes of the conflict, which included deepening poverty and inequalities.

30. Areas formerly under the control of armed groups were particularly affected, due to the continued denial of freedom of movement of people and goods. Checkpoints, in addition to aggravating tensions with communities due to their links with enforced

<sup>28</sup> See A/HRC/31/CRP.1 and [www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/AWayForward\\_DetentionInSyria.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/AWayForward_DetentionInSyria.pdf).

<sup>29</sup> As previously documented; see A/HRC/37/CRP.3, available from [www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx](http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Documentation.aspx).

<sup>30</sup> See A/HRC/37/CRP.3, paras. 27–50.

<sup>31</sup> See A/HRC/31/CRP.1, para. 46; and [www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/AWayForward\\_DetentionInSyria.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/AWayForward_DetentionInSyria.pdf).

<sup>32</sup> This figure represents the number that has been reported to families of detainees by authorities, however no confirmation of death can be ascertained given the frequent lack of bodies and of death certificates.

<sup>33</sup> A/HRC/43/57, para. 67.

disappearance and arbitrary detention, facilitated corruption among the security services and armed actors. For example, in the vicinity of Madaya, Rif Damascus, the 4th Division of the Syrian Arab Army utilized checkpoints to restrict the entry and exit of people and goods into the area, which resulted in an increased cost of living. This was echoed in eastern Ghutah, where the 4th Division confiscated items or required civilians to pay bribes. In Hama Governorate, between Muhradah and Suqaylibiyah, checkpoints run by government intelligence and security branches, as well as by the 4th Division, were used to control crop production and extort money from the civilian population. Checkpoints in Rif Damascus and Dar'a also restricted the access of the population to health care and other basic services, as civilians feared arbitrary arrest, detention and conscription.<sup>34</sup> The scarcity of essential services was compounded by the lack of humanitarian access in these areas, due to governmental restrictions on registration of NGOs, as well as the harassment of former and current aid workers by the security services.

31. Access to housing, land and property rights continued to be a significant obstacle for many in the Syrian Arab Republic, particularly in formerly besieged areas. Civilians reported that they were still being prevented from returning to their often-habitable houses in Qaboun, Jawbar, Yarmouk camp and parts of Darayya. Checkpoints control the entry and exit of all civilians to these areas, some of which were retaken by government forces in 2016. While broad reconstruction projects in areas such as Qaboun were announced with scant detail in 2018, few measures have been taken to implement such projects, and the subsequent denial of freedom of movement continues to result in civilians being denied their property rights. In areas such as Yarmouk camp in Rif Damascus, no official plans have been announced regarding redevelopment for the areas, yet the vast majority of people are still prevented from visiting or living in their homes. This continues to compound an already complex legal situation for thousands of Palestinians who, prior to the conflict, had limited property rights.<sup>35</sup>

32. The impact of counter-terrorism frameworks on the ability to exercise property rights continued to be a concern.<sup>36</sup> The Commission received reports that persons with so-called "security marks" had had their assets temporarily seized under national decree No. 66 of 2012.<sup>37</sup> Various branches of the security intelligence services continued to use unclear legal bases to deny civilians the ability to exercise their property rights. For example, "security marks" were often applied to whole extended families and prevented not only return to their property, but also sale and inheritance, as well as a plethora of civil, social, economic and cultural rights. Moreover, such a mark can also affect an individual's ability to rent a property, as landlords may not issue a formal lease agreement, which in turn reduces the tenant's legal protection. In this regard, the Commission notes that previously in the conflict, as well as during the past two years, thousands of properties belonging to private persons have been seized and their assets frozen, including under the State's counter-terrorism legislation.

#### *Rukban camp*

33. Rukban camp continued to host approximately 10,000 internally displaced persons in dire conditions, with deteriorating access to health care, education and food. Interviewees reported that prices of basic goods, such as flour and sugar, were more than twice as high as

<sup>34</sup> Ibid., para. 73.

<sup>35</sup> In the Syrian Arab Republic, married Palestinian refugees have the right to own a single property. Other property deeds may only be registered by a notary, not at the cadastral registry department. This can substantially reduce the legal protection in cases of expropriation or destruction. Moreover, the land on which Yarmouk camp stands is owned by the General Authority for Palestinian Arab Refugees, a Syrian entity, meaning that it is an "unofficial" camp. Most residents' ownership contracts were registered only with a notary, and, reportedly, many documents stored at the Yarmouk court building were damaged during shelling in early 2013.

<sup>36</sup> A/HRC/43/57, para. 75.

<sup>37</sup> Security marks (*ishara amnya*) is a colloquial term and is used interchangeably with security clearance (*mawafaqa amnya*) to connote those flagged by the various intelligence branches as persons of interest. The legal basis used by the security services to restrict rights of individuals under this framework is seldom clear.

in other parts of the Syrian Arab Republic. Moreover, schooling, and a medical facility located in Jordan, closed on 29 March, as preventative measures against COVID-19.

34. The Commission has previously noted with concern<sup>38</sup> that it has received reports that over 100 individuals evacuated from Rukban camp were detained. In the period under review, the Commission received first-hand accounts that men had been systematically deprived of their liberty. In one example, an interviewee noted that he had arrived at a school in Homs and spent one night with his family, who were then permitted to leave. Among the remaining men, a large number had been arrested and allegedly taken to Military Security in Dar'a or to Adra Prison in Damascus. Those detained included men in their seventies, a man with disabilities, numerous municipality workers and medical professionals. Following multiple interrogations, the interviewee had been released after 47 days, after having signed three documents that he was not permitted to read.

#### *Findings*

35. In light of new as well as ongoing reported cases of enforced disappearance, in the reporting period, as well as numerous cases of torture, sexual violence and death in custody by government forces across the Syrian Arab Republic, as detailed above, the Commission has reasonable grounds to believe that the Government of Syria, in pursuance of a continued State policy, has continued to perpetrate the crimes against humanity of enforced disappearance, murder, torture, sexual violence and imprisonment.<sup>39</sup> In certain cases, these acts may also constitute war crimes.

36. In addition, by imposing arbitrary restrictions on movements and unlawfully depriving individuals of their property rights in previously besieged areas, government forces may have again committed the war crime of collective punishment in areas of Rif Damascus.<sup>40</sup>

## **IV. Afrin and Ra's al-Ayn regions**

37. During the period under review, civilians residing in the Afrin and Ra's al-Ayn regions of Aleppo and Hasakah Governorates witnessed an onslaught of violations perpetrated by members of the Syrian National Army as well as shelling and vehicle-borne improvised explosive devices.

### **A. Conduct of hostilities**

38. Between January and April, civilians residing in the Afrin region of Aleppo suffered a barrage of shelling and car bomb explosions, which killed and injured scores of inhabitants and damaged civilian infrastructure, including markets and homes.<sup>41</sup>

39. On 20 January, at around 12.30 p.m., shelling, reportedly from Tall Rif'at, destroyed a house in Al-Barid neighbourhood, located near both a hospital and a school in the city of Afrin. The attack killed a pregnant woman and her toddler son inside their home. Though the deceased mother delivered her baby girl posthumously, the baby did not survive. Two boys from the same family, aged 4 and 12 years, were also injured in the attack. The Commission did not receive information suggesting that a military objective was located nearby.

40. Similarly, at around 1 p.m. on 18 March, at least five rockets, reportedly fired from nearby Tall Rif'at and surrounding areas,<sup>42</sup> struck a residential area, impacting both a house

<sup>38</sup> A/HRC/43/57, para. 87.

<sup>39</sup> See [www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/AWayForward\\_DetentionInSyria.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/AWayForward_DetentionInSyria.pdf), para. 12.

<sup>40</sup> A/HRC/43/57, para. 80. See also Special Court for Sierra Leone, *Prosecutor v. Fofana and Kondewa*, case No. SCSL-04-14-A.

<sup>41</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25873&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25873&LangID=E); and previous reports by the Commission on similar incidents in Afrin, for example A/HRC/42/51, para. 58.

and a market in the city of Afrin, about 150 metres from a Syrian National Army site. Three men and two children were killed, and another seven men were injured. A pharmacy and several commercial shops were damaged. Information obtained by the Commission indicates the use of 122 mm rockets fired from a BM-21 “Grad” multiple-barrel rocket launcher system.

41. The previous month, on 10 February, at approximately 7 p.m., a vehicle-borne improvised explosive device was detonated on Rajo Street in central Afrin, killing 6 civilians and injuring 11 others.

42. Also on Rajo Street, in a particularly grave attack, at least 41 civilians were killed, including 11 children,<sup>43</sup> and 61 others were wounded, when a vehicle-borne improvised explosive device on a truck was detonated in a crowded market on 28 April. Imagery and video footage analysed by the Commission indicates possible use of an ammonium nitrate fuel oil explosive substance, detonated from inside the truck, likely mixed with additives thus optimizing the incendiary effects emanating from the explosion.

43. Witnesses described the market area as civilian in nature, located some 500 metres from the building of the Turkish governor (*wali*), and known to be busy between 1 p.m. and 5 p.m. Information obtained by the Commission suggests that Syrian National Army brigades, including Sultan Murad, Ahrar Sharqiya and Jabhat Shamiya, were headquartered on Rajo Street at the time of the attack.

44. Several civilian houses adjacent to the market, and vehicles parked nearby, were also destroyed, as were numerous shops. Interviewees described seeing large-scale destruction, burning cars and charred bodies scattered along Rajo Street. One doctor who treated victims recalled that many had suffered second-degree burns. The DNA samples of at least 25 unidentifiable bodies were sent by the Afrin central hospital, which is administrated by the Turkish health ministry,<sup>44</sup> to Turkey for analysis. Following the attacks, standard emergency response and police functions were carried out by the Syrian National Army Military Police, sometimes alongside Turkish officials, who arrived at the scene shortly after the attacks and subsequently inspected, secured and sealed off the areas and collected witness testimonies. Victims requiring specialized medical assistance were transported to hospitals in Turkey.<sup>45</sup>

### *Findings*

45. With regard to the use of vehicle-borne improvised explosive devices in the city of Afrin (see paras. 41–44 above), no party has claimed responsibility for the two attacks. Moreover, while there is insufficient information<sup>46</sup> to identify the perpetrator(s) of the two shelling and rocket attacks (see paras. 39–40 above), there are significant indications to conclude that all four of these attacks launched on and in the city of Afrin were carried out by armed group factions or fighters, as opposed to members of State forces. The Commission has reasonable grounds to believe that these four attacks may amount to the war crime of launching indiscriminate attacks resulting in death or injury to civilians. Investigations are ongoing.

## **B. Violations outside of the context of hostilities**

46. During the period under review, the Commission corroborated repeated patterns of systematic looting and property appropriation<sup>47</sup> as well as widespread arbitrary deprivation

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

<sup>43</sup> See [www.unicef.org/press-releases/eleven-children-reported-killed-attack-crowded-market-afrin-northern-syria](http://www.unicef.org/press-releases/eleven-children-reported-killed-attack-crowded-market-afrin-northern-syria).

<sup>44</sup> See the ministry’s 2019 annual report at [www.sp.gov.tr/upload/xSPRapor/files/nmy6C+36626\\_tc-saglik-bakanligi-faaliyet-raporu-2019pdf.pdf](http://www.sp.gov.tr/upload/xSPRapor/files/nmy6C+36626_tc-saglik-bakanligi-faaliyet-raporu-2019pdf.pdf).

<sup>45</sup> Ibid.

<sup>46</sup> The Commission sent requests for information about these incidents to several Member States, as well as to other entities, dated 30 June and 2 July. By the submission deadline of 30 July, one Member State and two other parties had responded.

<sup>47</sup> A/HRC/43/57, paras. 39–42; and A/HRC/42/51, paras. 55–58.

of liberty<sup>48</sup> perpetrated by various Syrian National Army brigades in the Afrin and Ra's al-Ayn regions.<sup>49</sup> After civilian property was looted, Syrian National Army fighters and their families occupied houses after civilians had fled,<sup>50</sup> or ultimately coerced residents, primarily of Kurdish origin, to flee their homes, through threats, extortion, murder, abduction, torture and detention. The Commission notes that, during the reporting period, a member of Brigade 123 (the Ahrar Al-Sharqiyah Brigade) was sentenced by a military court of the "Syrian interim government" – which is affiliated to the National Coalition of Syrian Revolutionary and Opposition Forces – for the deliberate killing of Hevrin Khalaf and others in October 2019.<sup>51</sup> The "Syrian interim government" also indicated that, in May, it had issued a permanent order on the prohibition of child recruitment.

#### *Looting and property appropriation*

47. Throughout the Afrin region, multiple accounts indicate that the property of Kurdish owners was looted and appropriated by Syrian National Army members in a coordinated manner. For example, in September 2019, civilians in the Shaykh al-Hadid subdistrict (of the Afrin region) described how members of Division 14, Brigade 142 (the Suleiman Shah Brigade) of the Syrian National Army had gone from door to door instructing Kurdish families with fewer than three members to vacate their houses to accommodate individuals arriving from outside of Afrin. Others had been forced by Syrian National Army members to pay a "tax" on agricultural harvests or a set amount of rent as a precondition for remaining in the homes they owned. Families recalled having been extorted for between LS 10,000 and LS 25,000, depending on their means and ability to pay.

48. Also in Afrin, in December 2019, a senior member of another Syrian National Army brigade went from door to door in a large residential building, requesting proof of ownership only from the Kurdish inhabitants. One resident, unable to provide such documentation, was forced to appear at the brigade's security office, where he was verbally abused and told "if it were up to me, I would kill every Kurd from 1 to 80 years old". He was also threatened with detention. Fearing for his family's safety, the man fled shortly thereafter. One woman who approached Turkish officials in Sheikh Hadid district to complain about the appropriation of her home was told to speak with the Suleiman Shah Brigade, to whom authority had apparently been delegated by Turkey to deal with such cases.

49. Similarly to in Afrin, the civilian properties of Kurdish owners in the Ra's al-Ayn region who had fled battles during Operation Peace Spring<sup>52</sup> in October 2019 were also appropriated by Syrian National Army forces. Members of Division 22 (the Hamza Brigade) of the Syrian National Army engaged in widespread and organized looting and property appropriation in Ra's al-Ayn, including by marking house walls with the names of individual brigades. Civilians narrated consistent accounts to the Commission conveying their fears about remaining and their inability to return to their homes, which had been looted and occupied by the brigades or their families in the immediate aftermath of hostilities. On two occasions, civilians recalled being instructed not to return by Syrian National Army commanders and fighters.

50. Looted household items were transported and sold through a coordinated process, which may indicate a premeditated policy implemented by several brigades. Such items were often moved freely through Syrian National Army-staffed checkpoints by both Syrian National Army fighters and senior-ranking members and were stored in ad hoc locations such as warehouses, or sold at open markets. In one such case in March, a returnee to Tel al-Arisha village found his house looted, including its windows, doors and generators, which had also happened to numerous other houses on the same street. A senior member of Division 24 (the Sultan Murad Brigade) of the Syrian National Army sold back to him his

<sup>48</sup> A/HRC/43/57, paras. 39–40.

<sup>49</sup> The Commission sent related information requests to Turkey and to the Syrian National Army, on 30 June and 2 July respectively.

<sup>50</sup> A/HRC/43/57, para. 48.

<sup>51</sup> *Ibid.*, para. 58.

<sup>52</sup> *Ibid.*

own household goods from a warehouse that was being used as a storage point for looted goods. He fled immediately thereafter.

51. In another case, the home of a Kurdish family was appropriated by members of Division 22 (the Hamza Brigade) and later converted into an institute for Qur'anic studies run by a Turkish NGO, the Foundation for Human Rights and Freedoms and Humanitarian Relief. On 22 June, its official opening was inaugurated by the governor of Şanlıurfa (Turkey). Reports of the use of civilian houses for military purposes by Turkish ground forces in Dawoudiya village have also been received. The residents of Dawoudiya have been prevented from returning to their homes, some of which were destroyed between April and June, while other houses have been appropriated for military purposes by Turkish armed forces (see annex II).

*Unlawful deprivation of liberty, torture and ill-treatment*

52. As their properties were systematically looted and appropriated by Syrian National Army forces, civilians approached senior Syrian National Army members in the Afrin and Ra's al-Ayn regions to lodge complaints. In response, many found themselves threatened, extorted or detained by Syrian National Army members, while others were abducted and forced to pay ransom directly to Syrian National Army senior members for their release. The Commission remains concerned by the prevalent and recurrent use of hostage-taking by Syrian National Army forces.

53. Regarding incidents of detention, civilians in both Ra's al-Ayn and Afrin were most often detained by Syrian National Army members for their alleged past links to the self-administration, and were deprived of access to legal counsel, and on some occasions, interrogated by Turkish officials with the assistance of interpreters prior to or while in detention.<sup>53</sup> In most cases documented by the Commission, civilians were detained in the Afrin central prison or in an underground unit of the Syrian National Army Military Police headquarters located in the building of a former commercial high school in Afrin. The unit is comprised of five larger cells and four solitary confinement cells. Others were taken to unknown detention sites.

54. In detention, civilians – primarily of Kurdish origin – were beaten, tortured, denied food or water, and interrogated about their faith and ethnicity. One boy described to the Commission how he had been detained by the Syrian National Army Military Police in the city of Afrin in mid-2019, and held for five months in the Syrian National Army headquarters, before being transferred to the Afrin central prison and released in March 2020. While detained, both Syrian National Army members and Turkish-speaking officials dressed in military fatigues were present. The boy was handcuffed and hung from a ceiling. He was then blindfolded and repeatedly beaten with plastic tubes. The boy described how the officers interrogated him about his alleged links to the self-administration. In another case, two women were detained by the Syrian National Army in November 2019, at a checkpoint operated jointly with Turkish officials in the Ra's al-Ayn region, when returning to their homes. One of the victims described how, during interrogation, she had been threatened with rape and beaten on the head by Syrian National Army members, in the presence of Turkish officials. The Commission also received information on joint arrest operations launched by the Syrian National Army Military Police and Turkish police forces in Afrin, including criminal forensic units.

55. Syrian National Army forces also held civilians in undisclosed detention sites. For example, on 29 May, video footage widely circulated in the media showed members of Division 22 (the Hamza Brigade) rushing out from an undisclosed detention facility, while ushering 11 women, including one Yazidi and three Kurdish women, and a baby boy to another location. The Commission confirmed that some of the women had been detained by Hamza Brigade members since 2018. At the time of writing, their current location remains unknown.

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<sup>53</sup> A/HRC/40/70, para. 66.

56. Other women belonging to the Yazidi religious minority were also detained by Syrian National Army forces, and on at least one occasion were urged to convert to Islam during an interrogation. Similarly, the Commission is currently investigating reports that at least 49 Kurdish and Yazidi women were detained in both Ra's al-Ayn and Afrin by Syrian National Army members between November 2019 and July 2020.

57. The Commission also obtained information that indicates that Syrian nationals, including women, who were detained by the Syrian National Army in the Ra's al-Ayn region were subsequently transferred by Turkish forces to Turkey, indicted for crimes that would have been committed in the Ra's al-Ayn region, on charges including murder or membership of a terrorist organization, under Turkish criminal law.

58. Furthermore, the Commission is concerned at reports that Syrian National Army forces are recruiting children to be used in hostilities outside of the territory of the Syrian Arab Republic.<sup>54</sup>

#### *Sexual and gender-based violence*

59. The situation for other Kurdish women remains precarious. Since 2019, Kurdish women throughout the Afrin and Ra's al-Ayn regions have faced acts of intimidation by Syrian National Army brigade members, engendering a pervasive climate of fear which in effect confined them to their homes.<sup>55</sup> Women and girls have also been detained by Syrian National Army fighters, and subjected to rape and sexual violence – causing severe physical and psychological harm at the individual level, as well as at the community level, owing to stigma and cultural norms related to ideations of “female honour”.<sup>56</sup>

60. During the period under review, cases of sexual violence against women and men at one detention facility in Afrin were documented. On two occasions, in an apparent effort to humiliate, extract confessions and instil fear within male detainees, Syrian National Army Military Police officers forced male detainees to witness the rape of a minor. On the first day, the minor was threatened with being raped in front of the men, but the rape did not proceed. The following day, the same minor was gang-raped, as the male detainees were beaten and forced to watch in an act that amounts to torture.<sup>57</sup> One eyewitness recalled that Turkish officials had been present in the facility on the first day, when the rape was aborted, suggesting their presence may have acted as a deterrent. Another detainee was gang-raped in the same facility some weeks after this incident.

61. The Commission received further information that families from Tall Abyad chose not to return to their homes, fearing rape and sexual violence perpetrated by Syrian National Army members. At least 30 women had reportedly been raped in February alone. A former judge in Afrin confirmed that Syrian National Army fighters had been charged with rape and sexual violence carried out during house raids in the region, however none had been convicted, but rather had been released after a few days.

62. The Commission also received reports of forced marriage and the abduction of Kurdish women in Afrin and Ra's al-Ayn, which primarily involved members of Division 24 (the Sultan Murad Brigade) of the Syrian National Army. In January, a woman was abducted by a member of the Brigade, who forcibly married her and divorced her shortly thereafter.

#### *Attacks against cultural property*

63. Syrian National Army members also looted and destroyed religious and archaeological sites of profound significance in the Afrin region. For example, Syrian National Army forces looted and excavated ancient artefacts, including mosaics, from the

<sup>54</sup> See also [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25970&LangID=E&fbclid=IwAR0xKFFdKKvbdFnRRHTQAC5q-rDDwJFyEfpA3\\_Nwe8knCpsC11cSU5S1\\_nk](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25970&LangID=E&fbclid=IwAR0xKFFdKKvbdFnRRHTQAC5q-rDDwJFyEfpA3_Nwe8knCpsC11cSU5S1_nk).

<sup>55</sup> A/HRC/43/57, paras. 88–90.

<sup>56</sup> A/HRC/29/27/Add.3, para. 19.

<sup>57</sup> International Tribunal for the Former Yugoslavia, *Prosecutor v. Anto Furundžija*, IT-95-17/1-T, judgment of 10 December 1998, paras. 127 and 129.

Hellenistic archaeological site of Cyrrhus as well as the Ain Dara temple, protected by the United Nations Educational, Scientific and Cultural Organization (UNESCO).<sup>58</sup> Satellite imagery showed that both sites had likely been bulldozed between 2019 and 2020 (see annex II).

64. In April 2020, several Yazidi shrines and graveyards were deliberately looted and partially destroyed across locations throughout the Afrin region, such as Qastel Jindo, Qibar, Jindayris and Sharran, further challenging the precarious existence of the Yazidi community as a religious minority in Syrian National Army-controlled regions,<sup>59</sup> and impacting both the tangible and intangible aspects of their cultural heritage, including traditional practices and rites.<sup>60</sup>

#### *Findings*

65. The Commission has reasonable grounds to believe that Syrian National Army fighters, in particular members of Division 14, Brigade 142 (the Suleiman Shah Brigade), Division 22 (the Hamza Brigade) and Division 24 (the Sultan Murad Brigade), repeatedly perpetrated the war crime of pillage in both the Afrin and Ra's al-Ayn regions (see paras. 47–51 and 64 above) and may also be responsible for the war crime of destroying or seizing the property of an adversary.<sup>61</sup>

66. The Commission also has reasonable grounds to believe that Syrian National Army members committed the war crimes of hostage-taking (see para. 55 above), cruel treatment and torture (see para. 54 above),<sup>62</sup> and rape,<sup>63</sup> which may also amount to torture<sup>64</sup> (see para. 60 above). Syrian National Army members also looted and destroyed cultural property, in violation of international humanitarian law (see paras. 63–64 above).<sup>65</sup>

67. In addition, the Commission notes that, in areas under effective Turkish control, Turkey carries a responsibility to, as far as possible, ensure public order and safety, and to afford special protection to women and children.<sup>66</sup> Turkey remains bound by applicable human rights treaty obligations vis-à-vis all individuals present in such territories.<sup>67</sup>

68. In this regard, the Commission notes the allegations that Turkish forces were aware of incidents of looting and appropriation of civilian property and that they were present in detention facilities run by the Syrian National Army where the ill-treatment of detainees was rampant, including during interrogation sessions when torture took place. In failing to intervene in both cases, Turkish forces may have violated the above-mentioned obligations of Turkey.

69. The Commission further notes that transfers of Syrians detained by the Syrian National Army to Turkish territory may amount to the war crime of unlawful deportation of protected persons (see para. 57 above).<sup>68</sup> Such transfers provide further indication of collaboration and joint operations between Turkey and the Syrian National Army for the purpose of detention and intelligence-gathering. The Commission continues to investigate the precise extent to which various Syrian National Army brigades and Turkish forces have formed a joint command and control hierarchy and notes that, if any armed group members

<sup>58</sup> The Commission has previously documented that the Ain Dara temple was damaged on 21 January 2018; see A/HRC/39/65, para. 19.

<sup>59</sup> A/HRC/42/51, para. 88.

<sup>60</sup> Convention for the Safeguarding of the Intangible Cultural Heritage, art. 1.

<sup>61</sup> International Committee of the Red Cross (ICRC) rules 52 and 156.

<sup>62</sup> ICRC rules 90, 96 and 156.

<sup>63</sup> ICRC rules 93 and 156.

<sup>64</sup> See, for example, International Tribunal for the Former Yugoslavia, *Prosecutor v. Kumarac, Kovač and Vuković*, IT-96-23 and IT-96-23/1-A, judgment of 12 June 2002, para. 150.

<sup>65</sup> ICRC rule 40.

<sup>66</sup> See A/HRC/34/CRP.3, para. 103, available from [www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session34/Pages/ListReports.aspx](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session34/Pages/ListReports.aspx).

<sup>67</sup> *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, paras. 107–113; and see European Court of Human Rights, *Al-Skeini and others v. United Kingdom* (application no. 55721/07), judgment of 7 July 2011, paras. 138–149.

<sup>68</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 147.

were shown to be acting under the effective command and control of Turkish forces, violations by these actors may entail criminal responsibility for such commanders who knew or should have known about the crimes, or failed to take all necessary and reasonable measures to prevent or repress their commission.<sup>69</sup>

## V. Dayr al-Zawr, Raqqah and Hasakah

70. In the reporting period, Dayr al-Zawr and Hasakah Governorates witnessed an increase in attacks targeting the international counter-ISIL coalition and the Syrian Democratic Forces. Attacks also took place in Raqqah Governorate on the Syrian Democratic Forces, as well as on government forces, as ISIL increasingly resorted to asymmetric tactics. At the same time, 90,000 Syrians, Iraqis and other “third-country nationals”, predominantly women and children, with presumed family links to ISIL members,<sup>70</sup> were confined in overcrowded displacement camps. Outside the camps, the Syrian Democratic Forces and related entities detained and tortured civilians, and continued to use children in military roles.

### *Camps in the north-east*

71. Individuals allegedly associated with ISIL, including children and Yazidi survivors,<sup>71</sup> continue to be held in Al-Hawl camp in squalid living conditions with meagre prospects of exiting or returning to their home country.<sup>72</sup> The Commission has noted that persons deprived of their liberty must be informed promptly, in a language that he or she understands, of the reasons for internment. They must also have the right to challenge, with the least possible delay, the lawfulness of his or her detention in these camps. Such a review must be carried out by an independent and impartial body.<sup>73</sup> Tens of thousands of women and children, both Syrian and third-country nationals, have now been confined in Al-Hawl and other camps since the Baghuz offensive in early 2019, without access to the necessary legal safeguards.

72. Worryingly, conditions in the camps across the north-east deteriorated in the reporting period, with medical services reportedly being stripped down to skeletal levels due to COVID-19. Camp authorities and the self-administration also reported that the closure of the Ya’rubiyah crossing reduced the sustainability of living conditions due to the inability to provide humanitarian assistance. Between 10 and 12 June, in the annex to Al-Hawl camp, all services, except food and water, were suspended, without notice being given to humanitarian agencies, for all foreign women and children during a registration exercise.<sup>74</sup> During the exercise, biometric data were collected from women in the annex.<sup>75</sup>

73. The camp conditions, combined with the previous experience of conflict, continues to have a significant psychological impact, particularly on children and Yazidi survivors.<sup>76</sup> One NGO worker noted how a 10-year-old girl had lost her communication skills due to trauma, and could only communicate through drawing.<sup>77</sup> At least 75 unaccompanied third-country national children across the Al-Hawl and Al-Roj camps are particularly vulnerable, and in May 2020, eight special procedures of the Human Rights Council called upon Member States to repatriate a five-year-old Canadian girl due to the inhuman conditions in

<sup>69</sup> Rome Statute of the International Criminal Court, art. 28. See also A/HRC/43/57, para. 59.

<sup>70</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25986&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25986&LangID=E). According to United Nations data, 65,516 people were in Al-Hawl camp and 1,772 in Al-Roj camp as at 1 July 2020.

<sup>71</sup> A/HRC/42/51, para. 88.

<sup>72</sup> A/HRC/43/57, para. 60.

<sup>73</sup> A/HRC/37/72, paras. 12–18 and annex III.

<sup>74</sup> See [www.facebook.com/smensyria/posts/1338333119689955](https://www.facebook.com/smensyria/posts/1338333119689955).

<sup>75</sup> See [https://reliefweb.int/sites/reliefweb.int/files/resources/Al%20Ho1%20Snapshot\\_26Jul2020.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/Al%20Ho1%20Snapshot_26Jul2020.pdf).

<sup>76</sup> A/HRC/42/51, para. 88.

<sup>77</sup> See [https://resourcecentre.savethechildren.net/node/17512/pdf/childrens\\_crisis\\_report\\_06052020.pdf](https://resourcecentre.savethechildren.net/node/17512/pdf/childrens_crisis_report_06052020.pdf).

Al-Hawl.<sup>78</sup> In this regard, the Commission has consistently called upon Member States to repatriate children and mothers in camps in accordance with their obligations under international law,<sup>79</sup> however 2020 witnessed minimal repatriation of those in camps.<sup>80</sup>

74. In December 2019, the self-administration formalized criteria for the release of Syrians in Al-Hawl, noting that priority should be given to the sick and elderly, to the persons who had been kept the longest, to persons with Syrian identity documents and to those with “trustworthy” sponsors. In correspondence with the Commission, the self-administration further elaborated on the procedure for release through this system. The Commission welcomes the fact that between December 2019 and February 2020, approximately 1,500 individuals were released.

#### *Unlawful deprivation of liberty*

75. The Commission documented eight cases of arbitrary detention of civil society workers, political activists and persons of Arab ethnicity by the Syrian Democratic Forces and affiliated Kurdish People’s Protection Units/Women’s Protection Units, including by their military intelligence. Civilians were apprehended in towns in Raqqah and Hasakah Governorates and held in various intelligence facilities under the control of the Syrian Democratic Forces, as well as in Ghweran Prison, the Al-Shadadi prison, the former Raqqah juvenile prison, and Ayed, Al-Aid and Ayn al-Arab (Kobani) prisons and were kept incommunicado in nearly all cases. The self-administration has outlined the legal safeguards for detainees, however the majority of interviewees reported that they had received no information on the charges or evidence against them, and nor had they had access to legal representation or been able to have their deprivation of liberty reviewed by a competent judicial authority. In four cases, individuals indicated that they had been interrogated on multiple occasions by representatives of the United States security services during their periods of detention in Syrian Democratic Forces facilities.

76. In line with previously documented cases, incidents of torture and ill-treatment were also reported.<sup>81</sup> For example, a member of an Arab tribe had been held by Syrian Democratic Forces military intelligence in incommunicado detention from March 2019 until March 2020, and accused of collaborating with Turkey. He had been held in military intelligence facilities in Hawarna, Darbasiyah, Malkiyah and Ya’rubiyah and in a makeshift prison in Al-Shadadi. The majority of time in detention had been spent in solitary confinement, with minimal food and water, and he had been regularly beaten by Syrian Democratic Forces military intelligence. He was released following a negotiated agreement with local tribes. In another case, a political activist was detained by Syrian Democratic Forces military intelligence in November 2019 and held in solitary confinement in Hasakah prison for the majority of his detention. He was regularly beaten and suffered a broken rib. The interviewee described being hung with his arms behind his back and kept in that position from 7 a.m. to 8 p.m., resulting in paralysis to a number of fingers. He alleged that he had been tortured, including by electrocution and having weights attached to his genitals. Threats of rape had also been made.

#### *Administration of justice*

77. According to the self-administration, as at 12 June 2020, 1,881 Syrians had been convicted for association with ISIL, whereas no trials of third-country nationals for association with ISIL had been held. In total, some 8,650 detainees had been brought to

<sup>78</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25899&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25899&LangID=E). Since this appeal, the girl has reportedly been moved out of the camp to an unknown location.

<sup>79</sup> A/HRC/43/57, para. 103 (e).

<sup>80</sup> See A/HRC/43/CRP.6, available from [www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session43/Pages/ListReports.aspx](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session43/Pages/ListReports.aspx). Only five countries repatriated individuals in the first six months of 2020, according to the self-administration.

<sup>81</sup> See [www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/AWayForward\\_DetentionInSyria.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/AWayForward_DetentionInSyria.pdf).

trial, and had been either convicted or acquitted, with 1,600 detainees awaiting judicial processes.<sup>82</sup>

78. Regarding juvenile justice, the self-administration reported that, in June 2020, 110 children between 12 and 18 years of age were present in the Hourri Rehabilitation Centre,<sup>83</sup> on the basis of their association with ISIL. The Centre was reportedly full at the time of finalization of the present report. While the Commission welcomes the granting of access to the Centre to United Nations child protection partners,<sup>84</sup> it notes the importance of adherence to fair trial and juvenile justice standards.<sup>85</sup> Interviewees involved in judicial processes reported that representatives were not allowed access to the children during interrogations in which confessions were induced, and lawyers were only appointed once charges had been filed by prosecutors. Moreover, numerous detainees reported that children were also held in other detention facilities, including the Allaya and Hasakah prisons. The majority of these children had also been accused of affiliation with ISIL or had been recruited by Syrian Democratic Forces/Kurdish People's Protection Units and accused of offences including spying. Adults released from these facilities reported that children were held in the same cells as adults at certain periods. It was not clear whether these children had been charged with any offence.

#### *Recruitment of children*

79. In a welcome development, 51 girls from 13 to 17 years of age were removed from the ranks of Women's Protection Units in early 2020 and were housed in a "rehabilitation centre". Eighteen boys were also in the process of being formally released at the time of reporting.<sup>86</sup> The Commission welcomes the commitments and releases made by the Syrian Democratic Forces.<sup>87</sup> At the same time, it documented six accounts of the recruitment and use of boys, and two of girls, by the Syrian Democratic Forces-affiliated Kurdish People's Protection Units/Women's Protection Units. A number of incidents of initial recruitment predate the start of the reporting period, however the violation was ongoing in 2020. One 15-year-old boy was recruited by elements of the Kurdish People's Protection Units in northern Aleppo in October 2019. Subsequently, the father received phone calls from people claiming to be from the Kurdish People's Protection Units, telling him to stop looking for his son. In another instance, a girl was recruited at the age of 14 by the Women's Protection Units in 2016. In April 2020, the family received a phone call from elements of the Women's Protection Units claiming that the girl had committed suicide. The family was provided with a death certificate with scant details about the cause of death. The family requested an investigation into her death, as they doubted the Women's Protection Units' version of events.

#### *Findings*

80. The Commission finds that there are reasonable grounds to believe that members of the Syrian Democratic Forces and related entities may have committed the war crime of cruel treatment and ill-treatment of those deprived of liberty in military intelligence facilities.<sup>88</sup> The Commission also has reasonable grounds to believe that in holding tens of thousands of individuals in Hawl camp and its annex, the majority of them children, for 18 months with no legal recourse, the Syrian Democratic Forces have held these individuals in inhuman conditions.<sup>89</sup> The self-administration has communicated with the Commission and highlighted its assessment of the potential security threat posed by those in camps, however

<sup>82</sup> According to a non-public submission.

<sup>83</sup> A/HRC/43/57, para. 98.

<sup>84</sup> A/74/845-S/2020/525, para. 181.

<sup>85</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 7.1; and International Covenant on Civil and Political Rights, art. 14.

<sup>86</sup> A/74/845-S/2020/525, para. 181.

<sup>87</sup> *Ibid.*, and see <https://sdf-press.com/en/2020/07/military-instructions-issued-by-the-general-command-of-the-syrian-democratic-forces/>.

<sup>88</sup> ICRC rules 156 and 90.

<sup>89</sup> A/HRC/40/70, para. 92.

those interned comprise children, elderly persons, infirm persons and others who could not reasonably be perceived to represent an imperative security risk. Therefore, in many instances, the ongoing internment of these individuals continues to amount to unlawful deprivation of liberty.<sup>90</sup>

## VI. Idlib Governorate and western Aleppo

81. In its recent report on Idlib Governorate and western Aleppo, covering the period between November 2019 and June 2020, the Commission documented 52 emblematic attacks by all parties that led to civilian casualties and/or damage to civilian infrastructure.<sup>91</sup> These battles were marked by war crimes, including launching indiscriminate attacks resulting in death or injury to civilians. Continuing previously established patterns, the Commission also documented attacks against medical facilities, schools and markets, which deprived scores of civilians of access to health care, education and food.

82. The battles displaced nearly 1 million people. The Commission found that pro-government forces may have perpetrated the crimes against humanity of forcible transfer, murder and other inhumane acts<sup>92</sup> during the offensives on Ma'arrat al-Nu'man (second half of December 2019), Ariha (29 January 2020), Atarib (between 10 and 14 February 2020) and Darat Izzah (17 February 2020).

83. When civilians fled, Hay'at Tahrir al-Sham pillaged their homes. In restive areas under its control, members of Hay'at Tahrir al-Sham also committed the war crimes of murder; of passing sentences and carrying out executions without previous judgment pronounced by a regularly constituted court; and of cruel treatment, ill-treatment and torture.<sup>93</sup>

### A. Pro-government forces

84. In areas retaken by pro-government forces, including Ma'arrat al-Nu'man and Saraqib, incidents of looting persisted, while a number of fires affecting agricultural crops indispensable to the survival of the civilian population were documented.<sup>94</sup> By early June, following a lull in hostilities, some displaced civilians returned<sup>95</sup> only to flee again as fighting resumed. For example, on 9 June, at around 6.30 a.m., at least three airstrikes were carried out by pro-government forces within a span of 10 minutes, impacting a residential area and adjacent agricultural fields, situated some 200 metres from a maternity hospital in Balyun village.<sup>96</sup> At least three civilian homes were destroyed, while a man and a woman, both previously displaced, were killed. Five others were injured inside their home, including two girls and one boy aged between 4 and 14 years. The wounded were brought to the city of Idlib, as there was no operational hospital in the vicinity of Balyun.

85. Imagery and video footage obtained by the Commission indicate the use of a blast weapon with wide-area effects, such as highly explosive unguided fragmentation bombs (likely of 250 to 300 kg). With regard to potential military targets, the Commission sought but did not receive information from pro-government forces, while it received reports of there being two Turkish military posts located approximately 1 kilometre from the impacted location.<sup>97</sup>

<sup>90</sup> ICRC rules 99 and 87. See also A/HRC/37/72, paras. 12–18.

<sup>91</sup> A/HRC/44/61.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.; and ICRC rules 156 and 90.

<sup>94</sup> Ibid. See also A/HRC/42/51, paras. 49 and 53.

<sup>95</sup> Approximately 204,000 spontaneous returns have been recorded in the north-west of the Syrian Arab Republic since January 2020, including nearly 26,000 people who returned in June, primarily to southern and eastern Idlib. See <https://reliefweb.int/report/syrian-arab-republic/recent-developments-northwest-syria-situation-report-no-17-13-july-2020>.

<sup>96</sup> The adjacent dentistry building had already been hit in an airstrike on 23 February. See A/HRC/44/61.

<sup>97</sup> Note verbales were sent to the Syrian Arab Republic and the Russian Federation on 30 June 2020.

*Findings*

86. Based on the above, the Commission has reasonable grounds to believe that, on 9 June in Balyun village, pro-government forces may have committed the war crime of launching an indiscriminate attack resulting in death or injury to civilians.<sup>98</sup>

**B. Hay'at Tahrir al-Sham**

87. Between November 2019 and June 2020, and in a pattern previously documented by the Commission,<sup>99</sup> members of Hay'at Tahrir al-Sham in Aleppo and Idlib Governorates continued to brutally impose their stringent ideologies on local populations, including through acts of arbitrary detention of individuals expressing dissent. Moreover, they detained, tortured and executed civilians who opposed their oppressive rule.<sup>100</sup>

88. During demonstrations between 29 April and 1 May, Hay'at Tahrir al-Sham beat and detained participants.<sup>101</sup> On 1 May, a van drove into a group of protestors, injuring at least one, whereupon members of Hay'at Tahrir al-Sham opened fire, killing one protestor and injuring two others. On 10 June, 13 journalists who filmed the passage of a Russian-Turkish joint patrol along the M4 highway were beaten by members of Hay'at Tahrir al-Sham, who forced them to stop filming.

89. Members of Hay'at Tahrir al-Sham also detained individuals over land disputes and for refusing to pay "taxes" for services provided by their "salvation government".<sup>102</sup> One man recalled how he had been initially summoned by Hay'at Tahrir al-Sham "police" and had subsequently been held for five months in various detention facilities. In detention, he was beaten with a cable, handcuffed and hung from the ceiling in his cell, and thereafter forced to thumbprint a statement acknowledging that he had incited others against the terrorist group. He was then transferred to the Hay'at Tahrir al-Sham "criminal security branch" and brought before a "criminal court", was never informed of the charges against him and was sentenced to prison for unknown reasons.

*Findings*

90. Based on the above, the Commission finds that there are reasonable grounds to believe that members of Hay'at Tahrir al-Sham committed the war crimes of murder (see para. 88 above), cruel treatment and torture (see para. 89 above).<sup>103</sup> Moreover, in instituting makeshift courts whose procedures fall far short of fair trial standards, members of Hay'at Tahrir al-Sham denied essential judicial guarantees to persons convicted through such quasi-legal processes, and consequently, imposing continued detention following such procedures amounts to an unlawful deprivation of liberty.<sup>104</sup>

**VII. Recommendations**

91. **The Commission reiterates its previous recommendations and again calls upon all parties to:**

(a) **Pursue a long-lasting, nationwide ceasefire, in line with Security Council resolution 2254 (2015), that allows Syrians to focus on tackling the COVID-19 pandemic, and creates the conditions for meaningful peace talks – building on the**

<sup>98</sup> ICRC rule 156.

<sup>99</sup> See A/HRC/44/61.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> The Commission documented additional cases of detention involving journalists, media activists, aid workers and individuals expressing dissent, which occurred in prior reporting periods. See also A/HRC/43/57, paras. 37–38; and A/HRC/44/61.

<sup>103</sup> Art. 3 common to the 1949 Geneva Conventions; and ICRC rule 156.

<sup>104</sup> ICRC rule 100.

reduction in the level of violence in the Syrian Arab Republic since the onset of the pandemic;

(b) Ensure immediate and large-scale prisoner releases. Worldwide, States have recognized that overcrowded prisons are breeding grounds for COVID-19 and have urgently implemented such steps. Given the dire detention conditions in the Syrian Arab Republic, all makeshift and temporary places of detention should be closed and steps taken to drastically improve health conditions in formal prisons and detention centres;

(c) Immediately cease torture and other cruel, inhuman or degrading treatment or punishment, including sexual and gender-based violence, in places of detention; cease all forms of incommunicado detention and release all persons arbitrarily detained; and take all feasible measures, under Security Council resolution 2474 (2019), to search for and reveal the fates of those detained and/or disappeared, and further establish an effective channel of communication with families to ensure that their legal, economic and psychological needs are addressed adequately;

(d) Immediately cease sexual and gender-based violence against women, girls, men and boys, and take urgent measures to discipline or dismiss individuals under their command responsible for such acts.

92. Furthermore, in light of the economic crisis, food insecurity and the COVID-19 pandemic, the Commission calls upon all parties as well as the international community and individual Member States to ensure and facilitate unfettered access for independent humanitarian, protection and human rights organizations in every part of the country, including to places of confinement or detention. All obstacles to humanitarian aid should be removed, including those unintentionally caused by sanctions that have overly cumbersome humanitarian exemption procedures. The Commission reiterates the calls made by the Secretary-General of the United Nations and the United Nations High Commissioner for Human Rights to ease or waive sectoral sanctions imposed on countries in order to ensure access to food, essential health supplies and COVID-19 medical support.

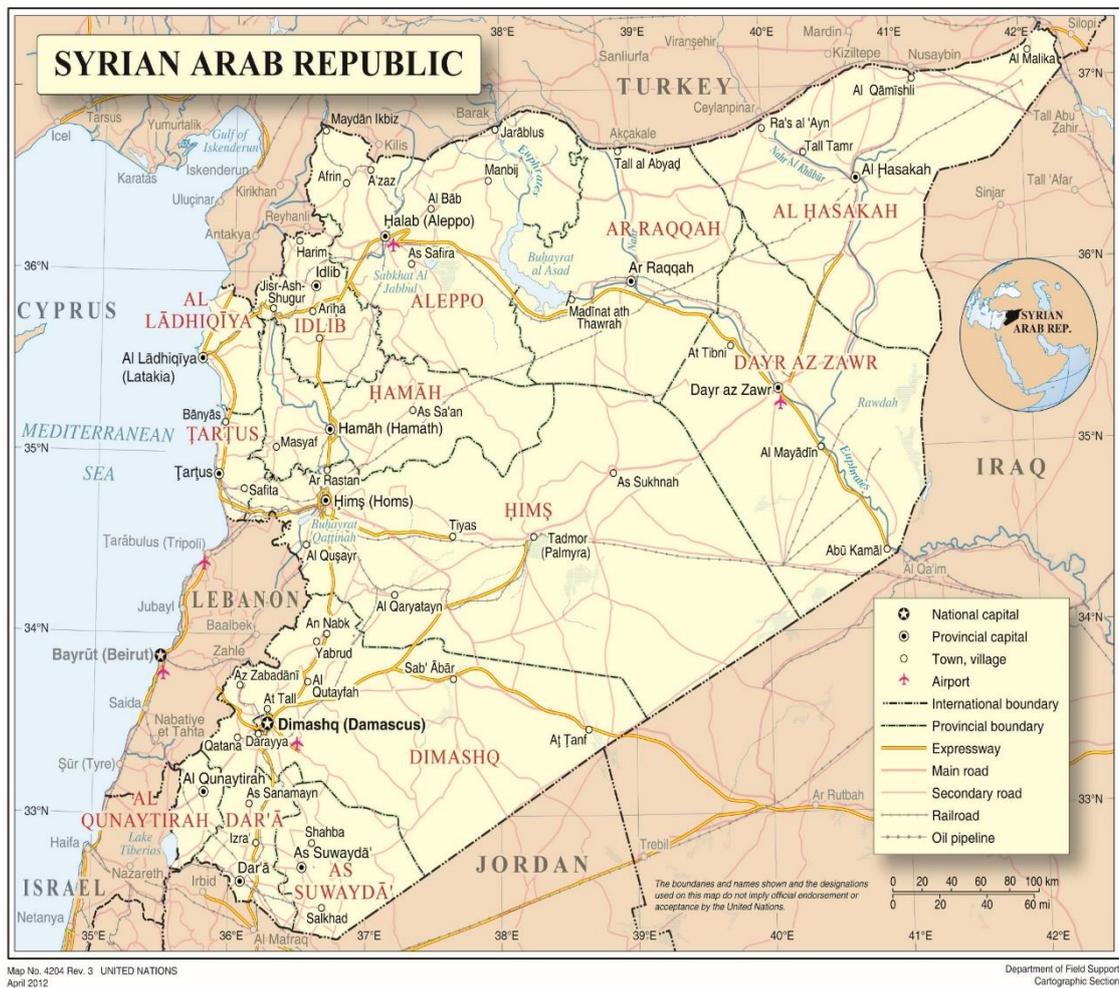
93. The Commission recommends that members of the Syrian National Army immediately cease all looting of civilian property, including of religious and archaeological sites, return such property to its owners, and discipline or dismiss those individuals responsible and make the findings public. In this regard, the Commission recommends that Turkey exert more efforts to ensure public order and safety in the areas under its control to prevent such violations by the Syrian National Army, and refrain from using civilian homes for military purposes.

94. The Commission recommends that the Syrian Democratic Forces make further efforts to end child recruitment by the Syrian Democratic Forces-affiliated Kurdish People's Protection Units and Women's Protection Units.

95. The Commission reiterates its recommendation to Member States to repatriate their nationals in the Syrian Arab Republic who are allegedly associated with ISIL, in particular children with their mothers, in accordance with the best interests of the child, and also in light of the dire camp conditions.

96. Given its findings on violations in the present report, the Commission repeats its recommendation for all Member States to continue seeking accountability, and reiterates its readiness to continue to assist in this endeavour, in close cooperation with the International, Impartial and Independent Mechanism.

## Annex I

Map of the Syrian Arab Republic<sup>105</sup>

<sup>105</sup> The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

## Annex II

### Satellite imagery

- A. Extensive terrain movements and visible bulldozed areas of the Ain-Dara Temple, Afrin region, Aleppo Governorate, protected by the United Nations Educational, Scientific and Cultural Organization (UNESCO), between September 2019 and April 2020.**



DigitalGlobe WorldView-2 image collected 28 September 2019 08:36 (GMT+3)  
 (© DigitalGlobe 2019)  
 Analysis conducted by UNITAR-UNOSAT.

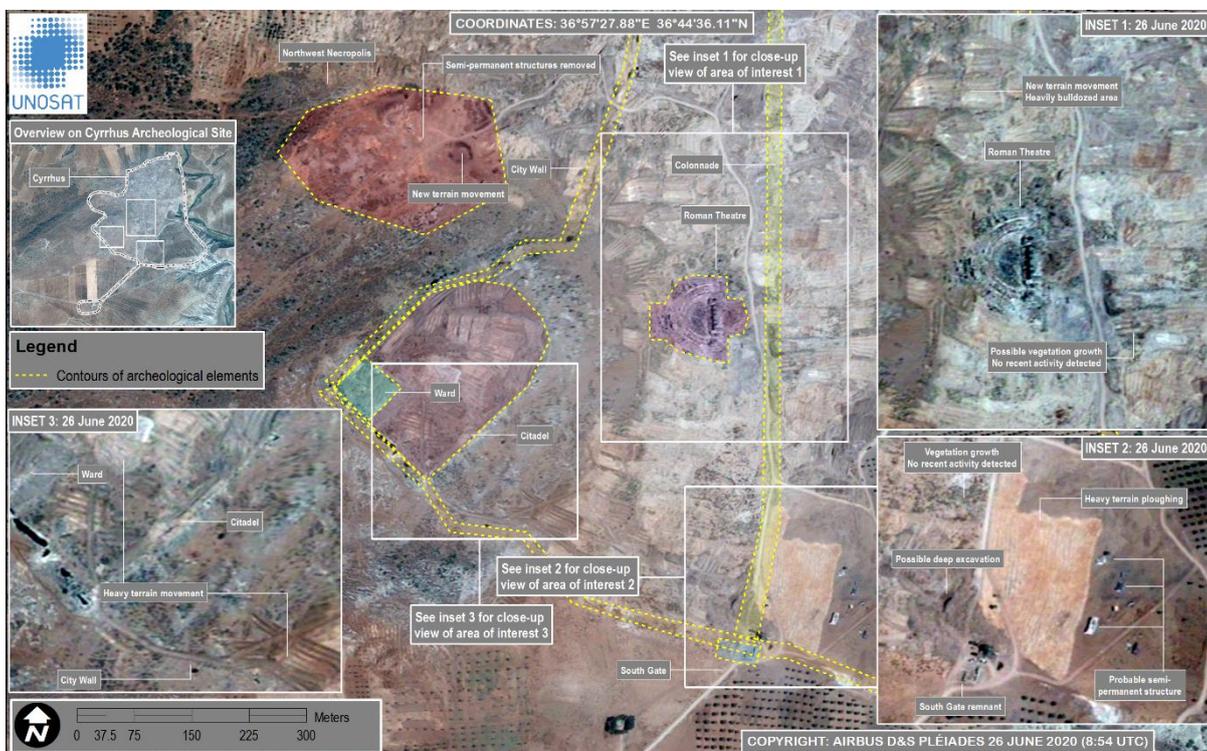


DigitalGlobe WorldView-1 image collected 17 April 2020 08:36 (GMT+3)  
 (© DigitalGlobe 2020)  
 Analysis conducted by UNITAR-UNOSAT.

**B. Hellenistic archaeological site of Cyrrhus, Afrin region, Aleppo Governorate, between September 2019 and June 2020**



DigitalGlobe WorldView-2 image collected 28 September 2019 08:36 (GMT+3)  
 (© DigitalGlobe 2019)  
 Analysis conducted by UNITAR-UNOSAT.



Airbus D&S Pléiades image collected 26 June 2020 08:54 (GMT+3)  
 (© Airbus D&S 2020)  
 Analysis conducted by UNITAR-UNOSAT.

**C. Destruction of civilian houses between October 2019 and May 2020 in Dawoudiya village, Hasakah governorate**



DigitalGlobe WorldView-2 image collected 8 May 2020 08:23 (GMT+3), WorldView-3 image collected on 27 January 2020 08:32 (GMT+3) and WorldView-2 image collected on 9 October 2019 08:32 (GMT+3)

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Analysis conducted by UNITAR-UNOSAT.