



人权理事会
第二十七届会议
议程项目 4
需要理事会注意的人权状况

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 S-17/1 号决议提交。

阿拉伯叙利亚共和国境内的暴力行为由 2011 年 3 月的动荡演变为内乱，2012 年 2 月又出现了非国际性武装冲突。越来越多的冲突当事方在行为上完全不遵守国际法准则。平民自一开始便首当其冲，承受着交战各方造成的苦难。

调查委员会自成立以来，不断提请人们关注叙利亚境内各地出现的暴行。在本报告中，委员会根据 2011 年 9 月以来对国内外受害者和目击者的 3,556 次访谈，概括了 2011 年 3 月至 2015 年 1 月犯下的侵犯人权和违反人道主义法行为的主要趋势和模式。

本报告综合评价了国际社会采取的行动和不作为，目的是再次强调在无法以政治途径解决冲突的情况下叙利亚人民所处的悲惨境地。委员会强调，迫切需要采取一致、持续的国际行动，找到以政治途径解决冲突的办法，制止严重侵犯人权的行径，打破有罪不罚这个顽固的怪圈。

* 本报告附件不译，原文照发。



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一. 引言

1. 阿拉伯叙利亚共和国境内的暴力行为由 2011 年 3 月发生的动荡演变为内乱，2012 年 2 月又出现了非国际性武装冲突。越来越多的冲突当事方在行为上完全不遵守国际法准则。
2. 平民自一开始便首当其冲，承受着交战各方造成的苦难。数十万名叙利亚人丧生。有一半叙利亚人逃离家园，沦为难民或境内流离失所者。现有的人道主义反应满足不了当前的需求。许多人难以得到救援，最基本的保护都几乎无法实现。
3. 调查委员会¹自成立以来，不断提请人们关注叙利亚境内各地出现的暴行。在本报告中，委员会根据 2011 年 9 月以来对国内外受害者和目击者的 3,556 次访谈，概括了 2011 年 3 月至 2015 年 1 月犯下的侵犯人权和违反人道主义法行为的主要趋势和模式。
4. 由于阿拉伯叙利亚共和国政府不准委员会入境，委员会主要依靠目击者的第一手证词来证实其调查结果。照片、视频记录、卫星图像和法医及医疗记录构成了委员会做出结论的依据。阿拉伯叙利亚共和国常驻代表团和委员会之间的公文往来载于本报告附件(见附件一)。
5. 委员会提出了关于 2014 年 7 月 15 日至 2015 年 1 月 15 日期间阿拉伯叙利亚共和国境内违反国际人道主义法行为的调查结果(见附件二)。本报告的法律结论和事实结论依据的是在该地区和自日内瓦进行的 380 次访谈。这些结论应与委员会的前几份报告一并阅读。² 委员会在前几份报告中采用的证据标准依然适用。

二. 保护受害者

A. 从动荡到战争

1. 政府军

6. 2011 年动荡爆发时发生的侵权行为依然屡见不鲜。这一事实突出表明，政府在采取行动过程中继续恣意妄为，不受惩罚。

¹ 委员会委员包括保罗·塞尔吉奥·皮涅罗(主席)、卡伦·科宁·阿卜扎伊德、威迪·蒙丹蓬和卡拉·德尔庞特。

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

7. 2011 年 3 月，德拉市爆发了抗议活动，政府军向示威者开火。随着抗议活动席卷全国，政府以暴力对抗，往往造成致命后果。政府坚称，示威者向政府军开火，还提供了一份据称在抗议活动中丧生的安全部队人员名单。

8. 2011 年底，动荡演变成武装暴力，政府加强了对动荡地区的地面攻势。最初的地面攻势中包括杀害平民和被俘的武装分子及对其施以酷刑。到 2012 年，随着国家逐步陷入内战，政府军³在地面攻势中屡次对平民实施大规模杀戮。

9. 2012 年底，政府军改变了策略，很少发动地面袭击。这似乎是因为，主要由逊尼派组成的步兵在地面袭击中有机会叛逃，而且武装团体袭击政府部队的能力大增。

10. 但是政府军袭击动荡地区的主要策略依然没变。这些策略包括 (a) 包围一个地区，在所有路口设置检查站；(b) 实施围困，切断城镇或地区的粮食和医药供应，有时还断水断电；(c) 炮击和空袭被围困的地区；(d) 抓捕试图突围外出求医的伤员和试图冲破封锁、走私粮食和医疗用品者，而且往往导致这些人失踪。受害者常将政府的战略描述为“tansheef al bakhar”战略，或称“抽干海水，清剿鱼类”。

11. 四年来，政府一直在推行这项战略。政府军延长了围困的时间，围困也因此更为残酷。最早的围困是 2011 年 4 月下旬开始对德拉市实施包围，时间不足两个月。对霍姆斯市的围困始于 2011 年中期，直到 2014 年 5 月该城陷落时方才解除。大马士革市亚尔穆克难民营的居民自 2013 年 5 月起被围困至今。一些婴儿因政府实行“不投降就饿死”的围困战略而死亡。

12. 2011 年和 2012 年，政府在地面搜查等多种场合实施大规模逮捕。2013 年，大多数逮捕行为发生在检查站。逮捕对象是 15 岁至 60 岁的男子，往往属于任意逮捕，并伴有虐待和酷刑，而且还会导致失踪。⁴到了 2014 年，叙利亚人都会竭尽全力避开检查站。

13. 政府运用各种武器实施狂轰滥炸和空袭。敌对行动开始时，政府使用大炮、迫击炮和火箭弹轰炸动荡地区，有时还轰炸被围困的地区。到 2012 年中期，有记录表明政府使用集束弹药、温压弹和导弹，往往是用来袭击学校和医院等民用目标。政府还使用了燃烧武器。

14. 据报告第一例使用桶装炸弹的事件 2012 年 8 月发生在霍姆斯市。直到 2013 年中期，政府军才开始在阿勒颇市和阿勒颇省大量使用桶装炸弹。⁵自 2013 年起直至 2015 年，政府投放了大量的桶装炸弹。这些临时爆炸物已造成数千名平民

³ 除非另有说明，“政府军”包括叙利亚武装部队、情报队伍和相关的外国和地方民兵，包括真主党、沙比哈、人民委员会和民防军。

⁴ A/HRC/25/65，附件四。

⁵ 同上，附件六。

伤亡。桶装炸弹常被投放至人流稠密的区域，诸如在面包店前排队的人群、交通枢纽、公寓大楼和市场。援助发放点也成为攻击的目标。

15. 2014年4月，政府在伊德利布省和哈马省投放了含有可能为氯气的化学制剂的桶装炸弹。这是查明的第一例交战方使用化学武器的记录，但没有促使各方为结束冲突采取更多的行动。

16. 自阿拉伯叙利亚共和国发生暴力以来，政府军一直在依靠准军事团体和民兵；最初是沙比哈民兵，现在是民防军。政府军还受益于真主党和伊拉克什叶派民兵等外国作战人员的干预。

2. 非国家武装团体

(a) 反政府武装团体

17. 2011年6月Jisr Ash-Shugur(伊德利布省)发生武装冲突之后，霍姆斯省、伊德利布省和大马士革省出现了由叛逃士兵和地方武装人员组成的有组织的武装团体。

18. 一些叛逃士兵自行组建了自由叙利亚军。虽然这些组织性越来越强的武装团体自称为自由军，但是大本营在土耳其的自由军领导层是否对这些地面部队切实拥有指挥和控制权，仍不明确。2012年后，出现了数百个规模各异的团体。行为方的多样性使暴力愈演愈烈，而且进一步危及平民的生命。

19. 政府重点保持对主要城市和交通线的控制，反对派武装则在动荡省份的农村地区夺得优势。反对派武装出现在平民地区，对偏远的检查站和政府军车队发动袭击，引发了政府愈加猛烈的攻击。

20. 当时属于自由叙利亚军麾下的武装团体对其怀疑身为政府人员、沙比哈民兵及涉嫌与他们合作的人员实施酷刑，并进行处决。2012年2月政府军攻打霍姆斯市期间，武装团体将被俘士兵杀害。

21. 2012年2月，武装暴力演变为一场内战，武装团体继续攻击政府控制下的居民区和地盘。两年多以来，大马士革的Bab Tuma和Jaramana居民区一直是反政府武装团体狂轰烂炸的目标。这些非法攻击持续至今。

22. 武装团体继续劫持人质，以强迫政府交换战俘，或索取赎金；一些团体长期扣押人质，例如2013年8月在拉塔基亚省东部被绑架的妇女和儿童目前仍被扣押。几乎所有被扣押的人质都来自或住在支持政府的社区。

23. 反政府武装团体也对城镇和村庄实施围困。与政府军相比，反政府武装团体的围困时间一般较短，围困地点也少了许多。自从2012年7月扩大了在阿勒颇省北部农村地区控制的地盘，武装团体便对两个什叶派“飞地”Nubul和Zahra实施了围困。

24. 2011年，第一批外国作战人员，主要是利比亚人抵达阿拉伯叙利亚共和国。2011年和2012年，在最初针对国家安全机构的大量自杀式炸弹袭击中出现了更极端的分子。

25. 随着冲突的继续，更极端的反政府武装团体，特别是支持阵线(Jabhat Al-Nusra)不断发展壮大。这主要是因为其作战效率和稳定的财政能力吸引了其他团体的作战人员。

26. 2014年，恐怖主义团体在霍姆斯省和哈马省使用了自杀式炸弹和汽车炸弹。2011年和2012年的早期炸弹袭击大多针对军事目标，而2013年和2014年的炸弹袭击将平民作为目标。

27. 2014年底，反政府武装团体对其认为支持政府的少数群体居住的村庄加强了地面攻击。

28. 2013年6月，政府军在真主党的协助下，重新控制了 Al Qusayr(霍姆斯省)地区，反政府武装团体一蹶不振。自那时起，由于缺乏定期持续的支持、团结和凝聚力不足、内讧加剧，特别是由于2013年4月出现了所谓的伊拉克和沙姆伊斯兰国(伊斯兰国)⁶，反政府武装团体不断丧失地盘。

(一) 支持阵线

29. 2012年1月，支持阵线作为基地组织在伊拉克的一个分支，宣告成立。由于具有高效的战术和持续的后勤保障能力，该团体在其他反政府武装团体中迅速脱颖而出，吸引了越来越多的极端主义支持者和外国作战人员。

30. 支持阵线不但广泛使用汽车炸弹和自杀式炸弹袭击军队和安全部队等军事目标，而且还在平民区引爆炸弹，特别是2014年在霍姆斯市发动炸弹袭击。支持阵线还向平民地区发起地面攻击。支持阵线伙同其他武装团体，2013年12月在大马士革农村省、2013年12月24日和2014年2月9日在哈马省参与了对平民的屠杀。

31. 2013年4月，支持阵线领导人拒绝与伊斯兰国合并。经过数月的激烈对抗，2014年7月，支持阵线被赶出了德尔祖尔省的据点，丧失了大量石油资源和当地部落的支持。

32. 支持阵线和其他武装团体很大程度上仍然属于合作关系。然而，基地组织的这一分支近期在伊德利布省袭击了若干得到西方支持的武装派别，收编了他们的设备、作战人员和地盘。

⁶ 也称为“伊拉克和黎凡特伊斯兰国”(ISIL)。

(二) 伊拉克和沙姆伊斯兰国

33. 2013 年 4 月，与支持阵线的联盟瓦解之后，伊斯兰国发展成一个组织严密、占据优势的武装力量，控制了阿拉伯叙利亚共和国和伊拉克的大片领土，对和平与稳定构成重大威胁。

34. 2014 年，战局的主要特点是伊斯兰国迅速崛起和扩张，控制了阿拉伯叙利亚共和国东北大部。伊斯兰国最近又攻入哈马省和霍姆斯省。2014 年 6 月，伊斯兰国宣布自己为“哈里发政权”。

35. 这个恐怖团体还控制了大量经济资源，而且拥有稳定的资金来源。它利用在平民中制造恐怖和提供基本服务的战术，在所控制地区的当地社群中培植效忠者。

36. 伊斯兰国实行严厉、僵化的行政制度，其中包括 Al-Hisbah 道德警察、警察部队、法院和管理人员聘任、部落关系和教育事务的机构。⁷

37. 伊斯兰国对那些违反或拒绝接受其自封规则的人苛以重罚。处罚措施包括数百次公开处决，处决的主要是男子，随后陈尸示众，以恐吓在其控制地区内生活的平民，迫使他们屈服。伊斯兰国还为惩戒偷盗公开砍断肢体，鞭打在祈祷时间吸烟和做生意的居民。

38. 伊斯兰国处决被俘士兵和其他武装团体的作战人员。它还在袭击中杀害平民，例如在 2014 年 7 月袭击 Al-Shaar 天然气田(霍姆斯省)、8 月袭击德尔祖尔省 Al-Sheitat 村庄的时候。

39. 在伊斯兰国占领的地区生活着不同种族和宗教群体，其中的少数群体已被迫同化或逃亡。早在 2013 年 7 月，伊斯兰国便强迫库尔德人离开腊卡省的城镇。就在 2014 年 11 月，它驱逐了生活在 AlBab(阿勒颇省)的库尔德人。它还摧毁了其控制地区内的基督教堂和什叶派神殿。

(三) 人民保卫部队

40. 2012 年中期，由于阿拉伯叙利亚共和国西部和南部武装团体激增，政府军撤出库尔德人占多数的地区，以便将军队部署在最需要的地方。人民保卫部队(民保队)取代政府军，控制了这些地区。

41. 2014 年 1 月，民保队在阿拉伯叙利亚共和国北部的库尔德地区设立了行政机构。他们与政府军、反政府武装团体和伊斯兰国交战，保护所控制的地盘。在国际联盟空袭的支持下，民保队近期重新控制了 Ayn al-Arab(科巴尼)。

42. 民保队已经招募儿童(男女儿童)参与敌对行动。民保队在 2013 年 9 月 30 日致委员会的信件中称，其政策是不使用未满 18 岁的儿童。然而，未成年作战人

⁷ 见 A/HRC/27/CRP.3, 第 16 段。

员参加了民保队 2014 年 9 月和 10 月在 Ayn al-Arab(科巴尼)对伊斯兰国采取的军事行动。

(b) 不明肇事者

43. 冲突期间出现了无任何一方声称负责的攻击。除了和平民人口中散播恐惧，这些攻击不具备任何军事或战略目的。其中包括 2013 年 8 月 21 日对 Al-Ghouta(大马士革农村省)和 2013 年 3 月 19 日对 Khan Al-Assal(阿勒颇省)的化学武器袭击。

44. 对 Al-Ghouta 平民居住区的攻击计划周密，使用了大量沙林毒气，造成大量人员伤亡。关于所用制剂的性质、质量和数量的现有证据表明，肇事者很可能可以得到叙利亚军方贮备的化学武器，并且具有安全使用大量化学制剂所需的专业技能和设备。在 Khan Al-Assal 使用的化学制剂与 Al-Ghouta 使用的制剂具有相同的特性。其他规模明显较小的化学武器指控也被记录在案。这些事件中，关于责任人的指证没有达到委员会的最低证据标准。

45. 在政府控制和武装团体控制的地区均发生了多起引爆简易爆炸装置的事件，责任方无法确定。

46. 一些绑架和失踪事件后无人索取赎金，也无人声称对此负责。2013 年 12 月，4 名人权活动者在 Dumah(大马士革农村省)自办公室遭到绑架。他们的命运和下落至今不明。

B. 国家保护平民不力的后果

47. 阿拉伯叙利亚共和国境内的持续冲突造成了无法估量的人员伤亡。叙利亚政府显然未能保护其公民免受大规模暴行。各方犯下了大规模的战争罪和危害人类罪。大批叙利亚人遭受了各行为方的多种侵犯和虐待。随着冲突升级，人们遭受的痛苦不断加深。

1. 平民

48. 自 2011 年 3 月阿拉伯叙利亚共和国爆发动乱以来，暴力的主要受害者一直是平民和失去作战能力的人员，特别是作战年龄的男子。妇女和儿童也成为暴力侵害的目标。试图向伤员或需要人道主义援助者提供帮助的男子和妇女，由于与反对派武装“合作”而遭到逮捕、拘留、酷刑和杀害。

49. 政府军向平民发动袭击。包括对平民居住点发动大范围炮击和轰炸，以平民与反政府分子勾结或认定他们反对政府为由，对平民实施逮捕、拘留并令其失踪。政府机构的协调和积极参与表明，发动袭击是政府的一项策略。政府对平民的大范围攻击还包括谋杀、酷刑、强奸和强迫失踪行为。

50. 政府在推进前线受阻时，便采用控制居民的战略，在长期围困的同时，持续进行空中轰炸和地面炮击。平民因被视为反对政府而成为袭击的目标。平民仅仅

因住在或来自某些居民区就会成为袭击的目标。2013 年 10 月，在一次极其野蛮的军事行动中，政府加强了对阿勒颇平民的大范围系统性袭击，对支持或容留武装团体的平民进行惩罚和恐吓，这种策略明显是为了削弱民众对这些团体的支持。政府军正在腊卡省采用类似的战略，根本不区分民用和军事目标。

51. 反政府武装团体蓄意以平民区为袭击目标，或者是为了报复政府的行动，或者是因为它们认为这些地区支持政府。被认为包庇政府拥护者或得到政府支持的少数群体也遭到非国家武装团体的袭击。

52. 自 2013 年 4 月成立以来，伊斯兰国对其控制下的腊卡省、德尔祖尔省，哈塞克省和阿勒颇省东北部的平民实施了暴力行为。伊斯兰国这个有组织的团体，指挥和组织对平民施以暴力，表明这是一项组织政策。伊斯兰国袭击平民的行为还包括公开处决，使民众心生恐惧，以确保民众臣服。

53. 冲突所有各方继续任意限制和阻碍运送援助物资，对难以获得救援地区的平民造成毁灭性的后果。人道主义援助成为获得军事优势的工具。阿拉伯叙利亚共和国政府设置种种官僚主义障碍，是蓄意妨碍生活在非国家武装团体控制地区的平民获得援助。武装团体对运送人道主义援助施加条件，将平民的苦难作为一种报复手段。

2. 作战年龄的男子

54. 自 2011 年 3 月以来，被认为符合作战年龄的男子，包括未成年人，一直是军事袭击、炮击和狙击手的目标，遭到逮捕和拘留，并被招募参与敌对行动；随着冲突的升级，作战年龄的男子已成为暴力行为的主要目标。据联合国人权事务高级专员办事处授权进行的阿拉伯叙利亚共和国杀戮事件文献统计分析表明，记录在案的受害者中约 85.1% 为男性。

55. 政府军实施大规模逮捕，致使落入政府军控制的地区内的战斗年龄的男子，以及居住在或前往政府控制地区的男子被强迫失踪。其亲属往往不敢向当局打探他们的下落。⁸ 那些打探下落的人都遭到拒绝，无从获得消息，或者被迫支付巨额贿赂以获知亲属的下落。作为惩罚、羞辱和贬损的一种手段，被拘留的男子常常遭受性暴力。

56. 伊斯兰国公开处决的对象通常是被控与其他武装团体有牵连或违反了伊斯兰国法令的成年男子或男童。失去作战能力的政府军俘虏被大批处决。年幼的男童也成为刽子手，受训完成自杀式爆炸任务，并被派遣参与实际的敌对行动。

57. 成年男子和男童时刻面临着被冲突各方攻击或利用的危险。政府军、伊斯兰国和民保队均竭力招募青年男子入伍。冲突所有各方均招募和使用未成年人，有时还是有计划、有步骤地招募。

⁸ A/HRC/25/65, 第 48 段。

58. 任何一方都没有给予作战年龄的男子以平民应得的保护。收集的证据表明，无论是受到政府军还是伊斯兰国的侵害，逊尼派穆斯林男子在叙利亚冲突受害者中占据了相当大的比例。

3. 妇女和女童

59. 四年来的冲突已经从根本上改变了叙利亚妇女的生活。由于叙利亚男子被杀、失踪或因害怕在检查站遭到逮捕而寸步难行，女户主家庭急剧增加。妇女和女童没有男子陪伴，容易遭受殴打，承受着被政府军和反政府武装团体逮捕或绑架的风险。在阿勒颇省、哈马省、霍姆斯省和德拉省，妇女因担心遭受性暴力而决定逃离家园。

60. 通过有针对性的调查及与广泛的社会和医疗网络合作，越来越多的性暴力案件得到记录。调查发现，妇女和女童在政府拘留设施中遭到强奸和性侵，这种情况在军事情报局调查部门和安全总局在大马士革的监狱中尤为严重。政府官员实施强奸，构成危害人类罪。

61. 许多性暴力和基于性别的暴力受害者在获释后吐露真情，但有的受害者很久以后才秘密讲述她们受到的侵犯，或者保持沉默，对此讳莫如深。对性暴力行为报告不足和延迟举报的现象仍然普遍存在。暴力发生后立刻做出医疗记录的情况很罕见，被拘留者在受羁押期间(大多数性暴力行为发生在这个阶段)得不到医疗救助，以至于无法做出及时的医疗记录。许多受访妇女已经流离失所，在邻国寻找栖身之地。她们迫切需要心理社会支持，必须尽最大可能提供这方面的支持，帮助性暴力受害者。

62. 由于难以获得医疗服务，妇女的产前和产后健康及其子女的健康受到影响。即将分娩的妇女在政府检查站受阻，常常被迫在危险的情况下分娩。在被围困地区，妇女在未经消毒、没有止痛药品的条件下分娩。

63. 自由沙姆人伊斯兰运动(Ahrar Al-Sham)和支持阵线等武装团体将妇女和儿童作为劫持人质的目标，用于交换囚犯。从伊拉克绑架来的雅兹迪族妇女被带到阿拉伯叙利亚共和国贩卖(和转卖)，或作为战利品分配给伊斯兰国的作战人员。她们成为奴隶，反复遭受恐怖的性暴力。伊斯兰国控制地区内的妇女和女童生活在被迫嫁给作战人员的恐惧之中。

64. 伊斯兰国对伊斯兰教法的严格解释在阿拉伯叙利亚共和国前所未闻，对生活的各个方面(从衣着到行动、就业和宗教礼拜)都作出规制，限制基本自由，对妇女而言尤其如此。10 岁以上的妇女和女童在户外必须遮住全身。妇女和女童不得由非直系亲属的男子陪同。违反这些规则，要处以鞭刑。行刑者可以是 Al-Hisbah 护法警察，但这项职责越来越多地由妇女组成的 Al-Khans'aa 小队承担。伊斯兰国以通奸的罪名处决妇女和男子。还有对妇女实施石刑的记录。伊斯兰国以这种公开的暴行来震慑妇女，使她们不敢违反伊斯兰国的法令。

4. 儿童

65. 委员会见证了儿童权利状况在阿拉伯叙利亚共和国不断恶化。儿童被杀、受伤、致残，直接承受着政府军滥用暴力的后果。儿童还流离失所、失去亲人，因目睹暴力行为而受到创伤。

66. 自 2011 年以来，情报机构和安全机构对儿童实施拘留。儿童与成年人关押在一起，遭受性暴力，而且和被拘留的成年人一样受到虐待和酷刑。拘留期间，儿童还亲眼目睹残暴的酷刑和死亡。

67. 随着动荡演变成武装冲突，政府军开始在有组织的军事行动中使用儿童，让他们在进攻前确定武装团体作战人员的位置或充当线人，他们承受着遭到报复和惩罚的危险。

68. 阿拉伯叙利亚共和国约有 5,000 所学校被毁，儿童教育因此遭受重创，这一直是受访者表示最担心的问题。政府军在军事行动中袭击学校。据联合国儿童基金会统计，2014 年有 160 名儿童在学校遇袭的事件中丧生。正规武装部队还将学校用于军事目的，儿童因此失学，教育设施也面临袭击。

69. 一些流离失所或在邻国避难的儿童已辍学两至三年，青少年成为激进分子的风险大为增加。武装团体也利用流离失所儿童和脱离其社区的儿童。儿童被招募入伍，接受训练并承担作战任务。在野战医院工作的医生经常治疗在作战中受伤的未成年人。武装团体将学校用于军事目的，危及儿童，导致他们的伤亡。反政府武装团体大肆以学校和校园为攻击目标，造成儿童死亡、受伤和致残。

70. 叙利亚冲突中，伊斯兰国利用和虐待儿童的程度前所未闻。伊斯兰国已在其控制的地区设立“儿童训练营”，教授儿童使用武器，训练他们成为自杀式炸弹袭击者。2014 年 9 月和 10 月，伊斯兰国袭击 Ayn al-Arab(科巴尼)的队伍中有未成年人。伊斯兰国蓄意将儿童作为洗脑的目标和利用的工具。伊斯兰国还将学校用于军事目的，危及儿童，妨碍儿童接受教育。

71. 民保队绑架儿童，并接收儿童入伍。尽管向国际社会做出了承诺，但民保队依然派遣儿童参与实际的敌对行动。

72. 一半以上(240 余万)叙利亚学龄儿童由于学校被占领、摧毁和不安全而失学。随着越来越多的儿童应征参战，目前阿拉伯叙利亚共和国的儿童十分脆弱、缺乏保护，这将产生深远的后果。

5. 被拘留人员

73. 委员会收集了大量材料，说明 2011 年 3 月至 2015 年 1 月在阿拉伯叙利亚共和国政府的监狱中发生了多起拘留期间的酷刑和死亡事件，为做出酷刑和谋杀等危害人类罪的结论提供了佐证。据记录，大马士革多个拘留设施内均大范围、大规模地使用酷刑，包括军事安全局 215 分局、235 分局(也称为巴勒斯坦分局)和 227 分局；大马士革政治安全局；Harasta 和 Mezzeh 军事机场的空军情报部门；Harasta 军事医院和 Sednaya 监狱。受害者的伤情记录符合他们的叙述：实施酷刑

是一种审讯手段，或者是贬低和羞辱的手段。酷刑还包括强奸和性暴力。拘留条件十分恶劣：食品和水短缺、空间狭小、睡眠不足、卫生和医疗条件差，缺乏救命的药品。被拘留者往往在入监时便被剥去外衣，只能长时间身着内衣。收集的资料表明，各个省份都在执行同一项国家政策。

74. 多份报告表明，Mezzeh 军事机场的空军情报处、军事安全局 215 分局、235 分局和 Sednaya 监狱中都发生了在拘留期间死亡的事件。被拘留者的家属打听亲人消息时，常常先被打发到 Al-Qaboun 宪兵队，然后再到 Tishreen 军事医院。大多数情况下，尸体都未归还。政府当局签发伪造的死亡证明，明显是企图掩盖死因和死亡地点，以避免产生使用酷刑的正式记录。政府当局为隐瞒虐待被拘留者的事实故意歪曲死亡的情况，助长了大范围、大规模使用酷刑和非法杀人的制度。

75. 伊斯兰国对所控制地区的平民造成了严重的身心痛苦或苦难，尤其是对平民人口发动广泛、系统的袭击，包括公开鞭打和断肢。在腊卡省、德尔祖尔省和阿勒颇省，平民遭受酷刑和残忍、不人道和有辱人格的待遇的情况越来越多。被俘的自由叙利亚军战士和民保队员也普遍遭受酷刑。在腊卡省和阿勒颇省的拘留中心，伊斯兰国的作战人员在审讯期间殴打被关押者。殴打包括用电线抽打囚犯。曾被伊斯兰国拘留在腊卡省的人员报告称，关押他们的牢房过度拥挤、虫蚤遍地。被拘留者得不到足够的食物，还不准与设施外的任何人联系。

6. 病人和伤员

76. 蓄意不让敌方人员获得救治的做法，加剧了阿拉伯叙利亚共和国境内发生的苦难。自动荡爆发之日起，在示威行动中受伤的抗议者入院求医便受到阻挠。随着冲突升级，在不区分目标的严重袭击中受伤的许多平民因无法获得救治而死亡。安全部队逮捕和拘留求医的伤员，声称被子弹或弹片击伤是参与反政府活动的证据。医生和护士受到暴力威胁，被迫拒绝医治。病人和伤员成为狙击手的目标，在医疗设施遭袭时也难以幸免。医疗服务已经军事化，许多需要医治者因为害怕逮捕、拘留、酷刑或死亡而选择不到医院寻求救治。

77. 此次冲突最根本的特点之一是中立性的消亡。在阿拉伯叙利亚共和国全境，政府军不允许运送基本药物和手术用品。造成的直接后果是，医院缺乏基本必需品，仅能提供最基本的医疗。政府当局以医药可被用以治疗受伤的作战人员为由，继续实行阻断医疗的政策，这种行为直接违反了具有约束力的国际人道主义法义务：确保伤病员得到收容和照料并确保人道主义救济能够顺畅无阻。

7. 残疾人

78. 由于使用爆炸物，残疾人越来越多，特别是在人口稠密的城市地区。冲突所有各方越来越多地使用地雷和简易爆炸装置，大量人员因此致伤致残。政府部队使用的武器，特别是桶装炸弹，为人们造成严重伤害，包括被炸断四肢和被弹片严重割伤。许多桶装炸弹的幸存者均已致残。

79. 许多受访的目击者负伤、致残或患有慢性疾病。绝大多数人的残疾直接由冲突所致。残疾人面临着特殊的困难。各种服务因冲突而严重短缺，他们深受其苦。有记录表明，2014年9月在Ayn al-Arab(科巴尼)的敌对行动中，患有精神残疾和身体残疾者难以逃走，有的遇害身亡。

8. 医务人员和人道主义援助工作者

80. 四年来，医务人员的流失加速了叙利亚公共卫生系统的崩溃。救护车司机、护士、医生和医务志愿者遭到袭击、逮捕、非法拘留并失踪。2012年7月2日发布的反恐法规定，向反对派提供医疗援助属犯罪行为。第19、20和21号法律违反了习惯国际人道主义法中“在任何情况下，不问谁是受益者，任何人不应因进行符合医疗道德的医疗活动而受惩罚”⁹这条规则。因此，由于政府军开展的军事行动，也由于被视为向反政府人员施救的医务人员受到蓄意和系统的迫害，医疗系统受到严重影响。

81. 医院和医疗设施遭到有步骤、有计划地攻击，造成医务人员的伤亡。2014年7月至2015年1月，全国至少有10家医院遭到政府军的空袭，有些医院反复遭到袭击，在院内工作的医生和护士常常因此死亡。

82. 伊斯兰国和反政府武装团体拘留医疗人员，违反了关于禁止对从事医疗活动的人员进行惩罚的习惯人道主义法。绑架人道主义人员和医疗人员的做法促使医疗人员因担心被逮捕而逃离。医生和护士也由于伊斯兰国对其职业活动加以限制而纷纷逃离。

83. 针对人道主义人员和设施的暴力行为继续妨碍人道主义机构向最需要援助的叙利亚人提供援助。人道主义工作者成为蓄意攻击的目标，这妨碍他们提供援助，也限制了人道主义机构的活动。

9. 境内流离失所者和难民

84. 自阿拉伯叙利亚共和国的危机爆发以来，已有1,000多万叙利亚人逃离家园。这几乎相当于该国一半人口，如今他们丧失了享有适足住房的基本权利、安全和人的尊严；许多人的人权遭到侵犯，迫切需要保护措施和支持。

85. 300多万人逃离了阿拉伯叙利亚共和国，其中多数是妇女和儿童。叙利亚的邻国，尤其是黎巴嫩、约旦、土耳其和伊拉克，已承担了收容近年来最大规模流亡人群的主要责任。据信还有650万人成为境内流离失所者。估计在阿拉伯叙利亚共和国境内有1,080万人需要人道主义援助，有460万人生活在被围困或难以到达的地区。

⁹ 1949年8月12日《日内瓦四公约第一附加议定书》(第十六条第一款)和《第二附加议定书》(第十条第一款)。

86. 阿拉伯叙利亚共和国境内的巴勒斯坦人已成为一个特别脆弱的群体。在大马士革的耶尔穆克和 Khan Al-Sheeh 营地、阿勒颇省的 Handarat 营地以及 Dara'a 营地中，巴勒斯坦人成为政府军的目标，常常无处避难。邻国限制某些巴勒斯坦人入境，并实行歧视性措施，违反了它们提供庇护和不驱回的义务。

C. 保护平民的措施

87. 阿拉伯叙利亚共和国境内的平民保护已经彻底失败。平民受到冲突所有各方的蓄意攻击，导致了令人震惊的暴行。交战各方这种行为的一个直接后果是，人道主义空间继续显著缩小，冲突造成的人员损失进一步增加。

88. 被剥夺自由者，特别是因动乱和武装冲突被拘留者，极少获知所受指控，无法得到公平公正的法庭审理、得不到有效补救或正当程序的全面保护。政府或非国家武装团体管理的拘留设施大多不允许公正的人道主义行为方进入。

89. 没有参与或不再参与冲突或其他暴力行为的平民和其他人等，尤其是儿童、妇女、老年人、残疾人和流离失所者等面临具体风险的个人或群体，在阿拉伯叙利亚共和国同样得不到保护。

90. 由于受到严格限制，无法进入国内的许多地区，国际人道主义机构不能对拘留设施进行保护式走访，也不能对收容大批境内流离失所者的地区进行需求评估。

91. 政府当局参与了严重侵犯人权的行，而且继续依照国家政策犯下种种罪行，已经表明它决心拒不接触公正的人道主义行为方。阿拉伯叙利亚共和国危机爆发以来通过的立法，将包括提供公正医疗服务在内的基本人道主义活动列为罪行。袭击人道主义援助工作者和拘留人权维护者的做法，使设法减轻冲突受害者的痛苦和致力于保护平民的行为方的工作受到严重阻碍。由于实施围困战和禁止提供人道主义援助，在许多地区几乎不可能提供基本保护。

92. 没有任何武装行为方作出明显努力，为减少或避免平民伤亡审查其确定攻击目标的做法。各方继续以不加区别的、往往是过度且非法的方式开展敌对行动。他们很少采取预防措施，似乎也没有采取补救行动，以减少平民伤亡，也没有对造成平民伤亡的事件开展独立调查。

93. 非国家武装团体已经分崩离析，难以持续协调和宣传平民保护措施。没有已知可信赖的对话者，人道主义行为方无法维持适当的渠道，就平民保护措施开展有意义的对话。因此，被剥夺自由者和需要医疗救治、人道主义援助和粮食援助者，得到的保护很少。伊斯兰国的扩张和敌对行动的升级已导致其控制地区内被迫停止了一切人道主义援助。

94. 委员会收集的大量证据明确表明，交战各方无视人的生命和应给予平民的保护。与交战各方开展的一切政治、人道主义或外交对话中，必须将加强平民保护作为核心支柱，以扩大阿拉伯叙利亚共和国境内的人道主义空间。迫切需要在阿

拉伯叙利亚共和国境外采取协调一致的国际行动，以满足该区域难民的人道主义保护需求。

三. 问责

95. 此次武装冲突的特点是反复发生大规模侵犯人权和违反国际人道主义法的行为，需要国际社会和国家采取紧急行动。这一点得到安全理事会第 2139(2014)号决议的承认；安理会在决议中强调必须杜绝有罪不罚现象，而且重申必须将肇事者绳之以法。尽管各方在决议中达成了协商一致，但是尚未落实任何具体措施，确保问责。

96. 委员会一再呼吁安全理事会将有关情况提交国际刑事法院或特设国际法庭。委员会还尽可能利用掌握的资料，查明犯罪行为和其他侵权行为的责任人，协助确保追究肇事者的责任。¹⁰

97. 委员会收集了 3,500 多名受害者和目击者的陈述，记录了战争罪和危害人类罪，以及其他侵犯人权和违反国际人道主义法的行为。这些访谈留待今后交流使用和移交司法机制，无论是国际还是国家司法机制。所有访谈均征得受访者的明确同意，允许委员会在报告中使用时提供的资料和/或与目前和今后的问责机制交流具体细节。

A. 查明据称肇事者

98. 委员会在每段任期结束时编写一份据称肇事者的秘密名单。已经根据目击者和受害者经核实的叙述，查明了据称肇事者。

99. 委员会已经记录了有关潜在肇事者身份的所有信息，无论肇事者是个人还是实体，包括他们的名字、所属单位、级别、据称个人或团体参与某个(些)事件的消息来源和确切情况。委员会进行了一次审查，以确定将肇事者与罪行或违法行为联系起来的信息是否符合委员会的证据标准。

100. 若“有合理理由认为”已发生犯罪或侵权行为，且所列个人或单位以所述方式参与了这些行为，则将个人或实体列入最后名单。许多指挥官和武装团体头目因负有指挥责任被列入名单。

B. 据称肇事者的类别

101. 2015 年 3 月，委员会将向联合国人权事务高级专员办事处交送第五份据称肇事者名单。前几份名单中包括军队和安全部队的指挥官(包括拘留设施负责人和行动受到政府指挥或支持的其他个人)、非国家武装团体指挥官(包括激进团体

¹⁰ A/HRC/22/59, 附件十四。

的所谓“埃米尔”)，已经依照委员会的证据标准确定他们对犯罪和侵权行为负有责任。

C. 寻求正义

102. 由于阿拉伯叙利亚共和国的局势尚待提交国际刑事法院，委员会认为，必须探讨诉诸刑事司法的其他备选办法。鉴于法院将重点审理负有最大责任的据称肇事者，因此其他案件大都将由其他国际机制或国家机制处理。由于极端团体利用外国作战人员的做法激增，许多国家已经表示愿意调查和起诉本国公民在叙利亚冲突中涉嫌犯下的罪行。

103. 委员会对叙利亚国内的程序进行了三年多的监测，确定目前叙利亚国家法院并非寻求正义的有效机制。委员会尚未找到证据，表明叙利亚的法院有意愿或有能力履行国际义务，起诉严重国际罪行的肇事者。

104. 政府控制地区内的反恐法院、普通刑事法院、战地临时军事法庭和各种地方宗教法院似乎随意运作，无法保障公平审判。同样，伊斯兰国和支持阵线等非国家武装团体控制地区内的宗教法庭，也未能以符合国际标准的方式运作，因而导致司法不公。

105. 反恐法院和战地军事法庭似乎完全依靠通过逼供和酷刑获得的资料定罪。因此，委员会感到关切的是，叙利亚刑事司法系统目前违反了国际公认正当程序权和公平审判权，加深和加剧了武装冲突受害者的苦难。

D. 协助国家公诉

106. 为了进一步加强问责，委员会在征得受访者同意后，与愿意就阿拉伯叙利亚共和国境内犯下的罪行行使国家管辖权的各国司法系统交流了信息。六个月以来，随着外国作战人员离开叙利亚返回家园，上述国家希望交流信息的请求有所增加。

107. 一些国家还表示愿意行使普遍管辖权，对武装冲突中的犯罪嫌疑人，包括外国国民开展刑事调查。如果一国要拘留此类肇事者，而且其国家法院符合公平审判的国际标准，委员会愿意应要求交流信息。

E. 寻求正义的其他措施

108. 安全理事会在第 2178(2014)号决议中强调，各国必须消除助长恐怖主义蔓延的条件。委员会支持安理会在该决议中做出的呼吁：各国应考虑采取各种措施，通过教育和公共政策等手段，并在成员可能加入恐怖组织的社区中开展工作，消除极端主义产生的根源。

四. 共担责任

A. 未能达成政治解决办法

109. 虽然各方已经采取若干举措，以结束阿拉伯叙利亚共和国境内四年之久的冲突，但是迄今未能达成政治解决办法。其中值得注意的是联合国和阿拉伯国家联盟叙利亚危机联合特使科菲·安南 2012 年 3 月 27 日提出的六点和平计划。该计划主要呼吁阿拉伯叙利亚共和国政府展开全面的政治进程，停止军事敌对行动，使人道主义援助能够抵达受战斗影响的地区。不久后的 2012 年 4 月，联合国设立了阿拉伯叙利亚共和国监督团，目的是监测该国政府和反对派武装最初承诺宣布停火的情况。6 月 16 日，战火重燃，特派团暂停工作。

110. 2012 年 6 月发布的叙利亚问题行动小组最后公报(《日内瓦公报》)，¹¹ 仍然是以政治途径解决冲突的最认真的一次尝试。公报提供了一份路线图，通过建立一个拥有行政权力的过渡性管理机构，实现权力的和平移交。拉赫达尔·卜拉希米 2012 年 8 月就任联合国和阿拉伯国家联盟联合特别代表后，立即呼吁各方执行《日内瓦公报》的规定。经过数月的谈判，以及美利坚合众国和俄罗斯联邦与冲突各方持续开展的外交努力，2014 年 1 月 23 日在瑞士蒙特勒举行了会议(第二次日内瓦会议)。政府和反对派(主要以叙利亚全国联盟(全国联盟)为代表)举行两轮会谈后，谈判破裂。双方争议的主要问题是谈判议程的优先事项，因为政府坚持在讨论过渡政府相关问题之前解决恐怖主义的问题，这遭到了全国联盟的反对。

111. 由于战场上的武装行为方不断增加，以政治途径解决冲突的前景更加扑朔迷离。伊斯兰国的领土急剧扩张，同时自由叙利亚军麾下的团体继续分崩离析，已无法实现全面停火或达成更广泛的政治协议。随着全国联盟对上述团体的影响不断削弱，它的地位进一步降低。最近的努力方向是协调全国联盟与在实地有影响力的武装团体之间的关系，同时与境内的政治反对派进行接触。2015 年 1 月 22 日全国联盟和境内反对派在开罗举行了一次会议，目的就是建立一个共同的平台。最后达成的“十点文件”得到了大多数与会者的赞同。文件呼吁叙利亚和平过渡到民主和文官制度，同时强调《日内瓦公报》仍然是与政府进行谈判的基础。

112. 俄罗斯联邦 2015 年 1 月采取的举措，目的在于令反对派与政府接洽。作为境外主要反对派集团的全国联盟拒绝了邀请，而境内各反对派团体成员同意参会。各方达成了以下共识：必须维护阿拉伯叙利亚共和国的主权和统一；拒绝外国的干涉；优先打击恐怖主义；通过和平手段停止内战。

¹¹ A/66/865-S/2012/522, 附件。

113. 极端团体不断扩张，使政府的谈判立场变得更加强硬，越来越不愿做出让步。政府一直将外界停止对武装团体的军事支持和所谓“打击恐怖主义”作为一切政治进程或过渡进程的先决条件。政府还拒绝承认全国联盟为统一的实体，转而与在国内受到宽容的反对派进行接触。

114. 秘书长特使斯塔凡·德米斯图拉目前采用循序渐进的方法，目的是通过在阿勒颇市实现敌对行动的局部“冻结”，逐步处理分散的冲突。这种方法重点采用自下而上的办法解决冲突，通过加强可推广复制的地方协议，推动向更广泛的政治解决方案逐步过渡。虽然迄今尚未提出任何具体计划，但是阿勒颇“冻结交火”的成败将会立竿见影地检验这种模式在其他地区能否成功。

115. 逐步过渡期间采取有力的措施建立信任，固然可减少局部的敌对行动，改善人道主义状况，但是最终仍将需要找到更长远的解决办法。尽管《日内瓦公报》为政治解决办法提供了一个框架，但是仍然存在争议，包括反对派在过渡安排中的地位和性质。过渡阶段阿萨德总统的角色仍然是各方争议激烈的一个问题。必须先解决这些问题，才能认真考虑达成一项持久协议。

B. 外部行为方的参与

116. 2011年3月，政府对基本属于非武装的抗议活动使用过度武力，促使内乱升级；除此之外，若干外部行为者也为军事化行动推波助澜，使动乱转变成一场残酷的内战。

1. 对冲突双方具有影响力的国家的参与

117. 自动乱爆发以来，有些国家一直设法按照其地缘政治利益，影响冲突各方的行为。它们的支持延伸至金融和军事领域，虽然数量不等，但赋予交战各方将战事升级或至少保持作战所需的能力。尤其是该区域的国家竞相对交战各方施加影响，逐步将叙利亚危机转变为一场区域内的角逐。

118. 各国为叙利亚冲突投入了大量的财政和军事援助，助长了交战各方不愿妥协的心理，因为它们始终认为自己能够取得军事优势。一些国家持续支持冲突各方，影响了国际社会为恢复该区域的和平与稳定做出的有限努力，使交战各方中的强硬分子从中渔利。

119. 支持叙利亚政府的国际势力向政府持续提供军事装备、建议和培训，鼓励政府坚持采用过度使用武力的军事方针和安全策略；这种支持使政府得以调整其军队的态势、能力和组织结构，对不断升级的武装暴力予以不对称的打击。

120. 支持反对派的国家也向各种团体和联盟提供致命性和非致命性的军事装备。由于这些国家自己设置了限制，其支持的规模和遵循的政策从未使这些团体获得在中长期对政府军构成严峻挑战所需的能力。尽管据称主导这一过程的国家采取了所有的防范措施，但是向所谓“温和派”提供的支持最终加强了伊斯兰国

和支持阵线等极端主义团体的优势，这些团体设法取代了“温和派”的位置，并获得了其队伍的效忠。

2. 邻国非国家行为方的参与

121. 该区域各国的一些非国家行为方以直接派遣军队或向冲突一方提供后勤和财政支持的方式参战。叙利亚边境线的大量漏洞为它们入境提供了方便。

122. 这些行为方越来越多地参与冲突，导致暴力蔓延到它们自己的国家。亲政府的真主党和伊拉克什叶派民兵进行军事干预，还有数以千计的极端好战分子支持叛军，加剧了邻国原本存在的动荡风险。黎巴嫩北部武装冲突不断，伊斯兰国横空出世后又攻打伊拉克，都表明危机进一步蔓延至整个区域。

123. 非国家行为方的背景，及其为解释缘何在阿拉伯叙利亚共和国开展行动采用的说辞，加剧了宗派暴力，进一步扩大了宗教和族裔之间的隔阂。

124. 非国家行为方还促使交战各方，特别是武装团体变得更加激进。乐于散播极端意识形态的慈善组织和私人捐助方，在支持反政府武装团体时，优先支持那些愿意接受其信仰的团体。

3. 外国作战人员的流动导致极端主义和恐怖主义抬头

125. 受强硬派宗教思想驱使加入非国家武装团体的外国作战人员，最初因为有效率地参与作战和治理，在队伍中脱颖而出。他们获得了武装团体控制区域内的社区的尊重，或者说是畏惧，因此能够左右局势朝着极端主义发展。

126. 外国作战人员的参与为伊斯兰国和支持阵线等极端团体带来了好处。这些被安全理事会第 2170(2014)号决议列为恐怖组织的团体，利用其战斗技能，特别是利用其意识形态，有效地开展动员和招募战士。战争期间，尤其是 2014 年，这些团体藉此进一步巩固了相对于主流武装团体的优势。

127. 这些作战人员推动了武装团体所控制地区的激进化过程。他们不但参与军事行动，而且在这些地区的宗教、教育和司法“系统”中发挥着主导作用。对平民生活中的上述基本内容加以控制，将使其掌控下的社区进一步激进化。

C. 联合国系统的责任

128. 对阿拉伯叙利亚共和国的危机无所作为两年多之后，安全理事会于 2013 年 9 月通过了第 2118 号决议，其中要求核查和销毁化学武器库存，呼吁举行第二次日内瓦和谈，并赞同建立一个全面行使行政权力的过渡性管理机构。

129. 随着危机不断恶化，2014 年 2 月，安全理事会通过了第 2139 号决议。安理会在决议中要求所有各方，尤其是叙利亚当局，允许人道主义援助跨越冲突线和边界，进入围困地区。第 2139(2014)号决议的范围在第 2165(2014)号决议中得到扩展，安理会在该决议中授权联合国及其伙伴，可在未经当局同意的情况下跨越

边界和冲突线提供人道主义援助；安理会在 2014 年 12 月通过的第 2191 号决议中，再次授权它们可以使用跨越冲突线的路线以及指定的过境点，并且延长了前一项决议中设立的监测机制。

130. 副秘书长兼紧急救济协调员在向安全理事会做出的关于贯彻落实第 2139(2014)号和第 2165(2014)号决议的每月简报中，报告了仍阻碍人道主义援助进入叙利亚的严重制约因素和挑战，并强调了与保护平民有关的问题。2014 年 12 月 15 日，她呼吁安理会确保冲突各方遵守第 2139(2014)号决议的全部内容。虽然第 2175(2014)号决议不是专门就阿拉伯叙利亚共和国的局势通过的决议，但该决议谴责对人道主义人员越来越普遍的暴力事件，以及攻击人道主义运输队和毁坏并抢劫其物资的做法。

131. 安全理事会在第 2170(2014)号决议中，表示严重关切伊拉克和叙利亚阿拉伯共和国已有部分领土在伊斯兰国和支持阵线的控制之下，将 6 个隶属于这些团体的个人列入安理会的基地组织制裁名单，并发出警告，要对向其提供资助、武器或为其招募人员的行为者采取措施。安理会申明，必须追究在伊拉克和阿拉伯叙利亚共和国实施侵权行为的肇事者的责任。安理会在第 2178(2014)号决议中扩大了反恐框架，规定成员国有义务应对外国作战人员的威胁。

132. 然而，安全理事会未能就问责达成一致意见，使肇事者得以继续逍遥法外。2014 年 5 月，安理会未能通过一项决议草案，呼吁将阿拉伯叙利亚共和国的局势提交国际刑事法院审理。

133. 鉴于叙利亚政府显然未能保护其民众的人权免遭严重侵犯，国际社会通过联合国承担着保护叙利亚人民免遭此类罪行的责任。委员会期待联合国采取具体行动，紧急通过和执行一项“人权先行”战略，以确保就阿拉伯叙利亚共和国开展的所有工作均切实考虑到严峻的人权局势并加以应对。

五. 结论和建议

A. 结论

134. 委员会在报告中研判了四年来阿拉伯叙利亚共和国局势的重大发展，突出强调了冲突发展的关键趋势。叙利亚局势已经由人民的合法诉求蜕变为了一场规模空前的浩劫。

135. 原本就错失了提供人道主义援助的机会，而战争罪、危害人类罪和侵犯人权的行为激增，又使这一问题雪上加霜。平民仍然首当其冲，承受着痛苦和苦难，而肇事者却受到包庇，逃脱责任。对于这场无情的悲剧，各类国家、区域和国际行为者均难辞其咎。

136. 从提供人道主义援助和保护平民的角度来看，困难在于如何采取更有力的措施，将人权纳入整个联合国系统的工作，确保遵守国际准则，以更有效地保护受害者，同时适当注意性别差异和儿童的特殊需要。

137. 目前的军事僵局印证了委员会事先的警示：不可能以军事手段解决冲突。当务之急依然是通过包容各方的政治进程实现和平。任何拖延或无所作为只能助长极端主义蔓延，使外国作战人员激增，加剧恐怖主义和地区的不稳定。

138. 肇事者四年来犯下了震撼了人类良知的罪行，这令人怀疑国际社会的反应是否得当。叙利亚当局的做法已经表明，它不愿将肇事者绳之以法。极端主义和恐怖主义每天都在扩散，伊斯兰国和支持阵线等团体犯下了难以言表的暴行。

139. 考虑到委员会调查结果的严重性，国际社会必须采取一致、有效的战略，应对阿拉伯叙利亚共和国境内有罪不罚的现象。通过安全理事会将阿拉伯叙利亚共和国的局势提交给国际刑事法院，仍然是一个重要的备选方案；然而，由于安理会常任理事国目前缺乏共识，迫切需要考虑设立一个国际特设法庭。

140. 委员会长期以来的立场是，其调查方法不符合正当程序的规范要求，因此，战争罪和危害人类罪的据称肇事者不应具名。经过四年的密切监测，又提交了四份保密名单，在调查的紧要关头却不将肇事者名单公之于众，将助长委员会受命打击的有罪不罚现象。

141. 委员会认为，应该以最利于保护冲突受害者、保护其了解真相权的方式解释委员会的任务。委员会希望，对据称肇事者提出警告，将有助于最大限度地发挥委员会调查结果潜在的威慑作用，并保护人民的权利免遭侵犯。

B. 建议

142. 调查委员会重申在前几份报告中提出的建议，并提出下列建议。

143. 委员会建议所有各方：

(a) 切实遵守人权、国际人道主义法和安全理事会的有关决议，并利用其影响力，确保其支持的个人和团体遵守这些规定；

(b) 制止侵权行为、极端主义和恐怖主义的蔓延，将肇事者绳之以法，同时解决其根源问题，促进社会融合，以和平取代暴力；

(c) 为包括难民和境内流离失所者在内的平民提供有效的保护和援助，例如提供安全的场所和基本必需品；

(d) 要求所有各方采取有效措施，制止一切形式非法招募儿童或在敌对行动中使用儿童的行为；

(e) 尊重不驱回原则，采取各种措施分担责任，包括重新安置难民、对受影响的当地居民提供支持和做出适当的反应；

(f) 加强帮助妇女、儿童、残疾人和少数群体等特定群体的措施，包括实行更多方案，为他们的康复和重新融入社会提供社会心理支持，并适当考虑受益者的有效参与；

(g) 为应对人道主义状况提供充足的资金和其他资源。

144. 委员会建议阿拉伯叙利亚共和国政府：

(a) 立即停止使用桶装炸弹等非法武器和滥杀滥伤武器；

(b) 停止任意拘留、强迫失踪、酷刑和其他类似侵权行为；

(c) 遵照安全理事会的各项决议，允许人道主义行为方充分畅通无阻地进入该国；

(d) 允许委员会进入该国并与委员会合作。

145. 委员会建议国际社会：

(a) 依照国内法运用普遍管辖权原则，调查和起诉参与严重侵犯人权行为的个人和群体；

(b) 针对上述个人和群体采取专门措施；

(c) 确保国家和个人遵守安全理事会的有关决议，停止资助恐怖主义和极端主义；

(d) 呼吁所有各方确保将保护妇女儿童的问题系统地纳入关于和平或和解的讨论；

(e) 充分应对难民、境内流离失所者及收容他们的社区日益增长的需求，包括履行应联合国的呼吁做出的现有承诺。

146. 委员会建议安全理事会：

(a) 支持委员会的工作，支持委员会进入阿拉伯叙利亚共和国，将叙利亚局势列入正式的讨论议程，并请委员会定期通报情况；

(b) 通过国际刑事法院或特设国际法庭将叙利亚局势提交司法部门，铭记需要克服叙利亚国内系统性司法不公的障碍，叙利亚的国家司法部门也需要根本性的改革；

(c) 对据信参与严重侵犯人权行为的个人和群体采取有针对性的措施；

(d) 采取更有力的措施，加强安全理事会关于阿拉伯叙利亚共和国各项决议的执行和后续工作。

147. 委员会建议大会：

(a) 通过一项决议，请安全理事会将叙利亚局势移交司法部门；

(b) 支持委员会的工作，将委员会的报告提交至安全理事会，并请委员会定期通报情况。

148. 委员会建议人权理事会：

(a) 支持委员会的建议，确保继续监测和报告阿拉伯叙利亚共和国的局势。

Annexes

[English only]

Annex I

Correspondence with the Government of the Syrian Arab Republic

NATIONS UNIES
DROITS DE L'HOMME
HAUT-COMMISSARIAT



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

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

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

3 September 2014

Excellency,

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

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

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

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

Sincerely,

James Rodehaver

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

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

NATIONS UNIES
DROITS DE L'HOMME
HAUT-COMMISSARIAT



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

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

15 December 2014

Excellency,

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

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

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

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

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

Sincerely,

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

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

Annex II

Violations documented between 15 July 2014 and 15 January 2015

A. Massacres and other unlawful killing

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

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

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

1. Government forces

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

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

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

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

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

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

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

2. Non-State armed groups

Anti-Government armed groups

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

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

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

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

Islamic State of Iraq and Al-Sham (ISIS)

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

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

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

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

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

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

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

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

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

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

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

B. Other unlawful killing

1. Government forces

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

Deaths in detention

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Deaths by sniping, shelling and bombardments

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

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

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

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

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

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

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

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

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

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

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

Findings

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

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

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

2. Non-State armed groups

Anti-Government armed groups

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

Ground attacks

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

Bombings and shelling

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

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

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

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

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

Findings

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

Islamic State of Iraq and Al-Sham

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

Sentencing and executions without due process

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

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

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

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

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

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

74. Following ISIS's taking over part of Dayr az Zawr governorate, there has been an escalation in reports of public executions, notably in Al-Ashara, Al-Mayadin, Al-Bukamal, Al-Shuhail, Al-Bouamrou and Al-Tayanna. On 16 September, a 16-year-old boy, alleged to be a fighter with an armed group, was shot in the head by an ISIS fighter in a public market.

The body was displayed for several days. On 15 October, ISIS declared that it had executed a man in Al-Ashara for practising sorcery.

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

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

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

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

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

Deaths in detention

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

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

Killing of journalists

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

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

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

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

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

Killing of a captured soldier purchased from another armed group

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

Shelling of Ayn al-Arab (Kobane)

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

Finding

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

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

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

91. The massacres and unlawful killings in Ar Raqqa, Dayr az Zawr, Al Hasakah and Aleppo governorates, as described above, form part of the attack. In perpetrating those killings in those governorates, ISIS has committed the crime against humanity and the war crime of murder. The war crime of murder has also been committed in relation to the massacres and other unlawful killings in Hama and Homs governorate. In deliberately attacking persons, such as journalists, the armed group has committed a war crime.

B. Hostage-taking

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

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

Non-State armed groups

Anti-Government armed groups

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

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

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

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

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

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

100. Armed groups continue to hold hostages for extended periods. On 4 August 2013, groups – including Ahrar Al-Sham and Jabhat Al-Nusra – abducted over 100 civilians during an operation on villages in eastern Latakia. Approximately 40 were released in the beginning of May 2014, after signing an agreement between fighters and the Government enabling the withdrawal of rebel fighters from Homs city. On 26 January 2015, a pro-opposition website published what it alleged to be video footage recorded on 6 December 2014, showing approximately 55 women and children who had been taken hostage from the Latakia villages. In the video, hostages urge the Government to exchange them with

fighters held by the Government. The fate of the women and children, abducted by the group but not appearing on the video, is unknown.

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

Islamic State of Iraq and Al-Sham

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

C. Arbitrary arrest

Government forces

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

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

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

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

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

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

109. There were multiple accounts of adult men being arrested at checkpoints in Homs and Hama governorates. In mid-August, a young man was arrested at Mallouk checkpoint in the Homs countryside, after he had been forcibly returned to Syria from Jordan. In

October, soldiers at a checkpoint near Tadmor in the eastern Homs countryside arrested a man hailing from a neighbourhood of Homs city that had, earlier in the conflict, been supportive of the armed groups. The man was forced to disembark a company bus which was carrying employees to work. He has since disappeared. In early October, a man, travelling with his wife and four children for the Eid holiday, was arrested at Al-Massafi checkpoint, a few kilometres west of Hama city.

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

D. Enforced disappearance

1. Government forces

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

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

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

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

115. The desperation of families to know the truth about the fate of their loved ones nourishes a lucrative business of extortion. Some relatives pay bribes to lawyers, who often falsely, claimed they could provide information. In some cases, families were defrauded of very large sums of money. One interviewee stated that she sold her car and spent 300,000 Syrian pounds in an attempt to gain information on the fate of her son, who disappeared at a checkpoint in Aleppo, in September 2012.

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

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

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

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

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

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

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

2. Non-State armed groups

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

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

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

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

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

3. Unknown perpetrators

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

E. Torture and other forms of ill-treatment

1. Government forces

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

146. The above conduct was perpetrated by both prison guards and interrogators and was often designed to elicit confessions from the detainee. Some former detainees stated that, under torture, they were made to give names of other civilians who they would falsely indicate were involved in opposition activities. These names were reportedly used to effect further arbitrary arrests. Beating and other physical abuse by prison guards, often occurring

^b See paragraphs 176-183, below.

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

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

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

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

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

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

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

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

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

155. The Government has continued to perpetrate torture and other forms of cruel, inhuman or degrading treatment or punishment as part of a widespread and systematic

^c See paragraph 195, below.

attack directed against a civilian population, indicating the existence of a State policy. The Government has therefore, as previously found, committed torture and other inhumane acts as crimes against humanity. This conduct is also prosecutable as the war crimes of torture and inhuman treatment.

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

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

2. Non-State armed groups

Islamic State of Iraq and Al-Sham

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

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

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

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

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

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

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

165. In Al-Shaddadi (Al Hsakah), a man – initially held at a checkpoint in a neighbouring governorate – was detained in a makeshift ISIS detention facility set up in a private house

while security checks were carried out by the group. While he was not beaten, he heard other detainees in adjacent rooms being beaten and interrogated about their involvement in the black market for oil.

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

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

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

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

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

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

F. Sexual and gender-based violence

1. Government forces

172. The information collected since July 2014 regarding sexual and gender-based violence against men and women demonstrates the importance of continued attention to and documentation of sexual violence in Syria. Many of the accounts collected describe incidents that occurred prior to 2014. Many victims of sexual and gender-based violence could speak out only once they had been released from detention, while others took time to relay their experiences of violations which often occurred in secret or were cloaked in silence or taboo. Under-reporting and delayed reporting of sexual violence continues to be endemic. Contemporaneous medical documentation is rare and in custodial contexts,

medical assistance is denied to detainees. Female victims of sexual violence who have fled Syria may be reluctant to convey their testimonies due to their continued vulnerability as displaced, often female-headed households.

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

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

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

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

177. A female detainee was sexually tortured in Branch 227 between April and June 2014. Sexual violence was also employed against female detainees at Air Force Intelligence branches, in Harasta between March and September 2012, and in Mezzeh military airport between May and October 2014.

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

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

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

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

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

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

2. Non-State armed groups

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

Islamic State of Iraq and Al-Sham

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

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

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

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

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

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

G. Violations of children's rights

1. Government forces

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

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

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

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

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

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

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

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

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

rules of international humanitarian law, amounting to war crimes. They have perpetrated crimes against humanity, entailing individual criminal responsibility for the direct perpetrators of crimes and their authors at the highest levels of the chain of command, including the highest levels of Government.

2. Non-State armed groups

Anti-Government armed groups

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

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

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

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

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

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

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

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

Islamic State of Iraq and Al-Sham

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

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

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

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

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

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

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

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

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

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

People's Protection Units (YPG)

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

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

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

H. Unlawful attacks

1. Government forces

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

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

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

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

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

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

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

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

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

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

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

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

2. Non-State armed groups

Anti-Government armed groups

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Undetermined perpetrator

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

I. Specifically protected persons and objects

1. Government forces

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Non-State armed groups

Islamic State of Iraq and Al-Sham

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

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

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

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

J. Sieges and denial of humanitarian access

1. Government forces

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

^f See paragraphs 279-281, below.

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

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

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

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

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

2. Non-State armed groups

Anti-Government armed groups

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

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

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

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

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

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

Islamic State of Iraq and Al-Sham (ISIS)

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

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

K. Arbitrary and forced displacement

1. Government forces

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

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

2. Non-State armed groups

Islamic State of Iraq and Al-Sham (ISIS)

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

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

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

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

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

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

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

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

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

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

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

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

