



人权理事会

第四十九届会议

2022 年 2 月 28 日至 4 月 1 日

议程项目 4

需要理事会关注的人权状况

阿拉伯叙利亚共和国问题独立国际调查委员会的报告* **

概要

本报告根据人权理事会第 46/22 号决议提交。阿拉伯叙利亚共和国问题独立国际调查委员会在报告中介绍了 2021 年 7 月 1 日至 2021 年 12 月 31 日期间所进行调查的结果。报告叙述了全国各地严重侵犯基本人权和违反人道法的情况。侵权行为不胜枚举，从新娘在婚礼上与四个年轻姐妹一起被炸死，到亲政府部队围困德拉巴拉德镇(Dar'a al-Balad)。还包括数以万计的叙利亚人继续被单独监禁和/或失踪，而政府对其家属隐瞒不告。在阿拉伯叙利亚共和国东北部，近 6 万人，主要是妇女和儿童，艰难栖身在条件极为恶劣的营地；在阿拉伯叙利亚共和国北部，叙利亚国民军和沙姆解放组织(Hay'at Tahrir al-Sham)窃取并占用流离失所平民的私人财产；在阿夫林(Afrin)，车载简易爆炸装置在蔬菜市场爆炸，造成多人伤亡。在全国范围内，叙利亚人无法自由表达意见，并面临被任意拘留风险，沙姆解放组织尤其限制妇女的自由。五支外国军队、各种非国家武装团体和联合国指认的恐怖组织的存在加剧了阿拉伯叙利亚共和国的危机。经济处于自由落体状态：估计 90% 的人口生活在贫困线以下，2021 年国家货币贬值近 80%。700 万叙利亚人流落他乡，700 万人沦为难民。

* 经商定因提交者无法控制的情况，可以在标准发布日期之后发布本报告。

** 本报告附件不译，原文照发。



一. 任务和方法

1. 在编写本报告时，阿拉伯叙利亚共和国问题独立国际调查委员会，按照其既定方法并遵循调查委员会和人权调查的标准做法，¹ 主要依靠 322 次面对面和远程访谈来了解情况。² 还收集和分析了多个来源的文件、报告、照片、视频和卫星图像。³ 也考虑了各国政府和非政府组织的来文以及联合国的报告。委员会还致函或在会议期间要求政府、冲突各方和联合国会员国澄清有关案件、事件和事态。⁴ 当委员会有合理理由相信事件如所述那样发生，并可能是已知当事方实施的，证据标准即得到满足。
2. 委员会无法进入该国，也出于对受访者保护的考虑，致使调查受到限制。在所有情况下，委员会都遵循“不造成伤害”的原则。
3. 委员会感谢所有提供信息的人，特别是受害者和证人。

二. 政治、军事和人道事态发展

4. 尽管在联合国主导下努力开展建设性国际对话以实现和平，但迄今为止进展甚微，要求全国停火的呼吁无人理睬。⁵ 五支外国军队，⁶ 以及非国家武装团体和联合国指认的恐怖组织，继续活跃在阿拉伯叙利亚共和国。⁷
5. 本报告所述期间，冲突各方频繁激烈交火，亲政府部队⁸ 明显增加对伊德利卜(Idlib)的空袭和炮击。特别是 7 月和 8 月，对 M4 公路以南的炮击加剧。在德拉市(Dar'a)附近的德拉巴拉德镇(Dar'a al-Balad)，2018 年 7 月实施“和解”协议以后，反对派成员保留一定程度自治权，⁹ 但激烈的战斗和持续 75 天的政府围困迫使 3.8 万多人背井离乡。¹⁰ 最终政府军与反对派成员于 9 月 9 日签署了协议，尽管不安全局势仍在继续。此外，亲政府部队空袭了北方的“幼发拉底盾牌”行动地区(见附件二)。在北部地区，叙利亚民主力量与叙利亚国民军以及土耳其

¹ 委员有 Paulo Sérgio Pinheiro(主席)、Hanny Megally 和 Lynn Welchman。

² 由于 COVID-19 疫情的旅行限制，大部分访谈是远程进行的。

³ 阿拉伯叙利亚共和国政府定期向秘书长、安全理事会主席和其他人发出相同信函以阐述令人关切局势。委员会分析了该国政府 2021 年 7 月 1 日至 12 月 31 日提交的 16 封此类信函。

⁴ 委员会在 2021 年 11 月 30 日函件中要求阿拉伯叙利亚共和国政府澄清有关问题和事件(见附件六)，但没有收到任何答复。委员会还向冲突其他当事方和联合国其他会员国提出了 10 次索取信息请求，感谢它们随后的回应和通报。

⁵ 见 https://specialenvoysyria.unmissions.org/sites/default/files/2021-10-27_secco_un_special_envoy_for_syria_mr_geir_o._pedersen_briefing_as_delivered_.pdf。

⁶ 伊朗伊斯兰共和国、以色列、俄罗斯联邦、土耳其和美利坚合众国。与各国和国际冲突行为体结盟的其他外国部队小分队，包括作为国际反达埃什联盟一部分的部队，也在地面存在或在叙利亚领空活动。

⁷ 阿拉伯叙利亚共和国的地图，见附件一。

⁸ 上下文中关于“亲政府”一词的用法，详见 A/HRC/46/54，第 19 段，脚注 27。

⁹ A/HRC/42/51，第 68 段。

¹⁰ 见

https://reliefweb.int/sites/reliefweb.int/files/resources/210823_OCHA%20Syria_Dar%27a%20Flash%20Update-3_FINAL.pdf。

部队之间也在前线发生零星炮击，后者亦增加了无人机袭击。¹¹ 俄罗斯联邦、大不列颠及北爱尔兰联合王国和美利坚合众国也在北部地区瞄准基地组织(Al-Qaida)和达埃什(Da'esh)的个人成员进行打击。¹² 以色列亦在全国各地进行空袭，包括两次空袭拉塔基亚(Latakia)港口。10月，阿拉伯叙利亚共和国政府指控以色列在库奈特拉(Qunaytirah)省用狙击火力杀害一名叙利亚高级官员。¹³

6. 未经证实实施者经常使用简易爆炸装置发动致命袭击事件，造成平民伤亡。

7. 经过秘书长叙利亚问题特使近九个月的斡旋，宪法委员会起草小组第六届会议于10月18日至22日在日内瓦举行。¹⁴ 然而，代表阿拉伯叙利亚共和国政府和反对派的共同主席无法就下一步措施达成协议。¹⁵

8. 在区域方面，一些会员国努力与阿拉伯叙利亚共和国政府重新接触，试图恢复外交、安全和经济联系。大多数国家继续呼吁政治解决冲突，除其他外，确保难民安全返回。对一些国家而言，这仍然是阿拉伯叙利亚共和国重返阿拉伯国家联盟的先决条件。

9. 叙利亚经济继续呈螺旋式下降。大约90%的人口现在生活在贫困线以下。¹⁶ 2021年，叙利亚镑贬值近80%，土耳其里拉——在一些北方地区使用——贬值40%。食品价格上涨了200%以上。

10. 考虑到对制裁的人道影响的日益关切，单方面强制性措施对享受人权的不良影响问题特别报告员于2021年12月8日指出，制裁条款的复杂性，加上域外执法和重罚，导致普遍的过度遵守。¹⁷ 银行不愿处理人道交易，运输公司拒绝处理人道运输。美国财政部在自己的审查中也建议调整制裁，以减轻对非目标人口的意外人道影响。

11. 自2020年以来，全国各地人道需求增加了四分之一以上，达到阿拉伯叙利亚共和国内战开始以来的最高水平。根据联合国儿童基金会(儿童基金会)和人道主义事务协调厅的数据，有1,400万人包括610万儿童需要援助，¹⁸ 而将近700人流落他乡，包括310万儿童。¹⁹ 世界粮食计划署估计，有1,240万叙利亚人缺乏粮食安全，仅去年一年就增加了450万人。²⁰

¹¹ 见 https://specialenvoysyria.unmissions.org/sites/default/files/2021-09-28_secco_un_special_envoy_for_syria_mr_geir_o_pedersen_briefing_as_delivered.pdf.

¹² 见下文第63-64段；<https://www.gov.uk/government/publications/british-forces-air-strikes-in-iraq-monthly-list-raf-air-strikes-in-iraq-and-syria-january-to-december-2021>；<https://www.defense.gov/News/Transcripts/Transcript/Article/2863617/pentagon-press-secretary-john-f-kirby-holds-an-on-camera-press-briefing/>；以及 https://tass.ru/politika/13272779?utm_source=yxnews&utm_medium=desktop (俄文)。

¹³ 见 S/2021/814。

¹⁴ 另见 A/HRC/48/70, 第14段。

¹⁵ 见 <https://news.un.org/en/story/2021/10/1103822>。

¹⁶ 见 <https://gho.unocha.org/syrian-arab-republic>。

¹⁷ 见 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27931&LangID=E>。

¹⁸ 见 <https://reliefweb.int/country/syr#key-figures>。

¹⁹ 见 <https://reliefweb.int/report/syrian-arab-republic/humanitarian-action-children-2022-syrian-arab-republic>。

²⁰ 见 <https://www.wfp.org/countries/syrian-arab-republic>。

12. 该国北部和东北部地区面临严重水危机，源于气候变化等多重因素，包括幼发拉底河的低水位、创纪录的低降雨量和较高的平均温度。²¹ 供水进一步减少。在长达 11 年的冲突中，供水设施遭到大规模摧毁和破坏，有时是蓄意破坏，北部的 Uluk 供水站受损，²² 最近 2022 年 1 月初又波及伊德利卜省。²³ 据估计，该国目前饮用水供给比十年前减少 40%。²⁴

13. 该国的经济衰退也严重影响儿童权利，包括受教育权和免于童婚和童工权利。父母被迫要求子女辍学，以便将女孩嫁出去，让男孩出去打工。

14. 本报告所述期间，COVID-19 疫情不断加剧。在疫苗接种率极低(截至 2021 年 11 月底，3.2% 的人完全接种疫苗)²⁵ 和重症监护设施有限的条件下，该国开始经历第四波疫情。

15. 2022 年 1 月 11 日，未经表决延长了安全理事会第 2585(2021)号决议，允许联合国在阿拉伯叙利亚共和国西北部的跨境人道援助继续经由 Bab al-Hawa 口岸进行。然而，资金不足、继续关闭更多过境点以及西北部跨线运输困难，²⁶ 包括沿沙姆解放阵线控制区的援助路线受到袭击，使关键性援助物资的运送进一步受阻。

16. 本报告所述期间，问责取得了显著进展。德国科布伦茨(Koblenz)高等地区法院于 2022 年 1 月 13 日发布了一项具有里程碑意义的判决，认定叙利亚情报局第 251 分局前局长犯有谋杀、酷刑、剥夺自由、强奸和性侵犯等危害人类罪。²⁷ 荷兰一家法院判定一名前征服沙姆阵线(Jabhat al-Nusrah)战士犯有 2012 年谋杀一名叙利亚士兵的罪行，判处他 20 年监禁。²⁸ 与此同时，一名德国检察官起诉一名叙利亚医生犯有危害人类罪，涉及在大马士革和霍姆斯的医疗和拘留设施实施酷刑和谋杀。²⁹ 企业问责领域的一个积极进展是，法国最高法院推翻了 2019 年

²¹ 见 <https://reliefweb.int/report/syrian-arab-republic/water-crisis-northern-and-northeast-syria-immediate-response-and-funding>.

²² 见 A/HRC/43/57, 第 50 段。

²³ 见 <https://reliefweb.int/report/syrian-arab-republic/1-million-people-risk-due-severe-interruptions-alouk-water-station-enar> 和 <https://news.un.org/en/story/2022/01/1109112>。见附件三地图。

²⁴ 见 <https://reliefweb.int/report/syrian-arab-republic/syria-water-crisis-40-less-drinking-water-after-10-years-war>.

²⁵ 见 https://reliefweb.int/sites/reliefweb.int/files/resources/who_syria_emergency_appeal_2022.pdf.

²⁶ S/2021/1029, 第 5 段以及第 49-53 段。

²⁷ 见 <https://olgko.justiz.rlp.de/de/startseite/detail/news/News/detail/lebenslange-haft-ua-wegen-verbrechens-gegen-die-menschlichkeit-und-wegen-mordes-urteil-gegen-ein/> (德文)。251 分局详情，见 A/HRC/31/CRP.1, 第 56 段。

²⁸ 见 <https://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBDHA:2021:7533> (荷兰文)。

²⁹ 见 <https://www.generalbundesanwalt.de/SharedDocs/Pressemitteilungen/DE/2021/Pressemitteilung-vom-28-07-2021.html> (德文)。The suspect was arrested in June 2020 and formally charged in a public indictment in July 2021。

的一项上诉裁决，允许起诉法国跨国公司拉法基(Lafarge)，指控其涉嫌向达埃什支付款项，共谋危害人类罪。³⁰

17. 然而，同一法院在另一项决定中撤销了对在法国被捕的武装团体伊斯兰军一名叙利亚成员的起诉，该成员被控在 2013 年“杜马四人”失踪案中犯有危害人类罪。最高法院的理由是，阿拉伯叙利亚共和国没有将危害人类罪定为刑事犯罪，而法国法律要求在普遍管辖权案件中对非国民双重定罪。³¹

18. 委员会感到关切的是，最近有报告称，调查美国领导的联盟在阿拉伯叙利亚共和国的可能战争罪和其他伤害平民事件行动出现系统性失灵。³² 告密者指控掩盖 2018 年空袭巴古兹(Baghuз)事件，该事件造成数十名妇女和儿童死亡，可能构成战争罪，迫使美国国防部介入对该事件的审查。³³ 随后的报告称，数百份关于在美国领导的联军在阿拉伯叙利亚共和国空袭中有平民伤亡的其他报告未被接受，因为负责调查报告的小组成员缺乏基本技能、对局势不了解或缺乏准确评估此类说法所需的内部信息。³⁴ 委员会指出，它自己对平民伤害、违反国际人道法和潜在战争罪的调查也没有得到联盟成员和其他会员国的配合。³⁵

19. 叙利亚受害者协会作出了大量努力，倡导会员国协助建立一个具有国际授权的独立机制，协调和汇总与失踪人员，包括强迫失踪人员有关的诉求，这也是委员会的建议。³⁶ 大会于 2021 年 12 月 24 日通过了第 76/228 号决议，其中请秘书长开展一项研究，探讨如何加强努力，查明阿拉伯叙利亚共和国境内失踪人员的命运和下落，确认遗骸身份，并向其家人提供支持。这项研究将于 2022 年上半年提交给大会。

三. 政府控制地区

20. 7 月，开始了对德拉市南部德拉巴拉德镇居民区为期 10 周的围困。同时，亲政府部队发动军事进攻，打死打伤平民，导致数万人流离失所。9 月 9 日，敌对行动以俄罗斯支持的协议而告终。随后几周内，在德拉省西部的十几个城镇进行

³⁰ 见

https://www.courdecassation.fr/decision/6137092ff585960512dfe635?search_api_fulltext=lafarge&sort=&items_per_page=&judilibre_chambre=&judilibre_type=&judilibre_matiere=&judilibre_publication=&judilibre_solution=&op=&date_du=&date_au=&previousdecisionpage=0&previousdecisionindex=6&nextdecisionpage=0&nextdecisionindex=8 (法文)。

³¹ 见 https://www.courdecassation.fr/decision/619de43eb458df69d4022a18?sort=date-desc&items_per_page=20&search_api_fulltext=&expression_exacte=&date_du=&date_au=&judilibre_chambre=&judilibre_type=&judilibre_matiere=&judilibre_publication=&judilibre_solution=&op=Trier (法文)。

³² 见 <https://www.nytimes.com/2021/11/13/us/us-airstrikes-civilian-deaths.html>。

³³ 见 <https://www.defense.gov/News/Transcripts/Transcript/Article/2856143/pentagon-press-secretary-john-f-kirby-and-dr-mara-karlin-performing-the-duties/>；以及 <https://edition.cnn.com/2021/11/29/politics/pentagon-syria-airstrike-review/index.html>。

³⁴ 见 <https://www.nytimes.com/2021/11/13/us/us-airstrikes-civilian-deaths.html>。另见 <https://www.defense.gov/News/Transcripts/Transcript/Article/2888515/pentagon-press-secretary-john-f-kirby-holds-a-press-briefing/>。

³⁵ A/HRC/46/54，第 77 段。

³⁶ A/HRC/46/55，第 113 段。

类似的谈判。报告显示，政府部队与 1.2 万多人缔结了“和解协议”，并收缴了 1,700 件武器。

21. 10 月 20 日大马士革早高峰期间，一名身体不明者引爆的两枚简易爆炸装置击中了一辆公共汽车。³⁷ 这辆公共汽车主要载着国防部军事建筑机构的工人。14 名乘客死亡，包括两名妇女。

22. 政府军继续任意拘留人员，并对被拘留者实施酷刑和虐待，有时直至死亡。逃离战争到其他地区的叙利亚人在处置和利用自己财产，包括农田方面遇到越来越多的行政障碍。

A. 对德拉巴拉德的围困和周围地区的不安全

23. 6 月 24 日，当地反对派团体拒绝接受政府要求后，亲政府部队封锁了德拉巴拉德。政府要求包括交出武器，³⁸ 一些人必须投降或离开该地区。只开放一个出入口，还是断断续续的，并进行严格限制。居民只有行贿才能通过。在整个围困期间，人道主义援助被禁止进入，只在 7 月中旬运送过一次援助物资。居民报告说，可得到的水、食物和药品非常有限，没有电。7 月 27 日，当地唯一的医疗设施，一个为约 5 万人服务的临时诊所，因炮击而无法使用，从而断绝了民众求医之路。

24. 7 月底，与当地各派达成协议的谈判失败后，亲政府部队开始炮击该地区，并发起地面进攻，造成平民伤亡和居民区的物质损失，包括清真寺、学校和上述诊所遭到破坏。

25. 7 月 29 日，身份不明者袭击德拉巴拉德附近地区，包括德拉国家医院，该医院至少被一枚迫击炮弹击中，部分停诊。一个孩子在买面包的路上中弹身亡。

26. 也是在 7 月 29 日，亲政府部队进攻了德拉省西部 Yadudah 镇和 Jasim 镇的居民区。下午，火箭弹击中了 Yadudah 镇 Hay al-Awsat 居民区的一所房屋，打死三名儿童，打伤一名妇女和另外两名儿童。炮弹还击中了 Hay al-Arabi 居民区的一处住宅，杀害一名妇女和她 22 岁的儿子；他的两个兄弟，包括一名孩子，受了伤。据报道，在 Jasim 镇，炮击造成一人死亡，损毁了平民财产，包括一家工厂。根据残余物的分析，包括视频片段和目击者描述，后种情况下使用了防空武器进行直接射击，而另一情况下可能使用了火箭炮。

27. 有报告称，亲政府部队，包括阿拉伯叙利亚陆军第四装甲师人员，使用了简易火箭辅助弹药和其他非制导火箭火炮。这些武器以高度不准确而闻名。

28. 到 8 月中旬，敌对行动升级，大规模摧毁德拉巴拉德及其周围的居民区，5.5 万估计居民中有三分之二以上离家出逃。³⁹ 8 月 24 日，当德拉巴拉德居民试图通过唯一开放的出口离开时，局势骤然紧张。在一次言语争吵后，一名平民被政府军开枪打死，政府军还不分青红皂白地向聚集在检查站的人群开枪，造成多人受伤。

³⁷ 见 S/2021/889。

³⁸ A/HRC/48/70, 第 23 段。

³⁹ 见

https://reliefweb.int/sites/reliefweb.int/files/resources/210823_OCHA%20Syria_Dar%27a%20Flash%20Update-3_FINAL.pdf。

29. 接近8月底时，由于各方未能达成协议，亲政府部队发动更多地面攻击。8月29日，对德拉巴拉德的进一步炮击杀害至少两名平民。清真寺也遭到破坏。亲政府部队还对邻近城镇发动进攻。8月26日上午，一名妇女在Tafas市中心的住宅被击中，她本人遇袭身亡。据目击者称，政府军从所在的德拉市北部发射了20至50发炮弹，在高峰时间不加区别地落在Tafas市，包括市场和居民区。8月29日，亲政府部队对德拉西部Masakin Jalin镇的轰炸造成一名妇女死亡。

30. 在德拉巴拉德镇南部的周围村庄，政府军占领了民用基础设施并安装了军事设备。据报道，政府军禁止大约250个家庭离开该地区，并强迫他们待在靠近军事目标的家中。据称，政府军还抢劫了几处住宅。

31. 在整个攻势过程中，政府重申要求个人要么投降，要么离开。8月24日至26日，80多人，包括战斗人员、其家人和其他平民乘坐政府提供的公共汽车前往阿勒颇省北部，到达政府军与叙利亚国民军之间的前线，与过去的类似转移相呼应。⁴⁰ 这些人抵达叙利亚国民军控制的Bab市后，叙利亚国民军军事警察扣押他们三周以上。

32. 9月8日在德拉巴拉德达成协议后围困结束，大多数流离失所者得以返回。政府军还通过设立更多军事控制点来加强政府军在该地区的存在。据报道，几名前反对派战斗人员在德拉各地被政府军逮捕，许多其他人的言论自由在“和解协议”范围内受到限制。据称也有其他平民被拘留。11月和12月，叙利亚当局连续五批释放了2018年至2020年期间拘留的数十人，其中大部分来自德拉省。然而，2018年之前失踪的大量德拉人仍然下落不明(以下第39-44段)。

33. 11月和12月，德拉省农村其他村镇的安全局势恶化，据报双方都多次使用自制爆炸装置袭击和定点清除或进行报复性杀害。记录了六起事件，有四人死亡，包括一名儿童。攻击的主要对象是反对派成员。与先前的定点清除模式一样，常常是骑摩托车或乘坐其他车辆的个人用小武器射杀受害者。

34. 11月29日，两名教师包括一名妇女在Nawa市遭炮弹击中丧生。当天早些时候，一辆政府车辆在附近被自制爆炸装置击中，造成士兵死亡。还有关于对拒绝与国家“和解”人员进行威胁和报复的报道。10月，在德拉省东部，政府军摧毁了不愿加入“和解协议”的前反对派战斗人员的房屋。在针对拒绝“和解”的个人的另一次袭击中，有两名男子被打死，另一名男子被捕，而附近的一名平民妇女被流弹打死。

35. 就围困德拉巴拉德的范围和袭击更广泛地区而言，委员会有合理理由相信，亲政府部队在人口稠密地区使用了简易火箭辅助弹药和其他火箭弹药，可能构成战争罪，即发动不分皂白攻击，造成平民伤亡或民用物体包括医疗设施损毁。平民和民用物体在任何情况下都受国际人道法的特别保护。此外，亲政府部队使用围困战术进一步侵犯获得食物和医疗保健权利以及行动自由，并可能构成集体惩罚。⁴¹ 锁定居民区内的军事目标，并阻止平民离开(上文第30段)，政府军未能尽可能避免锁定人口稠密地区内或附近的军事目标，可能违反国际人道法。

36. 蓄意杀害平民，如果是冲突当事方所为，则违反禁止直接攻击平民的规定，相当于谋杀的战争罪。

⁴⁰ A/HRC/46/54, 第47段。

⁴¹ 另见A/HRC/48/70, 第28段。

B. 任意逮捕和拘留、强迫失踪和拘留条件

37. 报告记录了安全部门以及民事和军事监狱实施任意拘留情况。与拘留有关的侵权⁴² 仍在继续，政府当局无视正当法律程序，对被拘留者实施酷刑，有时直至死亡。许多拘留幸存者和受害者亲属因担心政府当局报复而不愿提供证词。2021 年 9 月和 10 月发布的报告描述了叙利亚难民返回后遭受任意拘留、酷刑(包括性暴力)或失踪的情况。⁴³

38. 2021 年 7 月至 12 月，2013 年年中至 2021 年 7 月期间获释的 30 多名前被拘留者在接受采访中证实了侵犯正当程序和公平审判权的行为，包括军事法庭和反恐法庭的这类行为，以及 2011 年至 2021 年期间拘留中酷刑、虐待和死亡案件。

39. 家属报告说，他们在查阅民事登记册时才得知被拘留亲属已经死亡。他们经常必须通过复杂的官僚程序，冒着安全风险和勒索，设法寻找失踪亲人。即使政府发布死亡通知的极少数情况下，也不移交尸体，不说明死亡原因，往往在几年后才发出通知。

40. 最近记录的一起拘留期间死亡案件发生在德拉省东部 Al-Mutai 镇居民与阿拉伯叙利亚陆军第五军团第八旅之间的冲突中。当时因涉嫌谋杀而遭军方通缉的一名男子正藏匿在该村。当居民拒绝交出该人，声称是支付“血汗钱”通过部落制度才解决了争端。随后爆发冲突，第八旅两名士兵被打死。2021 年 7 月 7 日，第八旅突袭了该村，将数十名男子拘留在 Busra al-Sham 镇的 Al-Qala'a 监狱附近的 600 分局。虽然多数被拘留者数天后获释，据说有些人有受虐待的迹象，一人因遭受酷刑于 7 月 10 日被送进德拉省一家医院，第二天在那里死亡。

41. 最近的另一起案件是一名男子 10 月 23 日在拘留中死亡。此前几天他因涉嫌盗窃被捕，关押在 Saham al-Jawlan 镇的军事情报拘留设施。尽管军事情报局称他死于中风，但当他回到家人身边时，身体上有明显的酷刑痕迹。

42. 根据这两起案件中的信息，委员会有合理理由相信，受害者是在拘留期间遭受酷刑死亡的。拘留实体，分别隶属军事情报局和阿拉伯叙利亚陆军第五兵团第八旅，由与政府“和解”的前反对派战斗人员组成。

43. 上述拘留案件证实，拘留期间酷刑和虐待等危害人类罪和战争罪的行为模式仍在继续，往往导致被拘留者死亡。⁴⁴ 国家拘留期间的所有死亡案件都必须进行独立、透明和全面的调查，如果不这样做，国家需要对受害者的死亡承担责任。⁴⁵

44. 成千上万在政府军手中强迫失踪的个人仍然下落不明。政府军继续蓄意隐瞒失踪人员的命运和下落，由此对其亲属实施残忍、不人道或有辱人格待遇。

⁴² A/HRC/46/55, 第 14-27 段和第 83-96 段。

⁴³ 见 <https://www.amnesty.org/en/latest/news/2021/09/syria-former-refugees-tortured-raped-disappeared-after-returning-home>; 以及 <https://www.hrw.org/news/2021/10/20/syria-returning-refugees-face-grave-abuse>。

⁴⁴ 另见 A/HRC/46/55, 第 87 和 90 段。

⁴⁵ A/HRC/31/CRP.1, 第 8 段。

C. 影响财产权的措施

45. 继续调查在政府军收复地区通过公开拍卖侵占离开业主土地和财产权的情况，⁴⁶ 拍卖发生在哈马省、代尔祖尔省和伊德利卜省。拍卖变得更加正规和系统化，表明是政府这方面新兴和蓄意的政策。拍卖根据省长签署的命令进行宣布。至少在地区一级成立“地方委员会”，进行土地普查以准备拍卖清单，拍卖清单通常也由省长签署。清单标注土地的相关信息，如位置、面积和类型(有时还说明作物和预计产量等)，以及业主姓名和身份。土地业主身份(“不在”、“在境外”、“武装人员”、“叛逃军人”或“恐怖分子”)显示大多数离开的业主目前居住在政府控制区以外，包括国外。名单上的一些业主向委员会解释说，他们因担心被捕不敢返回侍弄自己的土地。

46. 拟拍卖的土地通常种植高价值作物，如橄榄树和开心果树，或者用于栽培棉花、小麦和其他谷物或蔬菜。拍卖胜出者支付费用可以使用土地六个月或一年，如果是树木，可在收获期使用，即使正式(缺席)业主在一年中继续雇人打理树木，也是如此。不在的土地业主亲属可以申请利用特定程序，支付费用阻止拍卖，但支付的费用极其昂贵。拍卖胜出者通常是亲政府民兵的高级成员或与政府当局关系密切的其他人士。在一些情况下，这些人已经非法占有和耕种他们后来中标的土地，或者已经偷走土地收成。因此，这种拍卖似乎是将亲政府民兵和其他地方人士非法占用土地和侵吞收成的行为合法化。

47. 2021 年 7 月至 12 月期间，委员会记录的拍卖清单中包括哈马省八个地区的 1,440 多名业主和 33,600 杜纳亩⁴⁷ 土地，代尔祖尔省三个地区的 10,000 杜纳亩土地和伊德利卜省至少 61,991 杜纳亩土地。与委员会交谈过的业主几乎都提到，清单上标注的面积仅是其土地的一小部分，整个土地一直被占用。

48. 司法部 2021 年 9 月 15 日发布的一项新通知可能对离开的叙利亚人的财产权以及失踪业主亲属管理其财产的能力产生进一步影响。通知要求对代表和被代表者进行安全审查，作为委托书安排的先决条件，进而阻止为离开或失踪的叙利亚人作出处置财产安排的进程。⁴⁸

49. 同样在 9 月，第 237 号总统令设立了“大马士革划定地区北部入口”，包括 Qaboun 和 Harasta 镇的部分地区，作为征用以前反对派控制的部分地区的另一步骤。虽然总统令没有具体提及 2018 年第 10 号法律(规定重新分区，允许通过低估股份补偿进行征用)，⁴⁹ 但所述程序似乎符合这一法律。

50. 上述案例表明，对离开的叙利亚人(目前居住在国外或非政府控制地区的流离失所者)的财产处置施加愈严格的歧视性限制。⁵⁰ 流离失所者的财产权受到习惯国际人道法的特别保护，必须得到各方的尊重。国际人权法还保证不任意剥夺任何人的财产。冲突当事方没收私人财产(上文第 46-47 段)，特别是从中获取个人收益，可能相当于掠夺，是一种战争罪。

⁴⁶ A/HRC/48/70, 第 38-43 段。

⁴⁷ 1 杜纳亩相当于 1,000 平方米。

⁴⁸ A/HRC/45/31, 第 32 段和脚注 37。

⁴⁹ A/HRC/39/65, 第 91 段；A/HRC/40/70, 第 18 段。

⁵⁰ 另见《归还难民和流离失所者住房和财产的原则》，第 18-19 条。

四. 伊德利卜省(Idlib)和阿勒颇省(Aleppo)西部

51. 2020 年 3 月 5 日停火后暴力稍加缓和，2021 年上半年战事再度加剧。⁵¹ 在俄罗斯联邦总统弗拉基米尔·普京与土耳其总统雷杰普·塔伊普·埃尔多安于 2021 年 9 月 29 日在俄罗斯联邦索契举行首脑会议之前，亲政府部队在该国西北部更加频繁地发动袭击。在报告所述期间，冲突和相互炮击从未停止，造成更多人死亡和颠沛流离。12 月底又一次升级。居民区遭到亲政府部队轰炸；在委员会调查的事件中，有 42 名儿童被杀害，一半以上在 7 月和 8 月。报告显示，这一期间，阿拉伯叙利亚共和国西北部有 64 名儿童遇难(见附件三)。这些数字表明西北部普遍缺乏安全。目击者和幸存者说，袭击似乎旨在伤害平民，增加破坏和流亡，削弱反对派控制地区的经济复苏或稳定的机会。

52. 人道组织报告说，随着伊德利卜省南部地区冲突继续加剧，仅在 7 月和 8 月至少有 1.1 万人外出避难，也有一些人自愿返回。⁵² 流离失所者营地的恶劣生活条件⁵³ 迫使一些平民离开，返回更靠近前线的家园，尽管健康和安全风险增大，也难以获得服务。

53. 由于持续的敌对行动，一些人道组织停止了在伊德利卜南部的活动。没有人道支助方案的援助，例如阿里哈(Ariha)镇居民自 2021 年 4 月以来一直停水。据报道，伊德利卜南部地区只有一家小医院提供急诊服务，先对伤者进行基本处置然后必须转送到伊德利卜市。如委员会先前所述，在受敌对行动影响地区，急救人员尽管担心成为目标，但仍在施救。⁵⁴

54. 该国西北部的人民不仅遭受亲政府部队的炮击，人们的基本权利和自由还受到沙姆解放阵线及其“救亡政府”的持续限制。⁵⁵ 任意拘留政治反对派和媒体工作者做法依然存在，⁵⁶ 被视为反对“救亡政府”的人也面临财产遭没收的风险。

A. 敌对行为

55. 委员会记录了 2021 年 7 月至 12 月期间亲政府部队在伊德利卜及周边地区发动 14 次袭击和造成平民伤亡的情况。委员会已要求政府澄清所有这些事件中是否存在合法军事目标，但迄今未得到答复。美国部队发动的一次袭击造成了平民伤亡，也被记录在案。M4 号战略公路以南的村庄经常成为攻击目标，特别是贾巴尔扎维耶(Jabal al-Zawiyah)地区，以及伊德利卜和阿里哈等城镇(见附件三和四)。

⁵¹ A/HRC/48/70, 第 44 段。

⁵² 见 <https://reliefweb.int/report/syrian-arab-republic/recent-developments-northwest-syria-and-raata-situation-report-no-29> 和 <https://reliefweb.int/report/syrian-arab-republic/syrian-arab-republic-developments-north-west-syria-and-ras-al-ain-tell>。

⁵³ A/HRC/44/61, 第 106-108 段；S/2021/1029, 第 9 段。

⁵⁴ A/HRC/48/70, 第 79 段；A/HRC/43/57, 第 23 段。

⁵⁵ A/HRC/48/70, 第 46 段和脚注 31。

⁵⁶ 同上，第 67-71 段；A/HRC/46/55, 第 62 段。

56. 伊德利卜市和阿里哈镇的人口稠密居民区遭到了肆意袭击。9月7日晚上，至少五次炮轰了伊德利卜市及其郊区部分地段。攻击造成4人死亡，包括一名妇女和一名儿童，至少15人受伤。一名刚大学毕业的年轻女子在城里丧生，而一名4岁男孩和他的父亲(一名大学教授)在郊区身亡。现有信息表明，击中该市的炮弹是从西南部发射的无制导炮弹。在另一起炮击居住区事件中，10月20日上午8时至8时15分，至少有10枚炮弹落在阿里哈镇中心约900平方米的区域，当时儿童正在上学。袭击杀害至少13人死亡，包括4名儿童和1名女教师。至少还有21人受伤，包括儿童和妇女。两所学校以及住宅和商业建筑在炮击中受损。委员会获得的信息表明使用了非制导地对地火炮，很可能是从该市南部或西南部发射的。在这两起事件中，都没有任何迹象表明特定地区有军事目标，这两起事件也符合先前认定的亲政府部队对人口稠密地区发动肆意攻击的说法。

57. 10月27日下午，使用无制导弹药袭击了伊德利卜省 Turmanin 村附近一个流离失所寡妇和儿童营地，杀害一名11岁男孩，包括儿童在内的五人受伤，并严重破坏了住宅区。最近的军事目标是距离营地约4公里的一个土耳其哨卡。现场看到的残骸表明使用的是无制导的格拉德(Grad)火箭。至少有三枚火箭弹接连发射，头两枚落在营地附近，最后一枚击中营地，这表明营地本身就是目标，与以前的做法一致。⁵⁷

58. 亲政府部队在西北部使用精确制导炮弹是这一时期一个持续特征，同时也使用无制导炮弹，而后者以前更加常见。带有制导系统的克拉斯诺波尔(Krasnopol)炮弹或该类型炮弹由标准火炮发射，然后由无人机激光瞄准仪引导至精确目标。委员会记录了使用此类武器的五次袭击，其特点是第一波对建筑物进行精确打击、目击者和飞行观察员证实有无人机存在，以及炮弹从亲政府部队控制地区发射。在炮击 Sarjah、Balshun 和 Kansafrah 村的三起事件中，发现了克拉斯诺波尔制导系统的残余物。

59. 在7月17日的一次事件中，使用精确炮弹袭击急救人员。当时 Sarjah 村一所民房两次中弹，造成五人死亡，包括四名儿童。急救人员赶到时，另一枚炮弹爆炸，炸死两人，炸伤五人。人们发现了制导系统残骸。在9月8日发生的另一起事件中，Mar'yan 村一个小诊所(其楼上也有住户)被两枚炮弹击中，杀害一名妇女，她的儿子严重受伤，而六名医务工作者在第一波袭击和15分钟后的第二波袭击的间隙设法逃脱。该诊所是贾巴尔扎维耶地区最后一个正常运转的诊所，遭到严重破坏。

60. 还发生了另外两起事件，7月3日在 Balshun 村，8月20日在 Kansafrah 村。凌晨时分，精确的炮弹击中了两个村庄的房屋。Balshun 村的袭击造成一名儿童死亡，四人受伤，而 Kansafrah 村的袭击造成四名5至12岁儿童死亡，两名男子受伤。在这两个地方都观察到与克拉斯诺波尔弹药相符的残余物。

61. 在另一起事件中，一枚炮弹击中了 Ihsim 村一所民房，那里的一户人家于7月17日聚集在一起庆祝婚礼。新娘被杀，新郎受伤。另外两名妇女和六名女孩遇难，包括四名1至7岁的姐妹。其他八名家庭成员受伤，包括三名儿童。据目击者称，在该地区看到无人侦察机，可见袭击是从亲政府部队控制地区发起的。

⁵⁷ A/HRC/43/57, 附件二。

62. 本报告所述期间，空袭仍在继续，造成了平民伤害。11 月 11 日上午的一次袭击击中了 Ma'arratmisrin 镇和伊德利卜市之间的一栋居民楼和一个家禽养殖场，三名 8 个月至 7 岁的儿童和其中两名儿童的父母死亡，至少一人受伤。受访者，包括一名被杀男孩的父亲报告说，该地区没有军事目标。受访者和观察人员指出，袭击发生时，该地区有一架俄罗斯联邦固定翼飞机，该飞机此前 26 分钟从胡迈米姆(Humaymin)空军基地起飞。

63. 12 月 3 日，在阿里哈镇和 Mastuma 镇之间，美国公开承认在一次空袭打死了一名据称是基地组织成员的人，并误伤了六名平民。当时他们行驶在同一公路上，他们的汽车超越了目标人的摩托车。

64. 同样，12 月 11 日，在 Jadida 镇附近，俄罗斯联邦公开承认的一次空袭本是针对所谓的 Jund al-Sham 组织(隶属于“宗教守卫者”(Hurras al-Din)的车臣团体)的领导人。据报，袭击至少造成两人死亡，包括一名儿童，另有九名儿童和四名妇女受伤。

65. 关于在人口稠密城区使用高爆炸无制导炮弹问题(上文第 56 段)，委员会有合理理由相信，亲政府部队犯下了发动不分皂白攻击并造成平民伤亡的战争罪。此外，似乎直接针对急救人员和医疗诊所进行精确打击(上文第 59 段)，亲政府部队可能犯下了故意袭击医务人员和攻击医疗设施的战争罪。关于精确瞄准没有任何明显军事目标的流离失所者营地(上文第 57 段)和许多平民住宅(上文第 60-62 段)，亲政府部队可能犯下了攻击平民的战争罪。

66. 关于据称定点清除恐怖主义嫌疑人时造成平民伤亡的问题(上文第 63-64 段)，由于这些事件发生在最近，委员会将继续进行调查。

B. 任意逮捕和拘留以及拘留条件

67. 作为不断和系统压制政治异见行动的一部分，沙姆解放阵线继续限制基本自由，拘留被认为与反对派有关联的人、批评执政当局者以及记者和媒体工作者。⁵⁸

68. 记录了几起媒体工作者因似乎批评沙姆解放阵线和“救亡政府”而遭受拘留的案件。一些人在几天内获释，另一些人在编写本报告时仍被拘留。电视频道“东方新闻电视”在 2021 年 8 月遭停播近一个月，因为沙姆解放阵线不同意该频道如何描述该团体和其他派别。

69. 记录的其他案例显示，沙姆解放阵线对平民日常生活实施严格控制。人们私下谈论生活费用或宗教问题后被拘留。这些言论被定性为诽谤和亵渎，后者可以监禁一年。Al-Falah 机构(前 Hisbah)负责监督遵守沙姆解放阵线规定的社会行为和着装规则，继续逮捕穿着“不合适”和不遵守相关娱乐禁令的妇女。据报道，9 月 Al-Falah 机构解散后，成立了新的“道德警察”。

70. 在“与安全有关”的案件中，沙姆解放阵线制定的程序规则不允许聘请律师，有些罪名，如与国际联盟合作，可能判处死刑。获释被拘留者描述了包括孤儿在内的儿童如何与成人关押在一起。他们还举报了酷刑和性暴力，证实以前

⁵⁸ 另见 A/HRC/48/70, 第 67-71 段。

认定的做法。⁵⁹ 例如，最近接受采访的一名妇女述说了 2018 年至 2019 年她在伊德利卜被拘留几个月的情景，此期间她遭受了羞辱和性暴力。她说，审讯时在几名男子在场，强迫她脱下全部衣服，让她每回答一个问题穿上一件。家庭成员很难知道被拘留者的下落，有时在有影响力行为者或媒体施压后被非法拘留才获释。

71. 委员会有合理理由相信，沙姆解放阵线继续任意拘留个人，包括记者、媒体工作者和妇女。它实施的所谓道德准则严重侵害妇女和女孩权益，相当于享受权利方面的性别歧视。逮捕和干涉媒体人员侵犯了言论自由权。此外，沙姆解放阵线继续无视正当法律程序，特别是在“与安全有关的”拘留案件中判处被告死刑，相当于未经正规法院宣判而判刑和执行处决的战争罪。

C. 扣押财产

72. 收到的几份报告和证人证词称，沙姆解放阵线没收或使用房屋和土地等私人财产，包括为此成立了名为“财产委员会”的委员会，以前称为“战利品委员会”。特别是没收逃离该地区的叙利亚人，以及被认为支持阿拉伯叙利亚共和国政府或以其他方式反对沙姆解放阵线统治的叙利亚人的财产。基督教徒等少数群体的财产也成为具体目标。被没收的财产通常归入沙姆解放阵线成员及其家人名下，而其他财产则出租给境内流离失所者，为“救亡政府”谋利。

73. 流离失所者的财产权受到习惯国际人道法的特别保护，必须得到各方尊重。所述的没收财产行为可能构成掠夺的战争罪，特别是被没收财产归入沙姆解放阵线成员名下的情形。

五. 阿勒颇北部、拉斯艾因(Ra's al-Ayn)和塔尔阿比亚德(Tall Abyad)地区

74. 尽管与“和平之春行动”和“橄榄枝行动”之后的情况相比，总体安全局势有所改善，但阿勒颇北部、拉斯艾因和塔尔阿比亚德地区的人们仍生活恐惧之中，担心轰炸和简易爆炸装置袭击。拉斯艾因和塔尔阿比亚德地区经历了一段相对平静时期，而阿勒颇北部发生了几起炮击和车载简易装置爆炸事件。在这个高度动荡的地区，平民夹在几派冲突中间，涉及亲政府部队和土耳其部队以及叙利亚国民军和叙利亚民主力量等非国家武装团体。⁶⁰

75. 叙利亚国民军各派别继续非法剥夺自由，对被拘留者实施酷刑和虐待。也有在拘留中死亡和失踪的报道。平民继续因“与安全有关的”罪行和据称对当局批评而遭到叙利亚国民军各派别拘留，有些人在试图收回土地时被逮捕。在阿夫林的橄榄收获季节期间，暴力、逮捕后勒索以及与住房、土地和财产有关的侵权行为有所增加。尽管委员会注意到叙利亚国民军下令禁止招募儿童，但据悉叙利亚国民军各派别仍在招募和使用更多儿童，这些情况目前正在调查中。

⁵⁹ A/HRC/46/55, 第 65 段。

⁶⁰ 参见 A/HRC/46/55, 第 94 段；A/HRC/45/31, 第 67-68 段。

A. 不分皂白地攻击平民

76. 在阿勒颇北部，包括阿夫林(Afrin)、巴布(Bab)、伊扎兹(I'zaz)和贾拉布卢斯(Jarabulus)市区和周围，简易爆炸装置继续不分皂白地杀人和造成物质损失。2021 年下半年记录了至少 35 起炮击和简易装置爆炸事件；这些事件造成 34 人死亡，120 多人受伤。

77. 委员会记录了 2021 年 7 月至 10 月期间 9 起简易装置爆炸事件，杀害至少 18 人，数十人受伤。简易爆炸装置在市场、繁忙街道和一个燃料库等拥挤地区以及十字路口引爆。最致命的事件于 2021 年 10 月 11 日中午前后发生在阿夫林市，一个车载简易装置在靠近菜市场的繁忙环形交叉路口爆炸，造成 7 人死亡，20 人受伤。地方当局认为爆炸是库尔德团体所为，但委员会收到的信息不足以得出任何结论。没有任何当事方声称对简易装置爆炸事件负责。

78. 阿夫林和毗邻塔尔里夫特(Tall Rif'at)的其他地区也发生了一些事件，有叙利亚民主力量以及叙利亚部队和俄罗斯部队的参与。⁶¹ 2021 年 7 月和 8 月的几起炮击事件据报造成 10 名平民死亡，至少 74 人受伤。

79. 在一次事件中，8 月 5 日，一枚导弹击中了 Hawzan 村附近土耳其军事哨所旁边的一辆装有起重机的民用卡车，炸死了两兄弟，炸伤了他们的堂兄弟。当平民急救人员驾驶一辆消防车和一辆救护车赶到时，第二枚导弹摧毁了救护车，两名急救人员受伤。据称，后来的导弹和射击来自附近，是叙利亚民主力量、叙利亚部队和俄罗斯部队控制的地区。

80. 最近，2021 年 11 月 19 日傍晚，3 至 6 枚火箭弹击中了阿夫林一条居民街的 3 栋建筑，造成 3 名平民死亡，17 人受伤，包括 8 名儿童和几名妇女。附近有两家医院，其中有希法(Shifa)医院，6 月份曾遭受致命袭击。⁶² 据悉该地区还有多个土耳其部队和叙利亚国民军的军事和安全设施，在本报告所述期间屡次成为炮击目标。

81. 亲政府部队或叙利亚民主力量对人口密集地区的袭击(上文第 78-80 段)，可能相当于发动不分皂白攻击并造成平民伤亡的战争罪。此外，如前所述，如果冲突当事方利用简易爆炸装置进行攻击(上文第 76-77 段)，也可能构成发动不分皂白攻击并造成平民伤亡的战争罪。⁶³

B. 任意逮捕和拘留、强迫失踪以及拘留条件

82. 消息来源称，叙利亚国民军准司法机构正在发挥更大作用，而个别派别继续在正当程序之外任意拘留人员。获释被拘留者报告说，各派别进行逮捕，并负责管理拘留设施，有时土耳其情报官员参与或指挥审讯。许多被拘留者说他们从未被带见法官，获释是通过贿赂或外部压力得到的。另一些人报告说，他们在拘留期快结束时才见到法官，有时是几年之后。

⁶¹ 见附件二和 A/HRC/43/57，第 14 段。

⁶² A/HRC/48/70，第 79 段。

⁶³ 同上，第 90 段。

83. 不断有报告称，平民因涉嫌安全犯罪和批评叙利亚国民军派别而遭到叙利亚国民军成员拘留。任意拘留记者的事件也在调查中。有些人因个人或财产纠纷遭到报复后被拘留，包括正式提出收回财产要求的个人(下文第 91 段)。

84. 最近获释的被拘留者报告了 2021 年初叙利亚国民军拘留中心发生的酷刑和虐待。报告指控酷刑直接导致死亡。据称酷刑和虐待主要发生在审讯期间，包括殴打、强制体位、使用泰瑟枪和电击，包括对生殖器电击。女性被拘留者还被拍到只穿着内衣。这些做法多半在 Hawar Killis 村和 Rai 村的哈姆扎师总部拘留中心以及临时非正式拘留场所。大多数指控针对哈姆扎师(Hamza Division)和苏丹穆拉德师(Sultan Murad Division)。

85. 本报告所述期间，收集了多份叙利亚国民军拘留所死亡事件的报告，主要是在巴布区(Bab District)的 Rai 镇和 Zira 镇拘留中心。据亲属称，虽然尸体归还家人，但没有迹象表明叙利亚国民军对死亡事件进行了任何调查。亲属报告说，其中一名死者尸体上有受到虐待痕迹。

86. 收集到的 2018 年和 2019 年失踪人员命运的信息⁶⁴ 证实了相当于强迫失踪的做法。许多平民被长期隔离关押，在编写本报告时，一些人仍下落不明。有些亲属得知他们的亲人最近死在拘留所，也有些人则通过社交媒体等方式获悉失踪亲属下落，并通过行贿使他们获释。

87. 一个可喜的进展是，叙利亚国民军提供了四起内部起诉其成员 2019 年至 2021 年期间实施酷刑、虐待和绑架案件的信息。委员会尚未掌握诉讼细节。

88. 委员会有合理理由相信，叙利亚国民军各派别，包括苏丹穆拉德师和哈姆扎师，非法剥夺平民自由，包括发生个人或财产纠纷进行报复的情况。叙利亚国民军成员可能实施了酷刑、残忍待遇和侵犯个人尊严行为，包括构成战争罪的性暴力形式。此外，叙利亚国民军各派别继续犯有相当于强迫失踪的做法(另见下文第 93 段)。

C. 影响财产权的措施

89. 叙利亚国民军各派别继续在阿夫林市侵占房产，包括住宅、学校、商店和工厂，尤其影响到流离失所业主。虽然掠夺、抢劫、占领和没收财产，包括所谓“税收”⁶⁵ 的模式在继续，特别是在橄榄收获季节，但令人鼓舞的是，也开始收到归还和补偿以前被占用财产的新报告。

90. 一些居住在国外或在国内流亡的业主在管理财产上遇到行政难题，尽管他们出具了必要的财产委托管理授权，但作物还是被人拿走和出售。本报告所述期间，武装团体窃取了数千棵橄榄树的收成，有时是打着“税收”的幌子。这些团体不再承认流亡土地业主请人管理其财产的正式或非正式委托书。2021 年 7 月至 11 月，在阿勒颇省的 Ma'batli 村和 Bulbul 村，各武装团体、黎凡特阵线和苏丹穆拉德师不顾流亡业主的反对，分别将收获橄榄作物的权利出售给第三方。

⁶⁴ 见 A/HRC/46/55，第 96 段；A/HRC/45/31，第 55 段。

⁶⁵ A/HRC/39/65，第 28-30 段；A/HRC/40/70，第 67 段；A/HRC/42/51，第 62 段；A/HRC/43/57，第 41-42 段和第 56-57 段；A/HRC/45/31，第 46-50 段和第 63-64 段。

91. 一些业主报告说，他们向最近成立的阿夫林恢复权益联合委员会(也称为“申诉委员会”)投诉，要求收回他们的财产。也有些人通过支付贿赂，直接与叙利亚国民军各派别联系，以求收回被没收财产。他们因害怕叙利亚国民军各派别报复，不愿诉诸现有的正式机制。委员会收到几份报告称，叙利亚国民军个别成员对提出财产归还或赔偿要求的业主实施报复，包括口头威胁、殴打和绑架。在一起案件中，一名农民设法从阿夫林一分区的武装派别手中收回财产后被杀。

92. 冲突当事没收私人财产，特别是通过出售或收获作物的权利或“征税”等方式获取个人利益时，可能构成掠夺，属于战争罪。

93. 关于叙利亚国民军成员在土耳其实际控制地区的侵权行为调查结果(上文第88-91段)，土耳其有责任尽可能确保公共秩序和安全，并向妇女和儿童提供特别保护。土耳其对这些领土上所有个人需要履行可适用的人权义务。如果土耳其部队得知此类侵犯后而未加以干预以制止此类行为，它们可能违反上述义务。⁶⁶

六. 阿拉伯叙利亚共和国东北部

94. 该国东北部的生活仍然不安全。⁶⁷ “和平之春行动”地区(叙利亚民主力量控制的哈塞克(Hasakah)省和拉卡(Raqqah)省的地区)与阿勒颇省北部地区(见附件二)之间前线地带的居民经常身陷战火，并担心进一步升级，包括土耳其 2021 年 10 月作出宣布之后。

95. 较南一些特别是代尔祖尔(Dayr al-Zawr)省的局势也不稳定，达埃什不断发动袭击，反恐行动接踵而至。在东北部，反对自治的人们⁶⁸也提心吊胆，担心如果公开表达自己意见，会被任意拘留。生活条件恶劣，代尔祖尔省和哈塞克省炼油厂造成的污染危害着人们健康。在流离失所者营地变成拘留营地的地方，例如霍尔营(Hawl)和拉威(Rawj)营，暴力仍然司空见惯，近 6 万人，主要是妇女和儿童⁶⁹已经在那里逗留近三年时间。

A. 前线地区和无人机袭击中杀害平民

96. 拉卡省艾因伊萨(Ayn Isa)镇和哈塞克省塔尔塔姆尔(Tall Tamr)镇及周边地区的战斗仍在继续，叙利亚民主力量控制领土内靠近前线的平民遭受伤亡和持续颠沛流离。

97. 8 月 4 日拂晓的一次袭击中，艾因伊萨镇毗邻前线的 Safawiyah 村的一所房屋被部分摧毁，可能发生在该地区的交火中。一家四口包括三个孩子遇难。8 月 17 日日落之后，塔尔塔姆尔镇附近接近前线的 Abu Rasayn 村遭到炮击，一名妇女在家中丧生，至少 10 名其他平民受伤。几处住宅和一所学校被摧毁，接下来是人们背井离乡。8 月和 9 月，哈塞克省农村的其他村庄遭到炮击，更多的平民流离失所。

⁶⁶ A/HRC/46/55, 第 94 段; A/HRC/45/31, 第 67-68 段。

⁶⁷ 联合国人权事务高级专员办事处 2021 年核实的炮击、武装冲突、枪击、定点清除、简易爆炸装置或战争遗留爆炸物等事件中，共有 245 名平民丧生，至少 181 人受伤。

⁶⁸ A/HRC/45/31, 第 12 段。

⁶⁹ S/2021/890, 第 8 段。

98. 达埃什小分队的残余分子仍然活跃在该国东北部，并继续发动袭击。最近一次是 2022 年 1 月 20 日突袭古瓦伊兰(Ghuwayran)镇的 Al-Sina'a 监狱(下文第 108 段)。⁷⁰ 联军和叙利亚民主力量经常开展反恐行动，主要是在代尔祖尔省，有时也在哈塞克省和拉卡省。据报道，几起此类事件中有人员伤亡，调查在进行中。

99. 委员会收到报告称，土耳其涉嫌实施多次无人机袭击，与土耳其当局承认定点清除阿拉伯叙利亚共和国“恐怖分子”的行动一致。⁷¹ 委员会记录了对叙利亚民主力量控制区内靠近土耳其边境城镇的两次疑似定点无人机袭击。与库尔德当局有联系的个人显然是袭击目标。

100. 第一次袭击的目标是 10 月 20 日停在阿勒颇省北部艾因伊萨镇阿拉伯社会正义委员会门前的一辆非军事车辆。有两人包括汽车司机死亡，据说至少另有三人受伤。其中一名伤者——他认为自己可能是袭击目标——是社会正义委员会的共同主席。11 月 9 日，也是在下午，哈塞克省卡米什利(Qamishli)镇的一辆汽车也遭到袭击，造成三名男子死亡。据说，他们刚参加完葬礼开车回家，都是贾兹拉(Jazira)地区国防委员会主席的亲属。最大的受害者 82 岁，已知是库尔德斯坦民族解放阵线的成员。

101. 在这两起事件中，车辆似乎都是蓄意攻击的目标，使用的导弹最有可能来自土耳其无人机。土耳其当局没有承认参与这两起事件。调查仍在进行中。

B. 任意剥夺自由

任意拘留和恐吓属于库尔德反对派政党的个人和记者

102. 在库尔德内部关系持续紧张的背景下，叙利亚民主力量继续任意拘留属于或被认为属于反对民主联盟党或自治的政党的个人。被拘留者包括反对派成员、民间社会人士和媒体工作者。⁷²

103. 在一起具有象征意义的案件中，2021 年 5 月，民主联盟党一作为库尔德全国委员会一部分的反对派库尔德民主党的一名成员在哈塞克(Hasakah)市的家中被 Asayish 机构逮捕，据称是为一起腐败案件作证。2021 年 6 月 28 日，他的兄弟被叫到哈塞克的军事医院，说这名被拘留者死于中风。当他的尸体送还家人时，上面有明显的酷刑，包括殴打和烧伤的痕迹。

104. 7 月 17 日，库尔德民主党的四名成员，包括两名记者，在不同的城镇被蒙面人逮捕，并被单独监禁。据报道，其中三人，包括一名记者，于 11 月获释。

105. 限制言论自由和骚扰媒体，包括逮捕记者的情况，仍在继续。6 月 16 日，一名著名记者在拉卡(Raqqah)被捕。不久之后，6 月 20 日，库尔德斯坦 24 电视频道被关闭。9 月 24 日，抗议者聚集在卡米什利镇联合国办事处前面，抗议任意逮捕平民和库尔德全国委员会成员。抗议者和报道抗议活动的记者遭到库尔德革命青年运动成员的殴打。四天后，Rudaw 电视台的办公楼被纵火。12 月 7 日，记者包括 Rudaw 电视台工作人员因报道反对招募儿童的示威活动而被短暂逮捕。

⁷⁰ 见 https://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Syria%20Qamishli%20Flash%20Update%2001_FINAL.pdf。

⁷¹ 见 <https://www.msb.gov.tr/SlaytHaber/30112021-40321> (土耳其文)。

⁷² 另见 A/HRC/46/55, 第 50 段。

106. 委员会有合理理由相信，叙利亚民主力量继续非法剥夺反对派成员、民间人士和媒体工作者的自由。在一起案件中(上文第 103 段)，叙利亚民主力量可能犯下了战争罪，即残酷对待和虐待他们关押的一名被拘留者并导致其死亡。

招募儿童

107. 叙利亚民主力量承诺停止招募儿童后，在行为上有所收敛。⁷³ 委员会记录了阿姆达(Amuda)镇和卡米什利(Qamishli)镇库尔德革命青年运动 11 月绑架三名女孩和一名男孩(都是 15 岁)，以便强行招募的案件。9 月 30 日，哈塞克省达巴西亚(Darbasiyah)镇叙利亚民主力量情报处传唤了该组织 2020 年招募的一名未成年女孩的父亲，据说他的女儿逃跑了。他被单独监禁了五天，受到心理压力，并被指控安排女儿逃跑。根据对联合国作出的承诺，叙利亚民主力量应确保在其控制的整个地区切实禁止招募儿童。⁷⁴

拘留和监禁据称与达埃什有联系的个人，包括儿童

108. 1 万多名疑似前达埃什战士和其他据称与该团体有关联的个人⁷⁵ 仍然关押在东北部，经常被单独监禁。其中的外国人大多来自伊拉克，没有任何求助法律的渠道，自治法院只审理叙利亚的达埃什被拘留者。⁷⁶ 令人不安的是，这些拘留中心关押着大约 800 名男孩，其中许多人与激进成年人待在一起，包括哈塞克省古瓦伊兰镇过度拥挤监狱中关押的 650 名男孩，那里的卫生条件十分恶劣。委员会收到报告称，古瓦伊兰镇 Al-Sina'a 监狱目前关押的大约 200 名男孩即将转移到哈塞克省正在建设的 Orkesh “康复中心”。

109. 霍尔营和拉威营仍非法拘留近 6 万人，包括近 4 万名儿童。⁷⁷ 营地内的生活条件恶劣，⁷⁸ 加上缺医少药，儿童和妇女遭受痛苦和死于可治疗疾病。

110. 霍尔营的某些监区普遍存在激进化和不安全，自 2021 年初以来，据报该营发生了 91 起谋杀和 41 起谋杀未遂事件。坚持达埃什意识形态的营员和难民营管理人员进行污名化和威胁。11 月，两名女孩和两名妇女被运水车撞击后死亡，另外两名儿童受伤。也有孩子堕入污水坑淹死或者在帐篷着火时烧死，因为冬天用的是煤气加热器。

111. 本报告所述期间，约 1,300 名来自东北部的叙利亚人从霍尔营获释，但来自阿拉伯叙利亚共和国其他地区的叙利亚人仍被关押。此期间，少数伊拉克人和其他外国人也获释回国(见附件五)。然而，虽然近期对外国儿童进行了有限遣返，但一些国家仍不愿意将营地中的成年国民接回国内，特别是提及安全风险，认为如果能够找到证人和证据可以在阿拉伯叙利亚共和国就地审判，以伸张正义，还说大多数成年人往往违反国家法律，自愿前往阿拉伯叙利亚共和国加入达埃什。这些担忧不能成为维持现状的理由。

⁷³ S/2021/398, 第 10 段; A/75/873-S/2021/437 以及 <https://childrenandarmedconflict.un.org/2019/07/syrian-democratic-forces-sign-action-plan-to-end-and-prevent-the-recruitment-and-use-of-children/>.

⁷⁴ A/HRC/43/CRP.6, 第 92 段; A/HRC/43/57, 第 102 段。

⁷⁵ A/HRC/48/70, 第 108-109 段。

⁷⁶ A/HRC/45/31, 第 77 段; A/HRC/48/70, 第 109 段。

⁷⁷ 霍尔营关押的 56,381 人中有 36,016 名儿童。另见 A/HRC/46/55, 第 96 段。

⁷⁸ A/HRC/48/70, 第 110-112 段。

112. 剥夺据称与达埃什有联系个人包括儿童的权利(上文第 108 段), 不提起刑事诉讼, 也没有公正和独立机构对拘留正当性作出任何单独评估, 只援引必要安全理由, 这是非法的。⁷⁹ 这些人中有许多是外国人, 可以遣返回国, 在本国法院接受审判。拘留条件引起人们关切, 可能违反国际人道法最基本前提之一: 人道地对待没有或不再直接参加敌对行动的所有个人的义务。

113. 如委员会自 2018 年以来所述, 霍尔营和拉威营无区别地羁押近 6 万人(上文第 109-110 段)是没有道理的, 相当于非法剥夺自由, 对其中近 4 万儿童来说, 相当于剥夺一系列儿童权利。⁸⁰ 委员会也有合理理由相信, 尤其是霍尔营地的条件可能构成残忍或不人道的待遇。⁸¹

七. 建议

114. 委员会重申其先前的建议, 特别呼吁所有各方:

(a) 停止对平民和民用物体进行一切不分皂白的袭击和直接攻击; 采取一切可行的预防措施, 尽量减少对平民的伤害; 对其部队造成平民伤亡的事件进行独立、公正和可信的调查, 确保追究侵权责任人的责任, 并确保不再发生; 公布调查结果;

(b) 停止拘留场所的酷刑和其他残忍、不人道或有辱人格的待遇或处罚, 包括性暴力和性别暴力; 停止一切形式的单独监禁, 释放被任意拘留的人; 确保独立监察人员不受阻碍地进入所有拘留场所;

(c) 根据安全理事会第 2474(2019)号决议, 采取一切可行措施, 寻找所有被拘留者和/或失踪者, 查明他们的下落, 并确保他们与家人联系;

(d) 根据安全理事会第 2254(2015)号决议, 实现长期和全国范围的停火。

115. 此外, 委员会建议联合国会员国:

(a) 促进建立一个具有国际授权的独立机制, 以协调和汇总与失踪人员, 包括强迫失踪人员有关的诉求;

(b) 根据儿童最大利益原则, 并考虑到恶劣的营地条件, 接回因涉嫌参与达埃什而被关押在阿拉伯叙利亚共和国东北部的国民, 特别是与母亲在一起的儿童。在个人面临任意拘留或人身伤害, 包括死刑的情况下, 不进行遣返;

(c) 确保叙利亚难民的任何返回都是自愿、安全的, 没有人身伤害或侵犯其基本人权的风险;

(d) 继续寻求问责, 包括建立和加强有效的立法、调查、司法和检察基础设施;

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

⁷⁹ [A/HRC/46/55](#), 第 95 段。

⁸⁰ [A/HRC/37/72](#), 第 59 段和附件三, 第 15-17 段; [A/HRC/46/55](#), 第 96 段。

⁸¹ [A/HRC/48/70](#), 第 116-117 段。

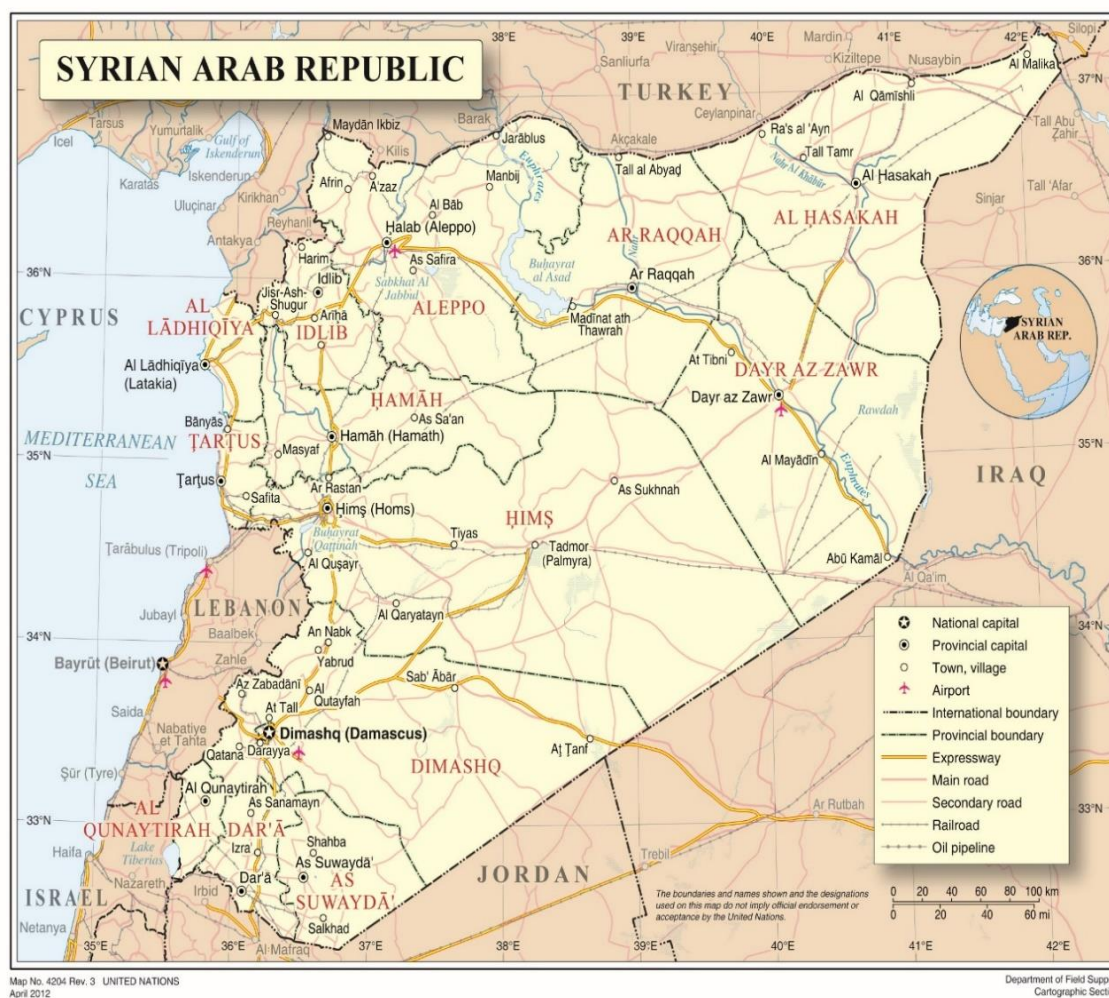
116. 委员会呼吁在阿拉伯叙利亚共和国的联盟国家：

(a) 审查目标选择及其实施的正式规程，确保负责目标选择的官员对当地文化背景有基本了解，以避免平民伤亡；

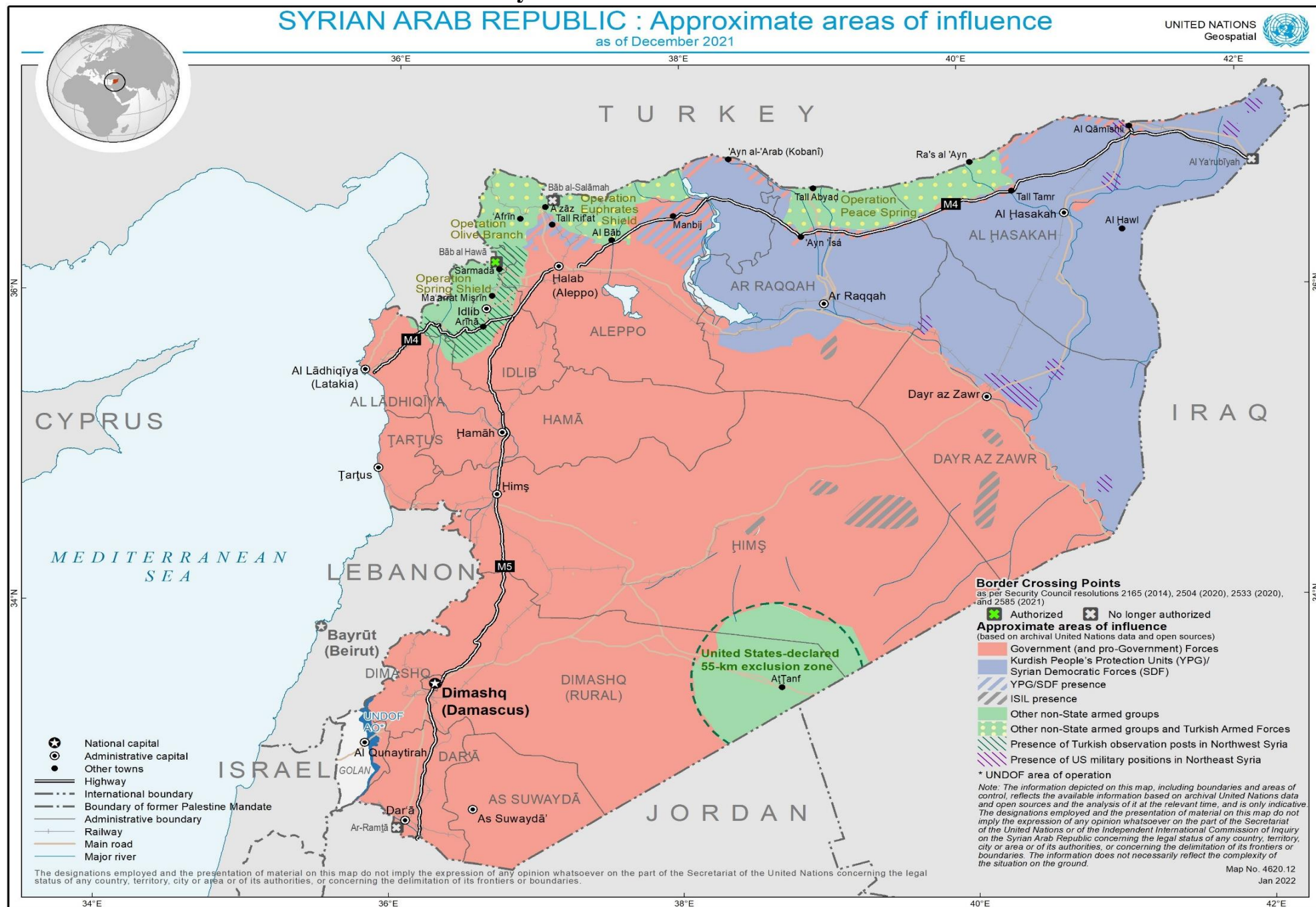
(b) 加强对平民伤亡事件的调查进程，包括确保开展此类调查的工作人员得到培训和资源，能够查阅所有相关记录，在职能上独立于确定目标的指挥系统，能够约谈证人，并公布此类调查结果。

Annex I

Map of the Syrian Arab Republic¹

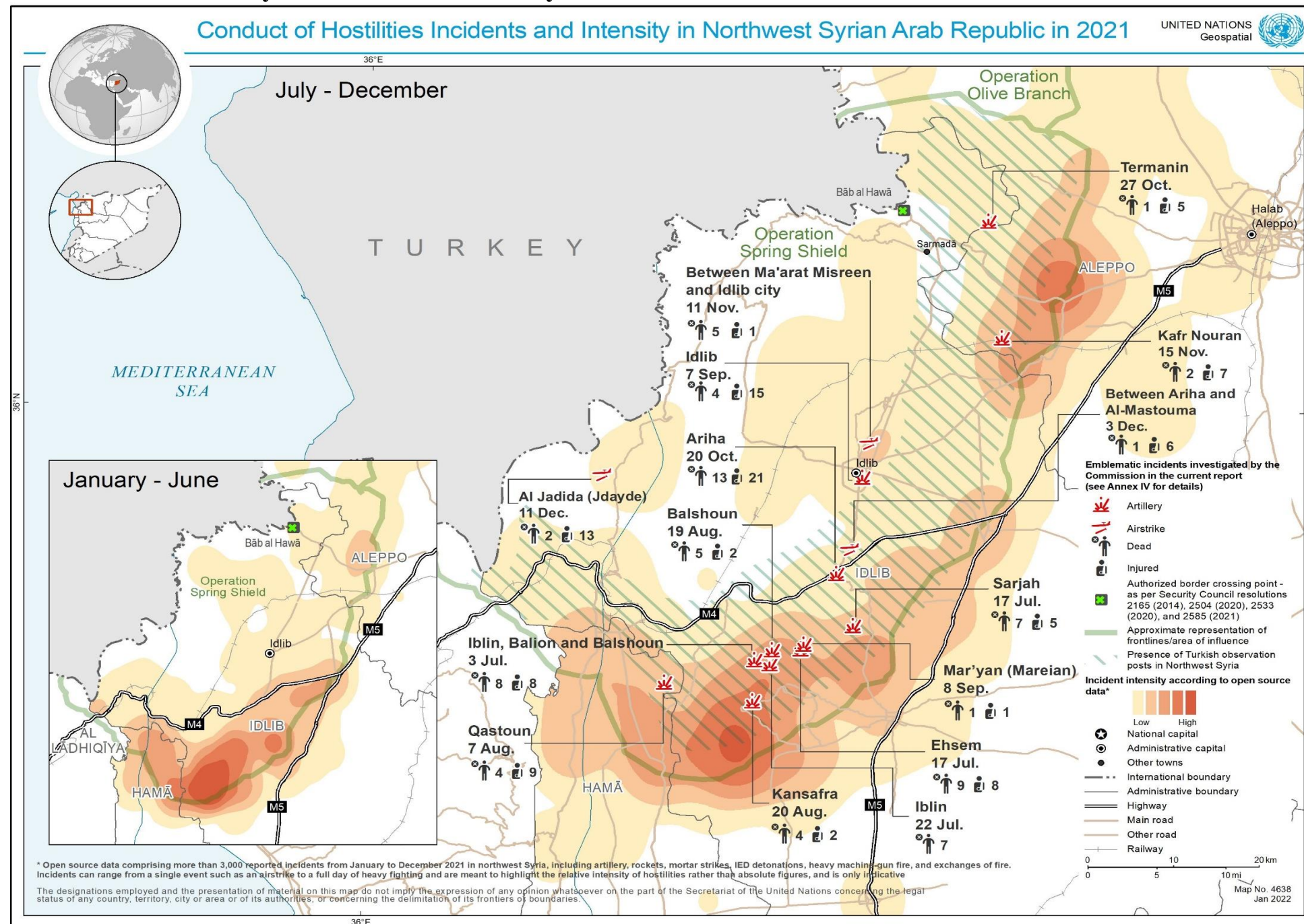


¹ The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Annex II: Estimated areas of influence – January 2022¹

¹ The representation of approximate areas of influence is limited to data relevant for the human rights situation in the Syrian Arab Republic and in relation to the mandate and findings of the Commission of Inquiry on the Syrian Arab Republic.

Annex III: Northwest Syria – violent incidents July-December 2021¹



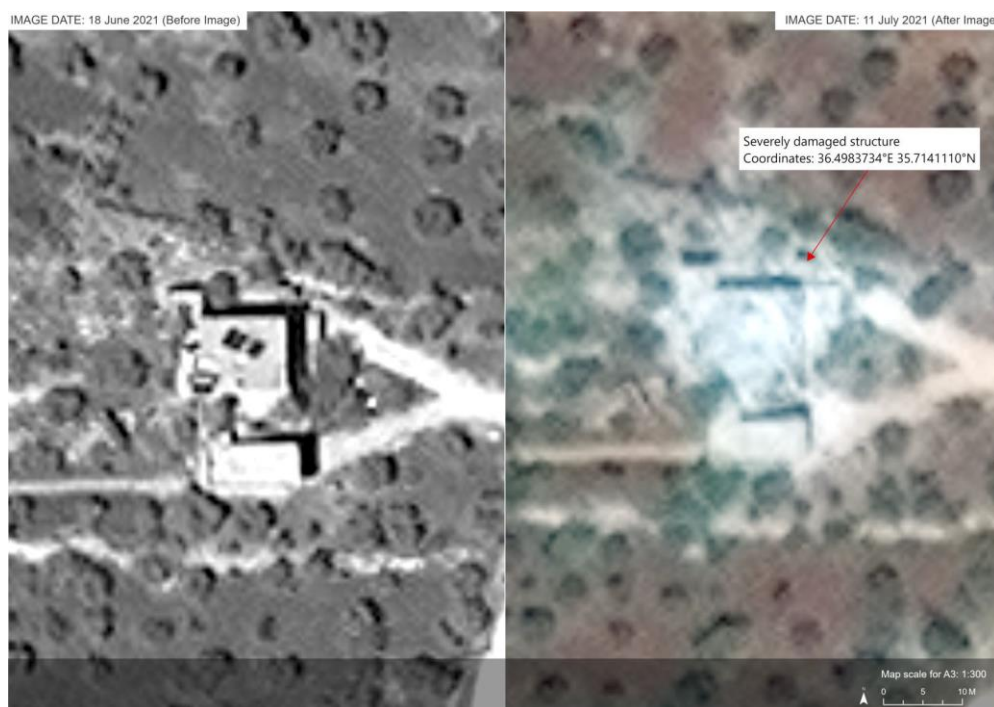
¹ The representation of approximate areas of influence is limited to data relevant for the human rights situation in the Syrian Arab Republic and in relation to the mandate and findings of the Commission of Inquiry on the Syrian Arab Republic.

Annex IV

Details of emblematic civilian casualty incidents in northwest Syria investigated during the reporting period

1. Iblin, Balion and Balshoun (Idlib governorate), 3 July 2021

On 3 July 2021, between approximately 05:30 and 07:00 hours, artillery shelling impacted three houses in the villages of Iblin, Balion and Balshoun (Balshun) in the Jabal al Zawiya area, Idlib governorate killing eight people, including six children and one woman, injuring eight, including four children and three women. The villages are each located within approximately 3 kilometres of each other. In Iblin village, a munition exploded on the upper floor of a house, killing a father and three of his children. A second munition impacted some minutes later, exploding on the ground floor, killing the mother of the children and injuring another woman and two more children. In Balion another munition impacted the home of a civil defence member, killing his two daughters and lightly injuring their mother. A second munition hit as first responders were attempting to reach the two girls. In Balshoun, one munition struck the second floor of a farmer's home near the center of the village, killing a boy, and injuring his two sisters, father and mother. The mother, who was nine months pregnant at the time of the attack, lost her unborn daughter. In each case, the houses were rendered uninhabitable. Witnesses and survivors reported no military objectives or bases in the villages, with the closest military bases between two and eight kilometres away from the impacted locations. Observer information and witnesses reported the presence of drones during the attack, and photographs of remnants consistent with a Krasnopol-type weapon were observed. Analysis of the incident indicates that the strikes likely originated from the area around Ma'arrat al Numan, under control of pro-government forces at the time of the incidents, although witnesses indicated varying possible firing points in Government controlled territory.



18 June 2021 © Maxar 2021 Analysis: UNOSAT
Iblin village incident

11 July 2021 © Maxar 2021 Analysis: UNOSAT

2. Sarjah (Idlib governorate), 17 July 2021

On 17 July, in Sarjah village, Idlib governorate, between approximately 08:30 and 09:00 hours, artillery shells impacted three houses, two of which were empty, while in the third house four girls were killed. First responders arrived and removed the bodies of two of the girls from the location. The home belonged to a local family. After the first strike, the father returned from work, and his mother, the grandmother of the girls, also came to check on the family. The father informed first responders that his four daughters should have been in the house. Approximately 30 minutes after the first shells hit, a second shell impacted some 10 meters away from the house, killing the grandmother. Between 10:10 and 10:15 hours, when a group of first responders and local civilians approached the house again in order to remove the remaining bodies, a third strike impacted nearby, killing one of the first responders (as he was filming the scene), one of the local civilian men, and injuring five others, including two first responders and three local men. After the third attack, first responders did not return and a local man reported that neighbours dug through the rubble to locate the remaining bodies. Witnesses indicated that there was no military target or installation in the area. Observer information and witnesses reported the presence of drones during the attacks, while observers additionally reported the presence of Russian fixed-wing aircraft in the area as well. Photographs of remnants consistent with the guidance system of a Krasnopol-type weapon were observed. Analysis of the incident indicates that the strikes likely originated from the area around Ma'arrat al Numan, under control of pro-government forces at the time of the incidents.



14 July 2021 © Maxar 2021 Analysis: UNOSAT
Sarja village incident

27 July 2021 © Maxar 2021 Analysis: UNOSAT

3. Ehsem (Idlib governorate), 17 July 2021

On 17 July 2021, in Ehsem (Ihsim) village, Idlib governorate, at approximately 23:00 hours, at least one munition impacted a civilian home where 17 people had gathered to celebrate a recent wedding, killing nine, including six girls and three women, including the bride, and injuring eight others, including three children, the groom and at least one woman and one elderly man. The six girls who were killed included four sisters between one and seven years of age, and their two cousins. Family members of victims reported that no military presence in the village or in the area at the time. They also stated that the area is under regular drone surveillance, surmising that whoever targeted the house either knew it was a family gathering or at least had observed more people than usual visiting the home after the wedding.

Witnesses and observatories report the presence of drones in the area at the time of the attack. Other munitions were reported to have impacted other parts of Ehshem village around the same time but did not cause any other casualties. Witnesses alleged that the attack originated from an area in Kafr Nabl under the control of pro-government forces.

4. Iblin (Idlib governorate), 22 July 2021

On 22 July, in Iblin village, Jabal al Zawiya area, Idlib governorate, between approximately 05:30 and 06:00 hours, a munition impacted a house where a family of ten lived, killing three girls and one boy. Between 10 and 30 minutes later, as neighbours and surviving family attempted to reach those still in the rubble, a second munition impacted, killing the mother and her brother-in-law and father-in-law. Four other children in the family were injured, including two girls who survived and were extracted from the rubble over the course of the following two hours. The father, a baker, had already left for work when the incident occurred. Witnesses reported the presence of drones in the area at the time of the attacks. Interviewees also noted that while there may be a small number of fighters in the village, none were associated with this family or this location. Images of remnants are consistent with Krasnopol-type weapons. Witnesses alleged that the attack originated from an area in Kafr Nabl under the control of pro-government forces.



14 July 2021 © Maxar 2021 Analysis: UNOSAT
Iblin village incident

15 September 2021 © Maxar 2021 Analysis: UNOSAT

5. Qastoun (Hama governorate), 7 August 2021

On 7 August 2021, in Qastoun village, Hama Countryside, at approximately 23:00 hours three to four shells impacted, including one that hit a house, killing four children, and injuring nine others (eight children and one woman), all members of the same family. The family's home was partially demolished and the family is currently living in an internally displaced persons (IDP) camp. The family had previously been displaced and had returned three months prior to the attack to work the land following the establishment of Turkish observation posts nearby, which the head of household thought would provide protection. One of the four shells also impacted another area of the family farm, killing a number of cows. The remaining munitions impacted an empty home (the family had already been displaced) and an empty field. The father of the children, a farmer, and his second wife, were drinking tea on a veranda

and were not injured. The father remarked that he did not hear the munition prior to its impact. While one interviewee alleged the use of guided munitions in this incident, initial analysis indicates unguided artillery or rockets were more likely used. Witnesses stated that the attack originated in Jurin, Hama countryside under control of pro-government forces.

6. Balshoun (Idlib governorate), 19 August 2021

On 19 August, in Balshoun (Balshun), Idlib governorate, between approximately 05:00 and 06:00 hours, four to five munitions impacted three houses in separate locations in the western and central parts of the village, killing five people (four boys between 11 and 15 years of age and one woman) and injuring another 5-year-old boy and a young man. The first two munitions, reportedly separated by 4-5 minutes, impacted a house on the western outskirts of the village, killing three children and their mother. Approximately 20 minutes later, two to three other munitions impacted, with at least one striking the second house in the centre of Balshoun village, next to a mosque, killing one boy, and injuring another child and a young man. Two women and one man at the second house escaped without injuries. The family in the third house reportedly fled to a shelter in the village and escaped unharmed. Interviewees noted that there were no apparent military targets or positions in or near the village, although sometimes Turkish patrols use the road next to the first house impacted. Some interviewees alleged that the father in the family in the first house hit worked for Hay'at Tahrir al-Sham digging tunnels and building barriers. The father of the family at the second home is a farmer according to local sources. Witnesses and observatories report the presence of drones in the area at the time of the attack. All interviewees reported reconnaissance aircraft flying overhead during the shelling and rescue operations. Interviewees claimed that the attack originated from Kafr Nubl, Bsalka near Kafr Nubl, Al-Hamidiya base near the M5 and Maarat al Numan or possibly from another base called Wadi Al Deif.

7. Kansafra (Idlib governorate), 20 August 2021

On 20 August 2021, in Kansafra (Kansafrah) village (Jabal al Zaweya area), Idlib governorate, in the early morning between approximately 05:00 and 06:30 hours, at least three munitions impacted at least three houses, killing four children between the ages of 5 and 12 (two girls and two boys) and injuring two men. The children were all killed in the same house, reportedly struck by the third munition, while the two men were injured in each of the two other houses. The mother of the four children reportedly took her infant child to a shelter and returned for the other children when the third munition struck. Both survived. Interviewees noted that the munitions impacted a few minutes apart, with one claiming that the entire event unfolded over 30 minutes. The father had already left the house to tend to the livestock prior to the incident. The family had reportedly moved elsewhere for 20 days fearing attacks in the area and had moved back just two days prior to the event. According to two interviewees, other shelling incidents were taking place in or near Kansafra throughout the day without civilian casualties. Observers reported the presence of drones in the area at the time of the incident and remnants of Krasnopol-type guidance systems were observed following the attack. Sources note that a Turkish military observation post is located approximately one kilometre from the house where the four children were killed on a hill called Tal Badran. Reportedly, it was not affected. Sources alleged that the attack was launched from Maarat al Numan or Kafr Nubl areas, Hamidiyah base or Wadi Al Deif basem all areas under the control of pro-government forces.



14 July 2021 © Maxar 2021 Analysis: UNOSAT
Kansafra incident, first house

15 September 2021 © Maxar 2021 Analysis: UNOSAT

8. Idlib city (Idlib governorate), 7 September 2021

A least five artillery strikes impacted parts of Idlib city and its suburbs in the evening of 7 September. The attack killed four persons, including a woman and a child, and left at least 15 injured. A young woman who had just graduated from college was killed in Idlib city while, a 4-year-old boy and his father, a university professor, were killed on the outskirts of the city. While the munitions that impacted the city appear to have been unguided artillery, the strike on the professor's home was precise (impacting the house and a car next to it), indicating that the attackers may have utilised a mix of guided and unguided munitions. Information available to the Commission suggests the munitions that impacted the city were unguided artillery fired from the southwest.



20 August 2021 © Maxar 2021 Analysis: UNOSAT

19 September 2021 © Maxar 2021 Analysis: UNOSAT

Home of university professor, outskirts of Idlib city

9. Mar'yan (Idlib governorate), 8 September 2021

On 8 September 2021, at approximately 05:40 hours, in Idlib Governorate, Mar'yan village, at least one munition hit the small medical clinic in the village that also featured a residential home on the upper floor, killing a 51-year-old woman and severely injuring her 8-year-old son. The woman and her son were evacuated from the apartment and taken to Idlib city, where the woman died of her injuries. The father, who owns the building and was the acting head of the medical point had left to pray when the attack occurred. Approximately 15 minutes after the first strike, a second munition reportedly struck the building, causing further damage though no further injuries. The medical staff sleeping in the Mar'yan Medical Point apparently avoided injury during the first attack and assisted the victims. By the time of the second attack, no one was left inside the structures. The residence and the medical point were severely damaged and the medical point was rendered inoperable. Relatives of the family stated that the family had only recently returned to Mar'yan after being displaced to Idlib, and that they were gathering belongings and intended to leave the area again. Observers reported the presence of drones at the time of the incident. Prior to the attack, multiple sources indicated that the medical point served 100–170 people per day of all ages, and was the primary facility for at least 22 villages in the surrounding area. It was reportedly the last remaining medical point in the Jabal Al-Zawya area. The basic details of this incident are consistent with a pattern of targeting medical facilities, in particular with double-tap attacks.

10. Ariha (Idlib governorate), 20 October 2021

On 20 October 2021, between 08:00 and 08:15 hours, in Ariha town, Idlib Governorate, at least ten munitions impacted an area of approximately 900 square meters in central Ariha town, killing at least 13 people, including four children and one female teacher, and injured at least 21 others, including children and women. The attack caused material damage to at least two schools as well as residential and commercial buildings. Interviewees indicated no presence of military installations or targets in the impacted area. Victims and witnesses reported that the attacks occurred in a residential/commercial area at a time when children normally went to school and residents to work. One drone was observed in the area before and during the incident. Preliminary analysis of available imagery suggests that at least some

of the munitions were fired in a high arc trajectory, likely from the south/southwest, suggesting that those munitions were likely artillery shells launched from Kafr Roma and Kafr Nabl areas, west of Maarat al Numan. Interviewees suggested that the attack originated from a Government military base south of Saraqeb, much farther to the east. All three areas are currently under the control of pro-Government forces. Despite interviewees' claim that the attack used Krasnopol laser-guided munitions and reported the presence of a drone, at present the available information suggests the use of unguided ground to ground artillery, possibly 130mm or 122mm towed field guns, both of which are reportedly part of the Syrian Arab Army's inventory. The incident was widely reported in media at the time with commentators suggesting that the attack was retaliation for an explosion targeting a bus in Damascus (see para. 21 of the report). Ariha town, situated on the M4 highway, has been subject to similar documented incidents in the past.¹ The basic elements of this attack appear consistent with patterns of Government and pro-Government attacks on markets and civilians-populated areas with unguided high-explosive weapons when such areas are likely to be crowded with civilians.

11. Termanin (Idlib governorate), 27 October 2021

On 27 October 2021, near Termanin (Turmanin) village, Idlib governorate, between approximately 14:30 and 15:00 hours, three munitions impacted the area of the "Sham Al-Kheir" or "Doumani" IDP camp, to the west of Termanin village, with one impacting IDP camp itself, killing an 11-year-old boy and injuring four children, including the boy's sister, and one woman. The boy who was killed and his sister who was severely injured had reportedly returned from school and were eating lunch when the attack occurred. The shell that impacted the camp also caused severe structural damage. The camp reportedly housed between 800 and 1,000 persons, primarily widows and children. There are no known military positions or targets located near the camp. A Turkish military position is located south of the village and the first of the three munitions impacted in the vicinity of that position without causing harm. According to the same source, the distance between the Turkish position and the IDP camp is approximately four kilometres. The second munition impacted approximately 50 meters from the camp, while the third munition caused all the recorded casualties. Remnants observed at the site indicate the use of unguided GRAD rockets. At least three were fired successively, with each impacting closer to the camp until the last one struck it, suggesting that the camp itself was the intended target, which is also consistent with previous patterns. Sources also claimed that the shells came from a government controlled area 15–20 kilometers away called Besratoun near Atarib in Aleppo governorate.

12. Between Ma'arat Misreen and Idlib city (Idlib Governorate), 11 November 2021

On 11 November 2021, between Ma'arat Misreen (Ma'arratmisrin) and Idlib city, Idlib Governorate, between approximately 10:00 and 11:00 hours, up to three airstrikes impacted a residential home and poultry farm buildings, killing five (three children between 8 months and 7 years of age, as well as the parents of the youngest two children) and injuring at least one man (the father of the 7 year old). The attack caused the destruction of the house and significant damage to the other structures on the property. Interviewees noted that there were no military installations or targets in the area and that the location had been a chicken farm for years, although chicken farming had ceased a few months prior as the families instead attended to the agriculture. The house had hosted two families of IDPs from rural Aleppo, headed by two brothers who had been hired by the owners of the land to cultivate. The family of the brother who survived was elsewhere conducting chores elsewhere on the property and were unharmed, with the exception of the 7-year-old boy who was killed and his father who was injured. Witnesses and victims reported no military objective in the area. Interviewees

¹ See e.g. [A/HRC/44/61](#), section V.

and observers reported the presence of a Russian fixed wing aircraft in the area at the time of the attack that had departed Hmemim Airbase 26 minutes prior.



2 November 2021 © Maxar 2021 Analysis: UNOSAT 12 November 2021 © Maxar 2021 Analysis: UNOSAT
Poultry farm between Ma'arat Misreen and Idlib city

13. Kafr Nouran (Aleppo governorate), 15 November 2021

On 15 November 2021, in Kafr Nouran village, south of Atarib, Aleppo governorate, at approximately 09:00 hours, two munitions impacted a house, killing one woman and one boy, and injuring four other children and three civilian men. The village is located a few kilometers from the front lines with pro-Government forces and according to interviewees is under SNA control. The attack rendered the home uninhabitable and also damaged agricultural equipment. Victims interviewed alleged the use of Krasnopol munitions, but as of this writing there is no information available concerning the presence of drones or the availability of remnants to substantiate this allegation. One victim reported that the attack originated from Jendraya village to the south, which is under pro-government forces control.

14. Road between Ariha and Al-Mastouma (Idlib governorate), 3 December 2021

On 3 December, between Ariha and Al-Mastouma (Mastuma), Idlib governorate, between 09:30 and 10:00 hours, a publicly acknowledged United States airstrike on an alleged Al Qaida member killed the intended person and injured six civilians, including two girls and two boys between the ages of 10 and 15, traveling on the same road as their car overtook the targeted person's motorcycle. The family had gone to visit relatives and was returning home when the incident occurred. One of the children was filming the scenery along the road for an older sibling who was recently married and could not join the trip, capturing the moment when they overtook the motorcyclist and the strike occurred. In a Press briefing, the United States Department of Defense Press Secretary stated that the strike was launched from an MQ-9 unmanned aircraft and that it targeted and killed Musab Kinan, an alleged senior leader

of Hurras al-Din, an Al-Qaida affiliated group. The United States has indicated that the incident is under investigation internally to determine whether civilian casualties occurred.²

15. Al Jadida (Idlib governorate), 11 December 2021

On 11 December, near Al Jadida town, at approximately 12:50 hours, a publicly acknowledged Russian Federation airstrike targeted the home of an alleged leader of Jund al-Sham, a Chechen group affiliated to Hurras Al-Din. The strike reportedly killed at least two people, including a child, and injured nine other children and four women. One of those killed may have been a fighter, as apparent militants expressed condolences for the loss of a fighter. Despite the assertion by the Russian Special Envoy of the President for Syria, Alexander Lavrentyev, during a 22 December press conference that the strike killed Al-Shishani Margoshvili, local sources indicate that the targeted person may have survived.³ The Commission is not aware of any statements concerning investigations by the Russian Federation into the reports of civilian casualties associated with the incident.

² <https://www.defense.gov/News/Transcripts/Transcript/Article/2863617/pentagon-press-secretary-john-f-kirby-holds-an-on-camera-press-briefing/>.

³ <https://ria.ru/20211222/boevik-1764921824.html>;
https://tass.ru/politika/13272779?utm_source=yxnews&utm_medium=desktop.

Annex V

Table of repatriations of foreign children and women

Repatriation of foreign children and women from SDF-run camps in North-eastern Syria (as of December 2021)¹

<i>Countries and areas</i>	<i>Repatriated Children (range)^a</i>	<i>Countries and areas</i>	<i>Repatriated Women (range)^a</i>
Kazakhstan, Uzbekistan ^d	201–500	N/A	201–500
Russian Federation ^d	101–200	Kazakhstan, Uzbekistan	101–200
Kosovo ²	51–100	N/A	51–100
France, Germany	26–50	N/A	26–50
Albania, Belgium, Denmark, Finland ^d , Sweden	16–25	N/A	16–25
Australia, Bosnia and Herzegovina, , North Macedonia, Norway, Sudan ^d , United Kingdom of Great Britain and Northern Ireland, United States of America ^d , Ukraine ^d ,	6–15	Belgium, Germany, Russian Federation, Sweden	6–15
Austria, Canada, Italy, Netherlands, Nigeria, Trinidad and Tobago, South Africa, Switzerland, State of Palestine	1–5	Afghanistan, Albania, Denmark, Finland ^d , Netherlands, North Macedonia, Norway, Sudan, United States of America, Ukraine	1–5
Indonesia, Morocco ^e , Tajikistan	TBD ^b	Morocco ^e	TBD ^b
Afghanistan, Algeria ^f , Azerbaijan, Bangladesh, China, Egypt ^f , Estonia ^f , Georgia, India, Iran, Kyrgyzstan, Lebanon, Libya, Malaysia, Maldives, , Pakistan, Philippines, Poland, Portugal, Romania ^f , Saudi Arabia ^f , Senegal, Serbia, Somalia, Tunisia, Turkey, Viet Nam ^f , Yemen	None ^c	Algeria ^f , Australia, Austria, Azerbaijan, Bangladesh, Bosnia and Herzegovina, Canada, China, Egypt ^f , Estonia ^f , France, Georgia, India, Indonesia, Iran, Italy, Kyrgyzstan, Lebanon, Libya, Malaysia, Maldives, Nigeria, Pakistan, Philippines, Poland, Portugal, Romania ^f , Saudi Arabia ^f , Senegal, Serbia, Somalia, South Africa, Switzerland, Tajikistan, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, Viet Nam ^f , Yemen, State of Palestine, Kosovo	None ^c

^a Figures are based on information submitted by States in response to communications by United Nations Special Procedures (<https://spcommreports.ohchr.org/Tmsearch/TMDocuments>), submissions to the Commission (see footnote 4), and a compilation of open source data by the United Nations (until 31 December 2021).

^b Repatriations have reportedly occurred, without indication of the number of individuals.

^c The countries listed here are those for which the Commission received information that citizens were held and for whom there is no indication of any repatriation.

^d Based on an average value due to differing information between sources.

^e Eight individuals were reportedly repatriated, without specification as to the number of children and women.

^f According to information submitted by States in response to communications by United Nations Special Procedures (<https://spcommreports.ohchr.org/Tmsearch/TMDocuments>), the national authorities have no indication as to the presence of citizens in Northeast Syria, or are still trying to determine such presence.

¹ This table does not reflect the repatriation of Iraqi nationals, who form the largest group of foreigners in North-eastern Syria.

² References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

Annex VI

Correspondence with the Government of the Syrian Arab Republic

UNITED NATIONS



NATIONS UNIES

Independent International Commission of Inquiry on the Syrian Arab Republic

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Established pursuant to United Nations Human Rights Council Resolution S-17/1 (2011) and extended by resolutions 19/22 (2012), 21/26 (2012), 22/24 (2013), 25/23 (2014), 28/20 (2015), 31/17 (2016), 34/26 (2017), 37/29 (2018), 40/17 (2019) and decision 43/115 (2020)

REFERENCE: COISYRIA/42/2021

The Secretariat of the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva and specialized institutions, and has the honour to refer to Human Rights Council resolutions S-17/1 establishing the Commission and 46/22, extending its mandate until 31 March 2022.

The Commission takes this opportunity to thank the Permanent Mission for your Government's past assistance in furtherance of its mandate. In the same spirit, it requests your Government's assistance should there be information available to share regarding incidents or events impacting the human rights of persons in the Syrian Arab Republic that could aid ongoing investigations.

At present, the Commission seeks information on human rights violations and abuses in light of its upcoming mandated report to the Human Rights Council session in March 2022, which will cover events between 1 July 2021 and 31 December 2021.

In this regard, the Commission requests any information your Government may be able to share regarding the incidents listed in the Annex I to this note, which allegedly occurred in Aleppo, Damascus, Dar'a, Idlib, Hama, Homs, Quneitra and Aleppo Governorates during this time period.

Furthermore, the Commission would welcome information concerning attacks and shelling by armed groups and other armed actors entailing civilian casualties (in addition to the information provided on the aforementioned incidents). The Commission has taken note of the information regarding civilians killed and injured provided in the identical letters from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council dated 11 May 2021 and 9 June 2021, and would much appreciate further details on the related specific incidents.

Moreover, with respect to human rights related to housing, land and property, the Commission kindly seeks information regarding agricultural land auctions in Hama and Deir-Eiz-Zor.

According to information received, on 12 July 2021, following an announcement by the governor of Hama, auctions took place of private pistachio tree land in the governorate of Hama. Auctions were also announced to be held in Latmin, Latamena, al-Qism al-Hariji, al-Hamra; in Taybeh al-Imam, Maardes, Kawakab, Maan, Qasr al-Mukharam, Kafr Zeita, al-Hamamyat on July 13, 2021, and Murik and Lahaya on July 14, 2021. According to the announcement, any person wishing to bid for the auctioned land was obliged to pay a deposit of 70,000 SYP. Preliminary information indicated that the auctioned lands are the property of displaced owners who were not informed and did not approve the auctioning of their land.

Further, in November and December 2021, at least 15 auctions were reportedly announced in several Hama localities - such as Murawid, an a-Kafat (25 November 2021) - by the farming associations of the concerned villages.

Meanwhile in Deir-Eiz-Zor, on 28 August 2021, the governor of Aleppo Fadil Najjar officially announced the auction of "abandoned and vacant land" in Deir-Eiz-Zor governorate. The auctions were announced to be held between 7 and 17 September 2021 and organized by committees created by decision 5129 of 12 July 2021. Preliminary information indicate that lands belonging to

owners - who were displaced and therefore not present in Deir-Eiz-Zor – were being auctioned without their approval.

Lastly, information available to the Commission indicates that in July 2021, in Hama and Deir-ez-Zour governorates, official committees created by order of the governor, for example order (4/10)2/7/3980 of 19/06/2021 in Mahrada district, were allegedly tasked with listing names of owners of “vacant” land as well as their surface and estimated production, across the two governorates. According to the information received, owners defined as “not present”, “outside the country”, “armed man” or located “in Idlib countryside” would not be able to intercede to prevent their land from being confiscated.

The Commission would much appreciate further clarification and information regarding the above-mentioned auctions, as well as the role of the subcommittees that were created in July 2021. In particular the Commission would welcome information regarding any efforts to contact, inform or permit the original landowners to have a role in these proceedings.

Furthermore, with respect the situation in Yarmouk Camp, the Commission has received information regarding announcements indicating that displaced families from Yarmouk Camp would be allowed to return to the camp in autumn 2021, on certain conditions. The Commission would be interested in knowing the detailed process by which candidates to return can obtain the necessary approval, as well as the documents recognized by the competent authorities as sufficient to prove ownership. The Commission would also be interested in knowing if the ability to return will be extended to the displaced who have not managed to complete the removal of their property rubbles by 5 October 2021, and for those whose property does not meet sufficient construction safety conditions.

In addition, regarding the situation in Dar’a Governorate, the Commission received information that since 24 August 2021, 79 persons have reportedly been transported from Dar’a Al-Balad on buses by pro-government forces through the crossing point of Abu Zindeen, a major crossing point located at the front line in the northern Aleppo province. Among them were civilians, including women, elderly and children. Detailed information regarding the decision or agreement to transfer the individuals concerned would be much appreciated.

The Commission would also appreciate information regarding the 21 October 2021 statement by the Ministry of Justice on the alleged sentencing to death by the counter-terrorism court on 20 October 2021 of 24 people under terrorism laws following their alleged involvement in wildfires in north-west Syria in 2020. In addition, 11 individuals were allegedly sentenced to indefinite forced labour, and four individuals (including five adolescents) to forced labour for between 10 and 12 years. In particular, the Commission would welcome information on the identity of those convicted, information about how or where they were executed and information on steps taken to ensure full access to defence counsel for the accused during the alleged trials.

Lastly, the Commission kindly reiterates its request for information on measures to prevent or investigate any known alleged detention related violations and abuses as well as practical steps taken to increase human rights protections for current or former detainees and their families. For this purpose, please see the attached standard questionnaire (which the Commission previously shared in its note verbale numbered COISYRIA/32/2020 of 16 October 2020).

In order for the information to be received and processed ahead of its next reporting obligations, the Commission would kindly request that any inputs be received by 3 January 2022. We remain ready to discuss the most appropriate means by which to obtain the above information, including through meetings or briefings.

The Commission also takes this opportunity to reiterate its request for access to the territory of the Syrian Arab Republic to fulfil its mandate, including to facilitate dialogue in relation to

requests such as contained in the present communication. The Commission further seeks to engage your Government on modalities for access to areas of the Syrian Arab Republic currently outside of Government control. For any questions regarding the details of this request or opportunities to collaborate, please contact the Secretariat, at ohchr-coisyrria@ohchr.org.

The Secretariat of the Commission of Inquiry avails itself of the opportunity to renew to the Permanent Mission of the Syrian Arab Republic the assurances of its highest consideration.

Geneva, 30 November 2021



L.A.

Permanent Mission of the Syrian Arab Republic
to the United Nations Office at Geneva and specialized institutions

Annex I

List of alleged incidents on which the Commission requests information for its upcoming mandated report to the Human Rights Council session in March 2022

The Commission requests information on the following incidents for its upcoming mandated report to the Human Rights Council session in March 2022:

Incidents allegedly occurring in Idlib and Hama Governorates:

- On 3 July 2021, in Baloyun, Balshoon and Iblin villages, Idlib governorate, artillery shelling allegedly led to the death of nine civilians: five individuals from the same family, including three children in Iblin, two children in Balioom and two girls in Balshoun. The use of guided munitions, possibly Krasnopol or equivalent weapon systems, is alleged in this incident.
- On 17 July 2021, in Sarja village, Idlib governorate, an alleged ground-based attack impacted a house killing six civilians, including three children and injuring six others.
- On 17 July 2021, in Eshem village, Idlib governorate, alleged artillery shelling impacted a house killing at least eight civilians, including three girls, one boy and four women. Nine other civilians were wounded, including one elderly man. The use of guided munitions, possibly Krasnopol or equivalent weapon systems, is alleged in this incident.
- On 22 July 2021, in Iblin, Idlib governorate, alleged artillery shelling led to the death of at least seven civilians from one family, including four children. The use of guided munitions, possibly Krasnopol or equivalent weapon systems, is alleged in this incident.
- On 7 August 2021, in Qastoun town, Hama governorate, alleged artillery shelling led to the death of four children and wounded five others from the same family.
- On 19 August 2021, in Balshoun, Idlib governorate, alleged artillery shelling impacted three houses leading to the death of four children and a woman, and injuring two children. The use of guided munitions, possibly Krasnopol or equivalent weapon systems, is alleged in this incident.
- On 20 August 2021, in Kansafra, Idlib governorate, alleged artillery shelling led to the death of four siblings and injured two others civilians. The use of guided munitions, possibly Krasnopol or equivalent weapon systems, is also alleged in this incident.
- On 2 September 2021, in Furaykah village, Idlib governorate, a ground-based attack allegedly killed a girl.
- On 7 September 2021, in Idlib town, Idlib governorate, alleged artillery shelling led to the death of four civilians and injured 15 others. The same day, in Maarat Misrin town, alleged airstrike led to the injury of four children and two women.
- On 8 September 2021, in Mar'yan (Mareian) village, Idlib governorate, alleged artillery shelling led to the death of a woman and seriously wounded her child. The use of guided munitions, possibly Krasnopol or equivalent weapon systems, is alleged in this incident.
- On 19 September 2021, in Al-Kafir village, Idlib governorate, alleged artillery shelling led to the death of a child and injured a woman.
- On 1 October 2021, in Batitayah village, Idlib governorate, artillery shelling allegedly impacted the area near an informal IDP leading to the death of a woman, injured a child and another woman.

- On 20 October 2021, in Ariha town, Idlib governorate, an alleged ground-based attack led to the death of 13 civilians and at least 19 wounded. The attack also reportedly impacted main roads, a school and market area.
- On 27 October 2021, in Termanin town, Idlib governorate, alleged artillery shelling impacted an IDP camp leading to the death of one child and injured 5 others: 4 children and a woman.
- On 11 November 2021, in Maarat Misreen, Idlib governorate, alleged airstrikes impacted a house and a poultry farms leading to the death of five civilians, including three children and injured eight others most of them from the same family.

Incidents allegedly occurring in Aleppo Governorate:

- On 11 October 2021, in Afrin town, Aleppo governorate, at around mid-day, a vehicle exploded near Al Hall market, near Kawa Roundabout. It reportedly caused the death of more than five civilians as well as members of the Military Police in Afrin. At least 22 were injured.
- On 11 October 2021, in Al Dabas village (south of Jarablus), Aleppo governorate, as result of a shelling attack on a civilian house, one man and one woman were killed and other six were injured. Information obtained by the Commission suggests that the attack came from areas under the control of the "Syrian Democratic Forces" (SDF).
- On 15 November 2021, in Kafr Nawan, western Aleppo, alleged artillery shelling impacted a house leading to the death of a woman and her child. Five other family members were injured: the victim's four children and her husband.
- On 19 November 2021, in Afrin town, Aleppo governorate, in the evening, several shells struck the town, resulting in at least three civilians deaths and dozens of injuries. Civilian infrastructure was also damaged. Information obtained by the Commission suggests that the attack came from areas under the control of the "Syrian Democratic Forces" (SDF) and the Government of Syria forces.

Incidents allegedly occurring in Dar'a, Quneitra, Homs and Damascus Governorates:

- On 24 June 2021, in Dar'a Al-Balad, south of Dar'a City, all but one crossing point into the area were allegedly closed by pro-government forces, restricting freedom of movement and severely hindering access to essential items and services, in connection with a process in which the surrendering of weapons by number of individuals was demanded. Allegedly, on 27 July, an offensive ensued, entailing shelling and the closing of all crossing points. During the subsequent two months encirclement of Dar'a Al-Balad, pro-government forces shelling of the area and other restive towns resulted in multiple civilian casualties and injuries, widespread destruction of civilian buildings and infrastructure, and causing mass displacement. Targets hit included the Al-Mansour Mosque in Hay Al-Bhar as well as the only remaining health clinic operating in the encircled area since 24 June 2021. While one civilian passage was intermittently open for pedestrians, forces positioned there reportedly demanding large sums of money to let civilians through. Moreover, private properties were allegedly looted by forces, who were also stationed in immediate proximity of civilian objects.
- On 7 July 2021, al-Motaya village was allegedly raided by members of the Fifth Division, who allegedly destroyed property and set a number of civilian houses on fire. At least 36 men were detained and held in Busra al-Sham. While some were later released, at least one was brought to a hospital in Dar'a where he later died, allegedly as a result of torture.

- On 29 July 2021, pro-government forces allegedly carried out a ground attack on residential areas in Jasim town (western Dar'a), killing one 16-year-old boy, and leading to at least one injury.
- On 29 July 2021, a minor died as a result of an attack by unknown perpetrators in Dar'a Al-Mahatta.
- On 29 July 2021, at around 1:30 pm., pro-government forces allegedly carried out an attack that struck one house in al-Hay al-Awsat neighbourhood in Yadoudah town, killing three children and injuring one woman, as well as two other children, including one boy (brother of the three children killed).
- On 29 July 2021, the Dar'a National Hospital was subjected to shelling, with Government forces and armed groups accusing each other for having carried out the attack.
- In the morning of on the 26 August 2021, pro-government forces allegedly shelled a residence in Tafas, Dara governorate, killing one woman.
- On 29 of August 2021, alleged shelling in the areas of Dar'a Al-Balad and Masakeen Jileen resulted in the death of two civilian men and one woman respectively.
- On 24 August a civilian man was shot around al-Saraya checkpoint in Dar'a al-Balad.
- On 16 October 2021, in Ain El Tinnah village, Quneitra governorate, former Member in the Syrian Parliament Mr. Medhat Saleh, originally from the village of Madelshams, was allegedly shot and killed by sniper fire in front of his house. No other casualties were reported.
- On 20 October 2021, between 6:30a.m and 7:00a.m in Jisr Al-Rais area, central Damascus, at least 14 individuals were killed when a Military Institution for Housing minivan was allegedly struck by an improvised exploding device in central Damascus.
- On 24 November 2021, on the Tripoli road west of Homs city, Homs governorate, two civilians were killed and six members of the Syrian armed forces injured in an alleged air strike near a fuel station.

For each of the incidents above, the Commission requests the following information, while cognizant that the information requested may relate to sensitive security and military information:

- Acknowledgment of involvement in any of the above incidents, and in relation to those, detailed information on precautionary measures aimed at ensuring that military sensitive areas are located far away from residential and civilian areas and other measures taken to avoid or minimize civilian harm in each operation.
- Any available overflight and/or operational strike records for the dates and locations of each incident.
- Satellite, surveillance or other imagery for each target and for both pre- and post-operations review and analysis.
- Information on internal investigations, reviews, or other process evaluating the compliance of each incident with international humanitarian law and your forces' applicable rules of engagement, and if so, whether any such reviews resulted in disciplinary or criminal proceedings against particular individuals or revisions or amendments to rules of engagement or other internal procedures to increase civilian protection.

UNITED NATIONS



NATIONS UNIES

Independent International Commission of Inquiry on the Syrian Arab Republic

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REFERENCE: COISYRIA/39/2020

**LIST OF QUESTIONS FOR EACH DUTY-BEARER OR PARTY WITH REGARD TO
THE SITUATION OF IMPRISONMENT AND DETENTION IN THE SYRIAN ARAB
REPUBLIC SINCE MARCH 2011:**

The United Nations Independent International Commission of Inquiry on the Syrian Arab Republic (hereinafter the Commission) would appreciate receiving information with regard to the situation of imprisonment and detention in the Syrian Arab Republic, including key detention-related recurrent human rights concerns since March 2011, for the purposes of its upcoming special report on detention. This report was requested by the UN Human Rights Council in its resolutions 44/21 of 17 July 2020 and 45/L.45 of 2 October 2020, and mandated to cover *inter alia*:

- detention-related violations and abuses such as extrajudicial killings, torture and other cruel, inhuman or degrading treatment or punishment, enforced disappearance, and other human rights violations and abuses suffered by persons unlawfully or arbitrarily deprived of their liberty including sexual and gender-based violence;
- the particular vulnerabilities of children in detention;
- access to detention facilities for medical services and monitoring bodies;
- information concerning detainees to their families; and
- justice for those arbitrarily detained.

While the Commission understands that some of the information requested relates to sensitive security information, we would greatly appreciate any information possible on these matters to aid in our task of undertaking a comprehensive inquiry.

In particular, the Commission would appreciate receiving:

Legal framework applicable to detention in the Syrian Arab Republic since March 2011:

1. Information concerning legislation, policies, directives, orders or other instruments concerning the administration and management of detention facilities and detention conditions, including amendments or modifications since March 2011.
2. Information on legislation, policies, directives, orders or other measures regarding safeguards for detainees, including to (i) be informed of the charges against them and of their rights; (ii) have prompt access to a lawyer; (iii) notify a relative or other person of their choice of their arrest; (iv) be brought promptly before a judge.
3. Information concerning legislation, policies, directives, orders or other instruments related to complaints systems and accountability for allegations of abuses in places of detention.

Statistics on detention-related violations or abuses since March 2011:

4. Annual statistical data per year - disaggregated by sex, ethnic/national origin, and age category (under 18, 18-65, over 65 years of age) - on the number of pre-trial detainees and convicted prisoners and the occupancy rate at all places of detention that you operate or control inside the Syrian Arab Republic, including:
 - a. The name, location, size (in terms of detainee capacity and square meters) of each place of detention, including specialised detention facilities (e.g., juvenile detention centres, women's detention centres, medical facilities with the capacity to hold detainees).
 - b. Number of persons held in relation to political or security crimes, including terrorism-related offenses and offenses related to violations of the laws of war, versus persons detained for 'ordinary' crimes.

5. Annual statistical data per year regarding persons released from detention and the total length of time detained upon release, disaggregated by age, gender, and pre-trial or post-conviction status.
 - a. As a subset of the total number of persons released from detention, the number of persons released on the basis of amnesties adopted between March 2011 and the present.
6. Annual statistical data per year regarding deaths in custody, and information on the manner in which those deaths were investigated.
7. Annual statistical data per year regarding transfers or extraditions of detainees or prisoners from the territory of the Syrian Arab Republic to other locations.
8. Information regarding children in detention, whether such detention has been used as a measure of last resort and limited to the shortest possible period, and measures taken to ensure that juveniles are separated from adults in all places of detention.

Prevention of detention-related violations or abuses:

9. Information regarding measures taken or foreseen to prevent detention-related abuses or violations by your authorities/forces, including through guidance or inspections.
10. Information concerning access to detention facilities provided to monitoring bodies (such as civil society organizations, the UN or the ICRC) to undertake independent visits.
11. Information concerning access to detention facilities provided for medical services.
12. Information concerning contact with and access to detainees for their families.
13. Information concerning measures taken to ensure respect for the principle of inadmissibility of evidence obtained through torture and ill-treatment.

Investigation of detention-related violations or abuses; redress and support for victims:

14. Information concerning investigations carried out into the detention-related violations or abuses that were allegedly committed by your authorities/forces, to hold the perpetrators to account.
15. Information on remedies available to victims of detention-related violations or abuses committed by your authorities/forces.
16. Information on what protection and support mechanisms are in place for victims of detention-related violations or abuses (including legal, medical or psychosocial assistance).
17. Information on any measures adopted to encourage victims to safely report allegations of such violations or abuses.
18. Annual statistical data since March 2011 on the number of complaints, investigations, prosecutions, convictions and sentences imposed in cases of detention-related violations and abuses.

Other:

19. Information regarding measures taken to implement recommendations made with respect to detention by the Commission of Inquiry¹, other UN human rights mechanisms or other relevant bodies since March 2011.

¹ The Commission's reports are all accessible on www.ohchr.org/coisyrria (under documentation), with the recommendations usually listed last, in bold. By way of example, in its most recent report (A/HRC/45/31) the Commission inter alia recommended all parties to close all makeshift and temporary places of detention; improve health conditions and ensure prisoner releases in the wake of the COVID-19 pandemic; cease torture and other cruel treatment including sexual violence in places of detention; take measures to reveal the fates of those detained and establish an effective channel of communication with families; and facilitate unfettered access for independent humanitarian, protection and human rights organizations to places of confinement or detention.