

# International humanitarian law and human rights violations in Syria

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*Iffat Idris*

*GSDRC, University of Birmingham*

*5 June 2017*

## Question

*Provide a brief overview of the current situation with regard to international humanitarian law and human rights violations in Syria.*

## Contents

1. Overview
2. Syrian government and Russia
3. Armed Syrian opposition (including extremist) groups
4. Islamic State of Iraq and the Levant (ISIL)
5. Kurdish People's Protection Units (YPG)
6. International coalition
7. References

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## 1. Overview

All parties involved in the Syrian conflict have carried out extensive violations of international humanitarian law and human rights. In particular, all parties are guilty of targeting civilians. Rape and sexual violence have been widely used as a weapon of war, notably by the government, ISIL<sup>1</sup> and extremist groups.

- **The Syrian government and its Russian allies** have used indiscriminate weapons, notably barrel bombs and cluster munitions, against civilians, and have deliberately targeted medical facilities and schools, as well as humanitarian personnel and humanitarian objects. Enforced sieges accompanied by attacks (e.g. artillery shelling) have been used against opposition-held civilian; Syrian aircraft have also dropped chemical weapons on such areas. Tens of thousands of people have been illegally detained, tortured and executed by the regime.
- **Armed Syrian opposition groups** have also carried out indiscriminate attacks on civilians, and besieged government-controlled areas depriving residents of food and medical supplies. There have been reports of armed groups detaining people illegally and carrying out summary executions.
- **The Islamic State of Iraq and the Levant (ISIL)** has carried out suicide bombings in civilian areas, and imposed harsh religious laws on areas under its control, and enforced these through corporal punishment and the death penalty. Yazidi women brought to Syria from Iraq have been held as sex slaves and subjected to sexual violence. ISIL has also deliberately destroyed important historic cultural sites, notably Palmyra.
- **Kurdish groups** have carried out what appear to be reprisal mass displacements of civilians from areas that they win control of, and even demolished homes in such areas. The Kurdish People's Protection Units (YPG) is also accused of forcibly recruiting young boys and men to fight in its units.
- **The international coalition** has killed civilians in its airstrikes.

**Sources of Evidence** - Reports by the International Independent Commission of Inquiry on the Syrian Arab Republic<sup>2</sup> constitute the most definitive source of evidence about human rights violations in the Syrian conflict. Their findings are corroborated by reports by other human rights groups, e.g. Amnesty International and Human Rights Watch, as well as media coverage of the conflict. The available evidence varied in the extent to which it differentiated between men, women and children.

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<sup>1</sup> Islamic State of Iraq and the Levant (ISIL), also known as Islamic State of Iraq and Syria (ISIS)/ Islamic State(IS)/Da'esh

<sup>2</sup> The Independent International Commission of Inquiry on the Syrian Arab Republic was established on 22 August 2011 by the Human Rights Council through resolution S-17/1 adopted at its 17th special session with a mandate to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic.

<http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx>

## 2. Syrian government and Russia

### Indiscriminate attacks and direct attacks on civilians

- **Use of barrel bombs** - There has been regular bombardment of civilian areas with weapons with wide-ranging effects, including artillery shelling and unguided, high-explosive barrel bombs causing numerous civilian deaths and injuries, including of children (Amnesty, 2017: 350). Barrel bombs have been dropped by government forces on markets, schools, medical facilities and squares; in order to maximise deaths and injuries, often a second round of bombs is dropped on those gathered to assist the injured (Al-Marsad, 2015: 5). An NGO report put the total number of barrel bombs dropped by the Syrian regime in 2016 at no less than 12,958 (SNHR, 2017: 4).
- **Use of cluster munitions** - There has also been widespread use of cluster munitions: these were deployed in airstrikes by Syrian and Russian aircraft on civilian populated areas of Idlib, Douma, Dayr az-Zawr and Aleppo Governorate, as well as in Aleppo city (HRC, 2017: 13). Government forces used at least 13 types of internationally banned cluster munitions in over 400 attacks on opposition-held areas between July 2012 and August 2016 (HRW, 2017).

Example: On 4 August 2016 aircraft attacked two internally displaced persons (IDP) camps in Atarib district (Aleppo) using cluster munitions and other ordinance, killing four children (HRC, 2017: 13). The camp contained largely women and children, with no fighters present – the attack appeared to deliberately target an extremely vulnerable population with indiscriminate weapons.

- **Targeting of schools** – Schools have been repeatedly targeted during the Syrian conflict: attacks in the country are estimated to account for half of all worldwide attacks on schools between 2011 and 2015 (HRC, 2017: 7). As well as killing and maiming many children, teachers and other civilians, the attacks destroy school buildings – combined, these have deprived hundreds of thousands of children from accessing education.

Example: On 26 October 2016 suspected government aircraft bombed a school compound comprising five educational institutions in Haas, Idlib governorate, killing at least 35 civilians, including 22 children and six teachers (Amnesty, 2017: 350). The schools, which were in opposition-held territory, used to have a combined student body of 2,000 but stopped functioning after the attacks (HRC, 2017: 7). A number of factors point to deliberate targeting of the schools: as employer of the teachers the government knew the location of the schools; the attacks took place when children would be in class; no warning of an attack was given; and the absence of any military target in the schools or in their vicinity (ibid: 8).

- **Targeting of medical facilities** – Hospitals, medical centres and clinics in areas controlled by armed groups have been deliberately and repeatedly targeted by Syrian and Russian forces: ‘the pattern of attacks strongly suggests that pro-Government forces intentionally and systematically target medical facilities’ (HRC, 2017: 6). In June 2016 the NGO Physicians for Human Rights accused government forces and their allies of carrying out more than 90% of 400 attacks on medical facilities and 768 deaths of medical personnel since March 2011 (Amnesty, 2017: 351). These attacks have destroyed vital infrastructure and depleted medical personnel: ‘the number of remaining... first responders is now so grossly inadequate to meet the needs of the population that many injured civilians die due to lack of access to adequate medical care’ (ibid).

Example: The hospital of Atarib (Aleppo countryside) was repeatedly hit by airstrikes between July and November 2016. The hospital was hit four times in the attack on 14 November, and the building severely damaged, forcing the hospital to close down permanently (HRC, 2017: 7).

- **Targeting of water sources**

Example: On 23 December 2016 the al-Feijeh spring at Wadi Barada (Damascus countryside), under opposition control, was struck multiple times by the Syrian Air Force, indicating it was deliberately targeted. The extensive damage inflicted led to over five million civilians, in both government and opposition-controlled areas, being deprived of regular access to potable water for over one month (HRC, 2017: 10).

- **Use of chemical weapons** – A pattern of use of improvised chlorine munitions by Syrian forces was observed in 2014, 2015 and 2016, and continues into 2017 (HRC, 2017: 12). Both air-dropped and rocket-assisted munitions are used to target civilian areas: when deployed as a weapon, the dispersal pattern of gas found in chlorine bombs cannot be controlled, rendering the weapons indiscriminate. Use of chlorine munitions appears to be confined to Syrian forces, and not involve Russian forces (HRC, 2017: 12)

Example: On 1 August 2016 two barrel bombs allegedly containing chlorine gas were dropped by suspected government aircraft on two residential neighbourhoods controlled by non-state armed groups in Saraqeb city, Idlib province, reportedly injuring at least 28 civilians (Amnesty, 2017: 350);

More recent 2017 attack – On 4 April 2017 planes dropped bombs on the village of Khan Sheikhoun, about 50 miles south of Idlib city. More than 80 people were killed and hundreds suffered symptoms consistent with reaction to a nerve agent (thought to be Sarin or a Sarin-like substance).<sup>3</sup>

## Siege of civilian areas and denial of humanitarian access

- **Siege of civilian areas** – Government forces have maintained prolonged sieges of civilian areas controlled or contested by armed groups, including in Eastern Ghouta, Mouadhamiyah, al-Sham, Madaya, Daraya and, from September 2016, eastern Aleppo (Amnesty, 2017: 351). The sieges deprive civilians of access to basic services including medical care, and expose them to starvation. At the same time besieged areas are subjected to repeated air strikes, artillery shelling and other attacks. Government forces use starvation and terror on besieged areas 'with the aim of making life unbearable for the population perceived to be close to the opposition, even if only because of their physical location' (Al-Marsad, 2015: 6).

Example: On 12 May 2016 government forces prevented a UN aid convoy (the first since 2012) from entering Daraya. In June two limited convoys were allowed but government forces simultaneously intensified their indiscriminate attacks using barrel bombs and other munitions, forcing the town's remaining population to submit to being evacuated in late August 2016 (Amnesty, 2017: 351).

- **Targeting of humanitarian aid workers and humanitarian objects** – several, including a number of very serious, attacks have been carried out on humanitarian workers and aid

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<sup>3</sup> <http://www.bbc.co.uk/news/world-middle-east-39500947>

supplies. As well as killing and maiming civilians, these attacks deprive civilian populations of vital humanitarian aid and assistance.

Example: suspected government and Russian aircraft bombed a UN/Syrian Arab Red Crescent (SARC) aid convoy destined for eastern Aleppo on 19 September 2016 at Urum al-Kubra, killing at least 18 civilians, including aid workers, and destroying aid lorries (Amnesty, 2017: 351). The aid, including food and medical supplies, was to have been distributed to 78,000 people (HRW, 2017).

Example: In February 2017 a UN/SARC convoy attempted to reach al-Waer (Homs) but, despite prior authorisation from government and opposition forces, was fired at and could not get through. On 20 February armed men diverted the convoy to government-controlled areas and the trucks were emptied of the humanitarian aid. The last delivery of aid to reach al-Waer took place in October 2016 (HRC, 2017: 11).

## Enforced disappearances, torture, unfair trials, unlawful killings

- **Enforced disappearances** – Government forces have carried out enforced disappearances of thousands of people since 2011, and held tens of thousands in detention without trial and without informing family members of their whereabouts or their fate. Victims include opponents of the government, peaceful critics as well as family members detained in place of relatives whom the authorities sought.

Example: Human rights lawyer Khalil Ma'touq and his friend Mohamed Thatha have been missing since October 2012. Released detainees reported seeing Khalil Ma'touq in government detention but the authorities denied holding the men (Amnesty, 2017: 353).

- **Torture and other ill-treatment of detainees:** Government security and intelligence agencies carry out systematic and widespread torture and other ill-treatment of detainees, including women, children and the elderly. 'Sexual violence and rape (against both male and female detainees); prolonged suspension; beatings resulting in death; executions; death as a result of inhumane treatment; electrocution (including to genitals) have been proved' (Al-Marsad, 2015: 6). Torture of detainees has led to thousands of deaths in custody since 2011. The NGO Human Rights Data Analysis Group estimated in August 2016 that there were at least 17,723 deaths in government custody between March 2011 and December 2015, as a result of torture and other ill-treatment (Amnesty, 2016: 7).

Example: A 2016 Amnesty International report (Amnesty, 2016) details the experience of 65 torture survivors interviewed by the organisation. It charts their journeys through what are considered to be Syria's most lethal detention facilities, including those operated by Syria's four intelligence services (air force, military, political and general) and Saydnaya Military Prison. The report reveals the changing patterns of torture and other ill-treatment that detainees face through the phases of arrest, interrogation by intelligence services and imprisonment. It also shows the challenges faced by those who survive the ordeal following release.

- **Sexual violence** (HRC UPR WG, 2016: 2-3) - Syrian government forces and government-controlled militia have carried out sexual violence as a weapon of war during house searches and at checkpoints. Numerous reports have been documented of rape, including gang rape, and other forms of sexual violence in these settings and in detention, committed by government forces against women and girls they believe are affiliated with the opposition. According to one report, government forces abducted young women and girls at checkpoints, and returned them later to their families, intentionally

exposing them as rape victims in order to subject them to shame and rejection. Victims of sexual violence often face alienation, divorce or even killing from their own families.

- **Unfair trials:** Confessions obtained under torture or other ill-treatment or coercion have been used as evidence against people facing trial before the Anti-Terrorism Court and the Military Field Court (Amnesty, 2017: 353). The proceedings of both have been described as ‘flagrantly unfair’ with judges failing to order investigations into allegations of torture by defendants (ibid).
- **Unlawful killings:** Government and allied forces have committed unlawful killings, including extrajudicial executions.

Example: In December 2016 government and allied forces advancing through eastern Aleppo entered civilian homes and committed summary killings; according to multiple sources they killed 82 civilians, including 13 children, on 12 December (Amnesty, 2017: 353).

### 3. Armed Syrian opposition (including extremist) groups<sup>4</sup>

#### Indiscriminate attacks and enforced sieges

- **Indiscriminate attacks** - In areas controlled by the government forces, opposition armed groups have shelled and used mortars, unmanned rockets, locally made rockets, artillery fashioned from domestic gas cylinders and car bombs – ‘all inherently indiscriminate weapons when used in a populated area’ (Al-Marsad, 2015: 7). In most instances no evidence of military targets was found in the vicinity of the explosion sites (ibid). Such attacks have predominantly been carried out in Aleppo, Idlib and Dara’s governorates (HRC, 2017: 14). Government forces still have control of parts of Dara’a city and it has been targeted by armed groups.

Example: On 11 October 2016 two mortar shells were fired by armed groups at the Tha’t al-Nitaqin school in Dara’a city, in an area under government control. Six children were killed in the indiscriminate attack and 20 wounded (HRC, 2017: 14). One day earlier, indiscriminate shelling launched by Free Syrian Army (FSA) group members in a village near al-Bab city, under ISIL control, struck an IDP camp killing three men (HRC, 2017: 14).

Example: On 8 February 2017 unknown armed group members fired what is believed to be a rocket at a SARC aid distribution centre in the Hamadaniyah district of Aleppo city, killing four civilians, including two SARC staff (HRC, 2017: 15).

Example: The Fatah Halab (Aleppo Conquest) coalition of opposition armed groups repeatedly carried out indiscriminate artillery, rocket and mortar attacks on the Sheikh Maqsood district of Aleppo city, controlled by the YPG, killing at least 83 civilians and injuring more than 700 between February and April 2017 (Amnesty, 2017: 351).

- **Enforced sieges** – Anti-government groups have also imposed sieges, especially around the towns of Nubul and Zahra in Aleppo, and Foua’a and Kafria in Idlib, cutting off food and medical supplies (Al-Marsad, 2015: 7). Armed groups have also had control of

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<sup>4</sup> The literature does not distinguish between different Syrian armed opposition groups when describing human rights violations, only between these and ISIL.

the electricity and water supply to government-held neighbourhoods of Dara'a and Aleppo cities, depriving civilians of access to potable water and sanitation (ibid).

- **Sexual violence** – Extremist groups have used rape and sexual violence as a weapon of war (HRC UPR WG, 2016). Those involved include: al- Qaeda affiliated Jabhat al-Nusra; al- Islam Brigade; Aknaf Bait al- Maqdis Brigades; Ansar Bait al- Maqdis Brigades; and Ahrar Ash-Sham Islamist Movement (ibid: 2).

## Justice systems and summary executions

- **Shari'a courts** - Armed groups in control of territory, primarily in Idlib and northern Hama governorates, have set up their own shari'a courts to adjudicate on civil disputes and criminal matters. There can be more than one shari'a court in an area, belonging to different armed groups. Such 'justice' systems 'fail to respect due process rights, lack fair trial standards and often result in executions' (HRC, 2017: 15).
- **Summary executions** – Internal rivalries among armed groups and infighting have led to scores of summary executions of fighters. There are also summary executions of civilians.

Example: On 14 February 2017 members of Liwa al-Aqsa summarily executed at least 128 rival armed group fighters whom they had been detaining in a town in Idlib district. The detainees were handcuffed, blindfolded and escorted in groups of 7-10 to be executed by gunshots or beheading (HRC, 2017: 16).

Example: In late August 2016, militants of Jabhat Fatah al-Sham stoned to death a woman from Heish village in Idlib: she was accused of having had extramarital relations and apprehended and immediately taken for execution (ibid).

- **Targeting of religious minorities** – armed groups have targeted minority religious groups (including Alawites, Ismailis, Druze and Christians) in areas under their control. Members of such groups have been detained, tortured and pressured to convert to Sunni Islam.

## 4. Islamic State of Iraq and the Levant (ISIL)

- **Direct and indiscriminate attacks on civilians** – ISIL have carried out direct attacks on civilians, and indiscriminate attacks in which many civilians have been killed (Amnesty, 2017: 351).
- **Suicide bombings** - ISIL has made extensive use of suicide bombing, frequently targeting civilians or, even where the target is military, causing disproportionate civilian harm. Hence, while suicide bombing as such is not prohibited under international humanitarian law, such bombings by ISIL do amount to war crimes.

Example: On 7 January 2017 a fuel truck blast at a checkpoint in Azaz (Aleppo countryside) killed at least 48 people and injured a further 60 (HRC, 2017: 17). Azaz had been an ISIL stronghold until September 2016, when it was taken over by the FSA. Since losing control, ISIL carried out several suicide bombings in the town.

Example: ISIL claimed responsibility for a series of suicide and other bomb attacks in the Sayida Zaynab district of southern Damascus, including one on 21 February 2016 in which 83 civilians were killed (Amnesty, 2017: 351).

- **Chemical weapons** – ISIL forces have carried out suspected chemical weapons attacks.

Example: Munitions fired by ISIL at Um Hawsh, near Marea, Aleppo governorate, on 16 September 2016 caused blistering and other symptoms common with exposure to mustard agent (Amnesty, 2017: 351).

Example: In May 2016, at least four civilians in the Sheikh Maqsoud district of Aleppo city, under attack by ISIL, required medical treatment for symptoms that suggested they had been exposed to a chlorine attack (Amnesty, 2017: 351).

- **Imposition of religious laws** - In areas under its control ISIL has imposed and enforced strict religious rules, including requiring women to follow their strict dress code, wear the niqab and be accompanied by a male relative when out in public. ISIL have also carried out harsh punishments (usually the death penalty) against women accused of adultery and men accused of sodomy. The latter show that the group discriminates against people on the basis of gender and sexual orientation.

Example: In July 2016 a 16-year old boy in ISIL-held ar-Raqqah was arrested on charges of smoking by al-Hisbah, the ISIL branch responsible for identifying those violating its rules. Two weeks after being detained he was accused of sodomy and killed as punishment by being thrown off a building (HRC, 2017: 18).

- **Public executions and summary killings** – ISIL forces have carried out summary killings of civilians as well as members of rival armed groups and government forces whom they held prisoner. In areas under its control, e.g. ar-Raqqah, Deyr al-Zur and eastern Aleppo, the group has carried out frequent public executions, notably of people accused of spying, smuggling, adultery and blasphemy.
- **Violence against women** – ISIL has carried out rape and sexual violence of Syrian women as a weapon of war (HRC UPR WG, 2016). In addition, thousands of Yazidi women and girls have been forcibly transferred by ISIL forces from Iraq into Syria, sold in markets and held in slavery, including sexual slavery (Global Justice Center, 2016: 7). Many women and girls have been subjected to sexual violence, rape and other torture (for details see *ibid*). Women and girls caught trying to escape have been gang-raped or otherwise tortured or harshly punished (Amnesty, 2017: 353-4).
- **Human shields** - ISIL have used civilians as human shields, to protect themselves against attacks.

Example: Minbij (Aleppo countryside) had been under ISIL control since January 2014 but was captured by the Syrian Democratic Forces (SDF) in August 2016. On 12 August 2016, as ISIL retreated from Minbij to Jarablus, a city then under their control, they forcibly took at least 500 civilian residents with them to use as human shields (HRC, 2017: 18-19).

- **Destruction of cultural sites** - ISIL have carried out deliberate destruction of cultural artefacts and heritage which they see as 'monuments to idolatry'<sup>5</sup>.

Example: Palmyra, an ancient Roman city and World Heritage site, was under ISIL control from May 2015 onwards. It was recaptured by government forces in March 2016 and then again (following ISIL recapture of the city in December) in March 2017. Under ISIL control, many of the city's archaeological treasures, including the Temple of Bel, were reduced to rubble. Khaled al-Asaad, head of antiquities at Palmyra, was beheaded by ISIL. In January 2017 ISIL destroyed two of the four columns of a Tetracylon, a cubic

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<sup>5</sup> <https://www.usatoday.com/story/news/world/2017/01/20/syria-isil-destroys-part-roman-theater-palmyra/96822822/>



structure with four gateways forming part of the façade of the city's ancient amphitheatre (HRC, 2017: 19).

## 5. Kurdish People's Protection Units (YPG<sup>6</sup>)

- **Displacement of civilian populations** – A number of offensives by the Syrian Democratic Forces (SDF), an alliance primarily comprised of YPG forces, have been characterised by forced mass displacement of civilian residents. While some populations have been allowed to return after several months, many thousands remain internally displaced and living under dire humanitarian conditions (Amnesty, 2015; HRC, 2017: 20).
- **Looting and demolition of homes** - There have also been reports of SDF forces looting personal belongings left in homes and of them demolishing homes (ibid and ibid). An Amnesty report said the circumstances in which some instances of forced displacement were carried out suggest they were 'in retaliation for people's perceived sympathies with, or family ties to, suspected members of IS or other armed groups. This would constitute collective punishment, which is a violation of international humanitarian law' (Amnesty, 2015: 6).

Example: On 6 November 2016 the SDF attacked the ISIL-held village of Heisha in ar-Raqqa. Residents were ordered to leave the area by SDF troops; as of February 2017 those displaced continued to live in dire conditions, lacking even basic necessities (HRC, 2017: 20).

Example: In February 2016 YPG forces demolished the houses of dozens of Arab civilians in Tal Tamer, al-Hassakeh governorate, accusing the owners of being ISIL supporters (Amnesty, 2017: 352).

- **Forcible conscription** – YPG forces have carried out forcible conscription of men and boys for military service.

## 6. International coalition

- **Airstrikes impacting civilians** – Airstrikes carried out by the international coalition have impacted civilians, raising concerns about distinction, proportionality and precautions in attacks under international humanitarian law (HRC, 2017: 21).

Example: On 4 October 2016 a US coalition aircraft targeted ISIL fighters in Taltana village, Aleppo Governorate, killing up to 25 people; up to 13 of those killed were civilians, including nine children while only two to four ISIL fighters were killed (HRC, 2017: 21).

Example: A series of airstrikes by international coalition aircraft in early February 2017 targeted bridges and infrastructure around Raqqa city, cutting transport routes for both ISIL fighters and civilians.

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<sup>6</sup> Yekîneyên Parastina Gel

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## Key websites

- Independent International Commission of Inquiry on the Syrian Arab Republic: <http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx>
- Amnesty International: <https://www.amnesty.org/en/countries/middle-east-and-north-africa/syria/>

## Suggested citation

Idris, I. (2017). *International humanitarian law and human rights violations in Syria*. K4D Helpdesk Report 127. Brighton, UK: Institute of Development Studies.

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