



大会

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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*

概述

本报告所介绍的调查结果基于 2014 年 1 月 20 日至 7 月 15 日期间进行的 480 次访谈和收集到的证据，证实阿拉伯叙利亚共和国交战各方的行为对平民造成了无法估量的痛苦。

政府军继续进行屠杀并对平民进行大规模袭击，有系统地实施谋杀、酷刑、强奸和强迫失踪，构成危害人类罪。政府军犯下了严重侵犯人权行为和以下战争罪：谋杀、劫持人质、酷刑、强奸和性暴力、在敌对行为中招募和使用儿童、以平民为目标。政府军无视对医院、医务人员和人道主义人员给予的特别保护。不加区别和过度的空中轰炸和炮击导致大量平民伤亡和恐怖弥散。政府军使用了氯气，这是一种非法武器。

本报告提及的非国家武装团体犯下了屠杀和战争罪，包括谋杀、无正当程序的处决、酷刑、劫持人质、等同于强迫失踪、强奸和性暴力、招募和利用儿童参与敌对行动、攻击受保护物体等违反国际人道主义法的行为。医疗人员、宗教人士和记者是袭击目标。武装团体围困并不加区别地炮击平民区，在某些情况下，通过在平民区使用汽车炸弹在平民中散布恐怖。作为对阿勒颇和拉卡省平民人口的袭击的一部分，伊拉克和沙姆伊斯兰国（伊斯兰国）的成员犯下了酷刑、谋杀、等同于强迫失踪的行为和强迫流离失所，等同于危害人类罪。

* 本报告附件不译，原文照发。



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一、导言

1. 在本报告中，阿拉伯叙利亚共和国问题独立国际调查委员会¹ 在 2014 年 1 月 20 日至 7 月 15 日进行调查的基础上提出了调查结果。本报告应与委员会此前的报告一并阅读。²

A. 挑战

2. 委员会的调查仍然受到阿拉伯叙利亚共和国拒绝入境的限制。
3. 阿拉伯叙利亚共和国常驻代表团与委员会之间的往来信函附于本报告(见附件一)。

B. 方法学

4. 委员会使用的方法学基于调查委员会和人权调查的基本做法。委员会主要依赖于第一手记录。
5. 本报告所载信息基于在该地区和从日内瓦进行的 480 次访谈。2011 年 9 月以来，委员会已进行了 3126 次访谈，收集和分析了照片、录像、卫星图像、医疗记录和其他文件材料。政府和非政府来源的报告、学术分析和联合国的报告构成调查的组成部分。
6. 如委员会有合理依据认为事件经过与描述相符，证据标准即得到了满足。

二、冲突动态

7. 政府军和非国家武装团体继续激烈交战。虽然所有交战方在不同地区都有获胜，但似乎没有任何一方能够取得完全的军事胜利。
8. 无数战线的出现，使不同地方和地区行为方参与其中，也加大了冲突复杂性。各方按教派和/或民族动员的极端战斗人员不断卷入，使冲突多极化。
9. 战争影响不再局限于叙利亚境内。外国战斗人员不断涌入、极端主义团体的得逞、教派冲突的升级、对水、油或气等资源的竞争以及难民日益脆弱的社会经

¹ 委员是：Paulo Sérgio Pinheiro (主席)、Karen Koning AbuZayd、Vitit Muntarbhorn 和 Carla Del Ponte。

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 和 A/HRC/25/65。

济状况，所有这些因素都促成了暴力扩散，影响到区域和平与稳定。冲突进一步蔓延的风险显而易见。

A. 政府军

10. 政府军³ 在最具战略意义的地区取得了缓慢但却重大的进展。在重点省份，包括大马士革农村省、霍姆斯省和阿勒颇省，他们缩小了反对派占领的地区，切断了反对派的联络线。然而，与伊拉克和沙姆伊斯兰国(伊斯兰国)的直接对抗很少，而且大多局限于在拉卡、阿勒颇和代尔祖尔省的零星空袭。

11. 通过重大的组织、战略和战术调整，政府军的能力得到显著加强。政府在对首要目标的进攻作战中集结各种兵力的能力越来越强。它在不能或不愿发起攻势的省份，如伊德利卜和达拉，成功地守住了据点。作为控制人口战略的一部分，它将长期围困与猛烈的空中和炮火轰炸相结合，导致在霍姆斯和大马士革以及周边农村地区的数十次被迫停战。被迫停战是政府封锁和轰炸战略的一个标志，接下来经常是对作战年龄的男子进行大规模逮捕，其中许多人已经消失。

12. 政府继续依靠外部盟友提供的技术、训练和后勤援助。随着伊拉克民兵返回伊拉克作战，政府军最近作战人手短缺，这削弱了他们同时在多条战线部署兵力的能力。

B. 非国家武装团体

1. 反政府武装团体

13. 武装团体一直同时在多个战场上与政府军、伊斯兰国作战和相互火并。由于缺乏必要的作战能力，它们未能扭转敌对方在大马士革农村省、阿勒颇省东部和代尔祖尔省原先作为其主要据点的地区向前推进。由于伊斯兰国在资金和行动能力方面更加强大，而这些武装团体已被内部火并所削弱，致使很多人向伊斯兰国叛变。

14. 一些武装团伙在达拉和伊德利卜省的军事胜利突出表明，它们有能力阻止政府重新恢复对领土的完全控制。在大多数胜利中，被冠以温和之称的武装团体继续在临时作战掩体的掩护下开展行动，它们与极端组织密切协调，其中包括基地组织下属的 Jabhat al-Nusra。

15. 分裂和对抗使反叛者无法提高其行动效率。尽管多次重组，由于意识形态、政治、部族和个人分歧，他们未能融合于一个有凝聚力的结构和领导之下。

³ “政府军”，除非另有说明，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、沙比哈和人民委员会/民防军。

外部支持者为加强所谓的“久经考验的温和武装反对派”所作的努力未能扭转激进武装团体占主导地位的局面。

2. 伊拉克和沙姆伊斯兰国

16. 伊拉克和沙姆伊斯兰国(伊斯兰国)最近在伊拉克的攻城略地增强了它的军事能力，在物质上和心理上，严重影响了阿拉伯叙利亚共和国内部的力量平衡。由于攫取了伊拉克大量资源和军事设备，该团伙在组织和资金方面更加强大，它加强了对北部和东部省份大片地区的控制，特别是石油丰富的代尔祖尔省。伊斯兰国正在加强与反政府武装团体的作战，包括 Jabhat AL-Nusr 和库尔德武装团伙，并在较小程度上与政府军作战。

17. 自从宣称为伊斯兰国后，除了吸引更有经验和更有意识形态动力的外国作战人员外，伊斯兰国吸引了越来越多的叙利亚人加入，尤其是在与拉卡省、哈塞克省和代尔祖尔省的当地部落结盟之后。为遏制民众对其严厉统治方法的不满，伊斯兰国采用了一种策略，将残暴与提供基本服务(包括安全和就业)相结合，以此为手段建立秩序。

3. 库尔德武装团体

18. 库尔德人民保护联盟继续加强对北部事实上自治的库尔德地区的控制，即 Afrin, Ayn al-Arab 和 Al-Jazeera。他们成功击退了伊斯兰国 对其控制下的与伊拉克和土耳其接壤地区的袭击。

19. 随着伊斯兰国使用在伊拉克缴获的先进武器发动了进攻，有报告称，在艾因阿拉伯(阿勒颇)发生了新的暴力。据报告，在卡米什利和哈萨卡市，库尔德人民保护联盟与地方民防军发生了零星冲突。

三、 在平民和失去战斗力的作战人员待遇方面的侵权

A. 屠杀和其它非法杀害⁴

1. 政府军

20. 据报告，在大马士革政府拘留所，羁押中死亡的人数出现增加。在大多数情况下，政府拒不承认大部分拘留和在监狱中的死亡，亲属通过以前的被拘留者或贿赂官员才能得到信息。

21. 被拘留者死于酷刑期间所遭受的伤害。其他人死于缺乏食物和医疗。然而，许多家庭却得不到关于亲属死亡情节的信息。即使有正式通知，家人往往被告知被拘留者死于心脏病发作。一位父亲在被告知他 28 岁的儿子死亡时说，

⁴ 亦请参见附件四。

“似乎现在叙利亚每个人都有心脏病”，他指证了叙利亚当局普遍隐瞒死亡原因的做法。

22. 许多报道称，在梅泽赫机场拘留设施，即军事安全处 215 和 235 以及赛德纳亚监狱，发生了羁押中死亡事件。常见做法是，先让家属到卡邦军事警察局，然后再到特斯尹军队医院。在大多数情况下，尸体都未归还。据报道，许多人被埋在纳吉哈墓地。由于不能亲访，这一信息无法确认。

23. 在 1 月份，卡邦军事警察局通知一个家庭，一名男性亲属(他于 2011 年被拘留和消失)死于心脏病发作。该家庭被告知去特斯尹军队医院去取死亡证明，但不能取回尸体。3 月份，一个家庭访问了卡邦军事警察局，他们要求得到权利，去探访 2011 年 11 月被拘留的一名亲属。他们被告知去特斯尹军队医院，在那里，他们的文件称，他们的亲属被关押在赛德纳亚监狱，已于 2013 年 8 月死于心脏病。尸体未被归还。5 月 9 日，一位老人在试图越境进入黎巴嫩时被逮捕。四天后，他的妻子接到大马士革市政当局的一个电话通知她，她可从特斯尹军队医院领回丈夫尸体。她太害怕，不敢前去。其他军队医院，特别是梅泽赫军队医院，亦称 601 医院，也向家属提供死亡证明。

24. 2013 年中，一名 12 岁男孩在大马士革与堂兄(他是一个武装团体的成员)交谈后被捕。家人雇了一名律师，该律师确认，男孩被关押在 235 军事安全处。他们把此事告到了法庭，法官告诉他们，男孩在一家私人医院。他们到达那里时被告知，他们的儿子已经死了。他的尸体有严重酷刑包括电刑痕迹。

25. 其他家庭从以前的被拘留者口中得知亲属死亡消息。由于官方未承认这些死亡也未归还尸体，这使他们无法确认。还收到了多个报告，2011 年 3 月至 2013 年 12 月，在大马士革，发生了多起羁押中死亡事件。

26. 对据称在 2011-2013 年期间在政府拘留设施中拍摄的 26,948 张照片进行了初步审查和法医分析。其中一些是案卷和已死亡被拘留者的照片，有酷刑和严重营养不良迹象。有些内容——例如，在有些照片中确认的地点是大马士革 601 军队医院、酷刑方法和拘留条件——支持委员会长期以来的结论：存在系统酷刑和被拘留者死亡情况。调查仍在进行之中，调查结果在很大程度上取决于进一步元数据的确定。

27. 包围东古塔(大马士革农村省)被围困区域的政府军射杀了试图离开的平民。3 月份，包括妇女和儿童在内的平民听说公路已经开放，就离开了黑石圣地。他们携带着白旗。在他们进入一个政府检查点 500 米内时，一名狙击手开枪打死了一名妇女，迫使他们后撤。4 月份，试图离开东古塔寻找食物的一名 14 岁男童在穆哈亚检查点被射杀。

28. 由于针对平民的普遍袭击，政府军犯下了非法杀戮行为。这些袭击包括对平民居住点的广泛炮击和轰炸以及根据平民的结社情况或据认为的反对政府的情况对平民的逮捕、拘留和失踪。政府机构的协调和积极参与表明，这些袭击是作

为一项制度性政策进行的。非法杀戮是这些攻击的一部分，构成危害人类罪。政府军还犯下谋杀和任意剥夺人的生命等战争罪行。

2. 非国家武装团体

(a) 反政府武装团体

29. 在 Al-Mataiyyeh(达拉)，伊斯兰阵线杀死了几名疑似与政府合作的几名男子。3 月份，一名男子从住所被绑架。他的尸体同一天被发现，胸部中弹。5 月 20 日，另外一名男子被伊斯兰阵线拘捕，他被指控对一名雅穆克旅的一名战士行窃。四天后，他的尸体被发现，胸部中弹。在袭击卡萨布(拉塔基亚)的过程中，武装团体(包括 Jabhat al-Nusra)在进入该城时，杀死了至少两名平民。3 月 22 日，在卡萨布城内，他们射杀了一名 23 岁男子。在实施这些行为时，反政府武装团体犯下了谋杀这一战争罪行。

(b) 伊拉克和沙姆伊斯兰国

30. 星期五在拉卡和阿勒颇省伊斯兰国控制区，公开处决已成常见现象。伊斯兰国提前通知居民并鼓励他们观看。在某些情况下，伊斯兰国强迫路人前往观看。儿童也观看了处决：处决方式是斩首或近距离枪击头部。处决前，伊斯兰国战士宣布受害者的罪行。尸体示众，经常是钉在十字架上，长达三天之久，作为对当地居民的警告。

31. 受害者经常被指控与其他武装团体有关联，或违反了伊斯兰国刑法。也有男子由于被指控与叙利亚全国联盟有关联或作政府眼线而被处决的例子。大多数被处决者是成年男子。伊斯兰国还处决了几名 15 至 17 岁的男童，他们据称是其他武装团体的成员。7 月，两名妇女在拉卡省不同地点被伊斯兰国认可的暴民用乱石砸死。

32. 在拉卡市，在 El Naim 广场或 Al Sa'a 环岛，定期进行处决。已记录了数十起处决。4 月下旬，在 El Naim 广场，伊斯兰国处决了七人，其中五人不满 18 岁，理由是，他们是武装团体成员。三具尸体被钉在十字架上示众三天。同一天，两名男子在塔卜卡和斯卢克(拉卡)被处决。3 月 22 日，在塔卜卡，伊斯兰国向一名男子头部开枪，其尸体被钉在十字架上，示众两天。

33. 随着伊斯兰国扩大了对阿勒颇省东部地区的控制，它在 Minbij、Al Bab 和 Jarabulus 进行公开处决。在 Minbij，伊斯兰国使用一个停车场作为行刑场所。大多数处决都是砍头。2 月，一名 15 岁男童被斩首，表面上是因为犯了强奸罪。有儿童在处决现场。几名受访儿童认为，他是因为是另一个武装团体的成员而被处决。尸体被留置原地两天。4 月份，伊斯兰国战士斩首了两名男子。他们的尸体被钉在十字架上示众两天。

34. 今年 4 月，伊斯兰国在巴卜市外的 Al-Bza'a 斩首了两名男子。数百人聚集观看，包括儿童。第一个处决未能适当执行，因为刀具不够锋利。2 月份，在

Jarabulus, 伊斯兰国斩首了另一个武装团体的三名被俘战士, 其中一人 17 岁。行刑后, 他们的头颅被挂在棍子上展示了数日。

35. 被拘留者在伊斯兰国的羁押中被杀害。2 月, 在 Jarabulus 的一所监狱中, 一名被控绑架了一名儿童的男子被枪杀。3 月, 伊斯兰国在 Jarabulus 关押了一名男子, 他被怀疑隶属于另一个武装团体。三天后, 他的家人得到通知认领尸体。

36. 伊斯兰国用宗教法为其处决提供理由。受访者称, 伊斯兰国监狱中的被拘留者无法接触律师, 得不到公平审判中所固有的任何正当程序权利。虽然正在对伊斯兰国伊斯兰教法法庭的运作情况进行调查, 但有合理理由相信, 伊斯兰国犯下了不经正当程序进行处决的战争罪行。

37. 由于将尸体公开示众, 而且, 未能按照死者的宗教仪式将其体面安葬, 伊斯兰国违反了习惯国际人道主义法。伊斯兰国进行公开处决, 使民众心生恐惧, 以确保对其权威的服从。

38. 伊斯兰国对在其控制下的拉卡和阿勒颇省东部平民实施了暴力行为。这是 A/HRC/25/65 号文件所指出的对平民的广泛和系统性袭击的延续和在地域上的扩展。伊斯兰国是一个有组织的团体, 它指挥和组织针对平民的这些暴力行为——这表明, 这是一个组织政策。虽然受害者似乎多为无战斗力的战士, 但在拉卡省和在阿勒颇省的若干已确认地点实施的非法杀戮使袭击的组成部分。在实施这些杀戮时, 伊斯兰国犯下了谋杀这一危害人类罪。

B. 劫持人质

39. 冲突各方继续扣押人质, 违反了国际人道主义法和刑法。多数受害者是妇女和儿童。

1. 政府军

40. 由于政府军试图控制大马士革农村省的动乱地区, 他们拘留了被通缉男子的女性亲属, 以迫使他们投降。2 月, 一名通缉犯的母亲和妹妹在东古塔被捕。政府军发布了她们的照片并留下口信: 除非他自首, 否则就把她们杀死。此男子不久自首了。4 月, 在通往巴达尼的路上, 在 Al Jorjanieh 检查站, 两名妇女(其中一人刚刚分娩)在两次不同事件中被捕。4 月, 在 Hawsh Arab, 妇女也被劫持为人质。在所有这些事件中, 向其男性亲属发出的最后通牒说, 如果这些男子不向政府当局自首, 这些妇女就会被杀死。

2. 非国家武装团体

(a) 反政府武装团体

41. 武装团体继续长时间扣留人质。2013 年 8 月 4 日, 包括 Ahrar Al-Sham 和 Jabhat al-Nusra 在内的武装团体在对东拉塔基亚村庄的一次行动中劫持了 200 多

名平民。2013 年 9 月 23 日，伊斯兰阵线从萨拉(阿勒颇)绑架了 56 名以上的平民。在这两次事件中，大多数人是妇女和儿童。虽然在这两起案件中有少量人质已被释放，但多数人仍然下落不明。

(b) 伊拉克和沙姆伊斯兰国

42. 5 月 29 日，驻扎在 Minbij 的伊斯兰国战士绑架了 153 名 13 和 14 岁的库尔德男生，当时他们正从阿勒颇市返回艾因阿拉伯，在阿勒颇市，他们参加了年终考试。五名男孩逃脱，15 人于 6 月 28 日被释放，据称这是为了换回由库尔德武装扣留的 3 名伊斯兰国战士而进行的俘虏交换。其余 133 名人质在伊斯兰国控制的地区内。据称，与库尔德武装进行的俘虏交换谈判正在进行中。

(c) 不明犯罪者

43. 据记录，2013 年 12 月在大马士革发生了劫持人质索要赎金的现象。在所有案件中，武装男子绑架了人质。不清楚的是，犯罪者是武装团体还是利用冲突致富的犯罪团伙。

44. 有几起绑架未提赎金要求。其中包括对四名人权活动分子 Razan Zeitouneh, Wael Hamada, Samira Khalil and Nazem Hammadi 的绑架。他们是在 2013 年 12 月从设在度玛(大马士革农村省)的办公室中被绑架的。他们的命运和下落仍然不明。

C. 强迫失踪

1. 政府军

45. 随处可见、无法规避的检查站继续使叙利亚人感到恐惧。已记录了关于强迫失踪事件的大量陈述，尤其是在 Yabroud、Beit Saber、Zakiyeh、Adra 和东古塔(大马士革农村省)。1 月，在 Al-Ghizlaniyah(大马士革)，一名男子在上班途中被士兵逮捕。他仍然下落不明，尽管他的妻子试图找到他的下落。对检查站的恐惧使一些人选择走更远和更难走的路线。很多人说，他们太害怕了，已沦为家中囚徒。

46. 政府军进行大规模逮捕，导致战斗年龄的男子在落入其控制的地区遭遇强迫失踪。这种趋势是 4 月在 Assal al-Ward 的停战和 5 月在霍姆斯市的停战以及在 3 月占领耶卜鲁德后出现的。

47. 家人往往不敢向当局打听亲属下落。询问者总会遭到当局拒绝，不向其透露失踪者的命运。其他人面临行政障碍，这些障碍显然意在阻止他们进一步寻找。一名妇女的丈夫在 2013 年 5 月在 Kaswa(大马士革)消失，她坚持在当地派出所和 Kafr Sousa(大马士革)的各个安全部门不停打听他的下落，但徒劳无功。3 月，她去了大马士革司法宫，在那里，她填写了一张表格。她被要求 40 天后

返回，来查验她丈夫的名字是否在法庭大楼内张贴的一份失踪者名单上。她回来时，她的配偶名字不在名单上。他仍然下落不明。

48. 在有些案例中，家属仅被告知亲属已死，而未被告知死亡情节、原因和遗骸地点。3 月，政府官员告知一个家庭，他们的亲属(2013 年 4 月在大马士革失踪)已死于心脏病发作。当他们试图从军事警察处获得一份他的身份证复印件时，他们的对话方否认有关于他的信息。

49. 虽然失踪者主要是男子，但对妇女的影响是严重和持久的。在失去主要的维持生计者时，妇女在重建生活和照顾家人方面面临特别困难。

50. 强迫失踪是上文第 28 段所述袭击的一部分，构成危害人类罪。

2. 非国家武装团体

伊拉克和沙姆伊斯兰国

51. 关于在伊斯兰国控制地区内人员失踪的报告增加了。其中一人是耶稣会神父保罗·达奥里，他是 1 月 28 日在拉卡市失踪的。伊斯兰国正在采用一些做法，会导致等同于强迫失踪的行为，违反了它在国际人道主义法下的义务。伊斯兰国的做法好似上文第 38 段所述袭击的组成部分，构成危害人类罪。

D. 酷刑和虐待

1. 政府军

52. 政府官员继续在情报机构、监狱和军队医院实施酷刑和其他形式的虐待，使数万名受害者遭受难以想象的痛苦。大多数是最初在检查站或军事袭击期间拘押的平民。虽然大多数陈述涉及男性被拘留者，但有越来越多的报告称，女性被拘留者在政府关押期间遭受虐待。酷刑的频率、持续时间和严重程度表明，受害者的身心健康有可能受到长期损害。

53. 据记录，在大马士革的多个设施中——包括梅赫泽机场拘留设施、军事安全处 215、军事安全处 235(亦称为巴勒斯坦处)、军事安全处 227、大马士革政治安全处、安德拉监狱、哈拉斯塔空军情报处和 哈拉斯塔军队医院——普遍和系统地使用酷刑。

54. 1 月份，一名男子在达拉东部的一个检查站被捕，他被带到梅赫泽，他在那里呆了四个月。他每天都遭受殴打。同牢犯人也遭殴打并被用香烟烧灼。他后被释放，并未出庭。2 月，一名男子在达拉和大马士革之间的一个检查站被捕，他被带到梅赫泽拘留设施，在该设施中，情报人员将他打至失去知觉。4 月，在梅赫泽拘留设施中被关押的一名男子被用拳头和管子殴打并被捆住手腕悬吊在天花板上。他听到其他被拘留者(包括女性)也遭到殴打。他被强迫在一份供词上按下拇指指印，他被带到法官面前，但没有律师代理，之后，他被释放。

55. 一名被拘留者在 Al Ghirz 监狱(达拉)关押了两年多, 2014 年被释放, 他逐年记录了多次遭到用软管和棍棒毒打和挨饿的经历。他现在部分瘫痪, 医疗记录称他的脊柱有损伤。

56. 委员会收集了若干陈述, 涉及 2011 至 2013 年期间实施的酷刑。这些陈述加强了委员会以往关于存在酷刑这一反人类罪的调查结果。2013 年底, 一名妇女在加拉马纳 (大马士革)的一个检查站被捕并被带往梅赫泽拘留设施。在审讯过程中, 政府官员将她手腕捆住吊在天花板上, 并殴打她的头、身体和脚底。疤痕仍然清晰可见。另一名妇女, 一位叛逃者, 2012 年底起关押在 235 军事安全处, 她被殴打至“浴血”。她被从手腕吊在天花板上达数小时之久。她听到其他被拘留者在审讯期间的惨叫声。

57. 政府使用的酷刑方法包括毒打头部、身体和脚底, 长时间捆住手腕悬吊在天花板或墙上。也明显使用了电刑。受害者的身体损伤与酷刑方式相符。

58. 据报告, 羁押中死亡人数增加了。

59. 拘留条件的特点是缺乏食物、水、空间、睡眠、卫生、医疗护理和不给救命药品。这种条件导致被拘留者死亡。大多数被拘留者报告说, 严重缺乏食物, 有些人在被拘留期间体重下降了一半。这种拘留条件构成残忍、不人道或有辱人格的待遇或处罚。

60. 作为对平民的广泛和系统性的袭击的一部分, 政府军犯有酷刑和其他形式的残忍、不人道或有辱人格的待遇或处罚, 这表明背后有着一项国家政策。政府继续犯有酷刑和作为危害人类罪的其他不人道行为以及战争罪。

2. 非国家武装团体

(a) 反政府武装团体

61. 2013 年 9 月 23 日被武装团体(包括伊斯兰阵线和 Jabhat al-Nusra)劫持为人质的来自 Nubl 和萨拉(阿勒颇)的平民在羁押期间遭到殴打。人质被分入不同组, 至少一组人质被关押在寒冷而潮湿的条件下, 食物不足。

62. 大约或在 4 月 9 日, 不明武装团体通过阿勒颇市 Al-Zahra 街区向前推进。居民遭到战斗人员攻击。有一人脚底遭到毒打, 他数日无法走路。

63. 2013 年中期被绑架并于 2014 年被释放的记者, 在不明武装团体手中(其中一些人似乎是外国作战人员)遭到身体虐待。一名记者被殴打脚底和上半身, 他被捆住手腕悬吊了数小时。其他人也遭到殴打。

64. 武装团体犯有“酷刑和残忍待遇”战争罪。人质的羁押条件构成残忍、不人道或有辱人格的待遇或处罚。

(b) 伊拉克和沙姆伊斯兰国

65. 在拉卡省和 Minbij (阿勒颇)，公共广场已成为截肢、鞭笞、和嘲弄式钉十字架的场所。

66. 5 月，伊斯兰国战士把一名男子拖到在拉卡市的 Khodra 广场，作为对盗窃的惩罚，他的一只手被截掉。由于截肢操作不当，给该男子造成巨大痛苦，也给被促使观看的人群造成窘迫。

67. 多名男子因为吸烟、藏有酒精、在祈祷期间交易和在斋月期间未能斋戒而遭到鞭笞。5 月，在拉卡市的 El-Naim 广场，多名男子遭到公开鞭刑，背部撕裂。数名男子由于公开陪伴一名“著装不当”的女性亲属而遭到鞭打。4 月 24 日，在拉卡市，一名男子被公开殴打，此前，他和妻子被伊斯兰国战士截获，因为他的妻子脸部无遮盖。在某些情况下，受害者被绑在一个木板或十字架上，在被鞭笞前在广场上公开示众。

68. 收到了多名妇女的陈述，她们在公共场所出现时未遮盖脸部，遭到伊斯兰国巡逻战士用棍子殴打。由于未能遵守伊斯兰国著装守则，4 月 26 日和 30 日，多名妇女在拉卡市遭到公开鞭打。伊斯兰国的女性成员有时执行鞭刑。

69. 在审讯期间，伊斯兰国战士殴打在拉卡和阿勒颇省拘留中心的被关押者。殴打包括用电线抽打囚犯。在拉卡省的伊斯兰国拘留设施中的前被拘留者报道说，他们被关押在过度拥挤、有昆虫骚扰的牢房中。牢房没有灯光和铺盖。被关押者得到的食品不足，而且不被允许与设施外的任何人通信。

70. 根据伊斯兰国的说法，使用体罚——截肢和笞刑——依据的是宗教法。对伊斯兰教法法院的运作以及向被告提供的正当程序权的调查正在进行之中。人权事务委员会和禁止酷刑委员会已将这种惩罚的使用视为构成残忍、不人道和有辱人格的待遇或处罚。

71. 伊斯兰国鞭打被其关押的被拘留者和人质，实施了酷刑，违反了《日内瓦公约》共同第三条下的具有约束力的义务。记录下的拘留条件构成残忍、不人道或有辱人格的待遇或处罚。

72. 伊斯兰国的刑罚，涉及截肢和殴打他人致其流血和伤痕累累，达到酷刑程度，等同于肢体残割。惩罚的公开性，包括将人绑在十字架上示众，构成残忍和有辱人格的待遇。

73. 伊斯兰国对在其控制下地区的平民人口造成了严重的身体或精神痛苦或苦难，延续了以前已经确认的针对平民人口的普遍和系统袭击。对拉卡省平民人口的酷刑和残忍、不人道和有辱人格的待遇的增加，进一步表明了袭击的持续性。对被俘的自由叙利亚军和库尔德武装战士也系统地实施了酷刑。

74. 伊斯兰国犯下了酷刑和残忍待遇战争罪。伊斯兰国的行为是上文第 38 段所述袭击的一部分，它在拉卡和阿勒颇省犯下了酷刑和其他不人道行为等危害人类罪。

E. 性暴力和性别暴力

75. 由于少报和延迟报告性暴力行为，难以评估其严重程度。在与女性难民的访谈中，她们经常指出，对强奸的恐惧是她们决定离开阿拉伯叙利亚共和国的一个主要因素。

1. 政府军

76. 从 2012 年起到现在，一直收到关于在大马士革拘留设施中对妇女强奸和性侵犯的报告。2013 年 1 月，受到强奸威胁的一名妇女称，在梅赫泽拘留设施中，其他女性被拘留者也遭到性侵害。2013 年 10 月，同一个拘留中心的另一名被拘留者报告说，她被强迫脱衣，遭到性侵害并受到强奸威胁。据记录，在 215 军事安全处和安全总局 251 处也有类似的性暴力现象。2014 年 1 月，Adra 监狱的一名男性政府审讯人员触摸了一名女性被拘留者的乳房并将手指插入她的阴道。女性被拘留者被迫脱光衣服并受到强奸威胁或向男性囚犯展示的威胁。年仅 13 岁的少女与成年女性被拘留者关押在一起，受到拘留官员的性侵害。

77. 政府军犯有强奸战争罪。这种行为是上文第 28 段所述袭击的一部分，也构成危害人类罪。在性侵害中，政府犯有凌辱个人尊严战争罪。

78. 针对妇女和男子的基于性别的暴力行为的记载不断。政府军(尤其是在大马士革农村省和达拉省)逮捕和拘留妇女，以迫使其男性亲属投降。12 岁以上的男子和男童继续因性别而成为目标。在动乱地区的检查站，逮捕男子和男童是司空见惯之事，所造成的后果是，在这些地区内的男性平民无法离开，哪怕是去寻找食物或去治疗，而且，在这些地区受到进攻时也无法逃离。

2. 非国家武装团体

(a) 反政府武装团体

79. 伊斯兰阵线、Ahrar Al-Sham 和 Jabhat al-Nusra 的下属武装团体基于性别将妇女和儿童作为劫持人质目标，用于囚犯交换。

(b) 伊拉克和沙姆伊斯兰国

80. 在拉卡省，公开露面但脸部和头发未遮盖的妇女遭到鞭笞。

3. 冲突的影响

81. 由于叙利亚男子担心在检查站被捕而无法在国内无法活动，妇女负责在地区之间奔波，以寻找食物、医药，而且，越来越多地出去工作。无人陪伴男子容易受到人身袭击并面临被政府军和被反政府武装团体逮捕或绑架的风险。

82. 由于难以获得医疗服务，妇女及其子女的产前和产后健康受到影响。分娩中的妇女未被通过政府检查站，被迫在通常很危险的境况下生产。在被围困地区，妇女在未消毒和无止痛药的状况下分娩。

83. 叙利亚男子经常不在家中，因为他们在作战、被拘留或已失踪或已被杀死，妇女被迫成为家庭的主要照料人。由于在阿拉伯叙利亚共和国内部和在难民营中的就业机会有限，妇女养活家庭十分艰辛。由于叙利亚妇女十分孤立并承受着巨大压力，关于她们罹患抑郁症的报告大量增加。一名妇女，怀有身孕还携带着一名一岁儿子，在丈夫失踪和她的父母在一次炮击中死亡后，逃离了阿勒颇。她无法找到可以接纳她和儿子的亲属，由于没有稳定的工作可能性，她说，她所能做的就是“哭泣，流泪，依靠神”。可悲的是，类似她的这种境况越来越常见。

F. 侵犯儿童权利

1. 政府军

84. 阿拉伯叙利亚共和国的战争对儿童的生活造成灾难性破坏。儿童丧生、受伤和残废，直接承受政府军不分青红皂白的暴力影响。他们还受到流离失所、丧失亲属和目睹暴力行为的创伤等影响。

85. 在阿勒颇市运作的人民委员会招募和使用儿童作为信使、密探和警卫。一名反政府武装团体成员称，在军事袭击中，俘获了 16 至 17 岁亲政府武装人员。来自阿勒颇的多个陈述称，政府军使用 6 至 13 岁儿童，作为协调军事行动的一部分，以便在进攻前确定武装团体战斗人员的位置。儿童得到报酬，充当线人，这使他们面临报复和惩罚。一名武装团体成员说，为政府军执行侦察任务的儿童被俘获后会被无限期地关押，这是一种安全措施。国际人道主义法和人权法禁止使用儿童充当战斗和辅助角色。征召或征募 15 岁以下儿童，包括为辅助角色所进行的征召或征募，是战争罪行。

86. 阿拉伯叙利亚共和国各地的学校都已转换为国内流离失所者的避难所。这些学校多次遭到政府空袭，对基础设施造成广泛损害。⁵

87. 在阿勒颇、大马士革和达拉，正规武装部队使用学校用于军事目的，使儿童失去教育并使教育设施面临袭击。Al-Sabeel(阿勒颇)的 Saleh Jemel 小学被用作兵营和射击据点。该校和周围地区经常遭到炮轰。2013 年 5 月，陆军坦克停靠在 Beit Saber (大马士革)的一所学校附近。因此，学校停课了。该地区的学生仍无其他教育途径。达拉市的一名女童称，达拉市的大多数学校已不再运行，因为学校一直被政府军队占领并被狙击手包围。

88. 在达拉和阿勒颇的空袭中，学校越来越多地受到攻击。⁶ 1 月份，政府军炮轰了 Dael(达拉)的两所学校。4 月份，在第二学期考试期间，达拉市阿巴因街区的 Khawla Bint al-Azwar 学校被桶装炸弹。据记录，4 月和 6 月，对 Dael 和

⁵ 参见附件四。

⁶ 参见附件四。

Namer(达拉)的小学进行了两次空中火炮攻击。大马士革、阿勒颇和达拉的父母称，他们不能让子女去上学，因为学校已变得“太危险”。据联合国儿童基金会(儿童基金会)说，由于学校被占领、遭到摧毁和不安全，一半以上的叙利亚学龄儿童(280多万人)不能上学。

89. 旷日持久的激烈敌对行动和轰炸给儿童留下了深刻伤痕。Houlah(霍姆斯)市的儿童父母说，经过三年的暴力，“我们的子女见到飞机时就开始大声喊叫和藏匿”。4月份逃离 Zakiyeh(大马士革)的家庭称，经过一段时期连续炮击而幸存的子女们，一听到吵闹噪音就感到烦恼，出现尿失禁、焦虑和惊恐发作。3月份逃离库德西亚(大马士革)的一名男子说，儿女的游戏都是根据亲身目睹和从战争中所学知识编造的。

2. 非国家武装团体

(a) 反政府武装团体

90. 伊斯兰阵线下属的武装团体和其他武装集团征募、训练和在实战中使用儿童。在阿勒颇省采取行动的戰鬥人員承認，他們的隊伍中有 18 歲以下的兒童。較年輕的人員被分配非戰鬥角色，例如警戒和放哨。一旦兒童承擔戰鬥角色，“一般就被看作成人”。一名 15 歲在阿勒頗北部加入 Amar ibn al-Aas 旅的戰士稱，他被分配的任务是擦拭武器，后来参加了战斗。2014 年，他 15 岁的表弟从 Jaish al Mujahideen 得到了武器训练。阿勒颇的另一名战士解释说，开始不被允许使用枪支的儿童，现在使用枪支是因为“儿童已不再是儿童”。在阿勒颇野战医院工作的医生经常治疗在作战中受伤的未成年人。

91. 家长解释说，阿勒颇城 Al-Sukkari 街区的儿童，大约 15 岁左右加入武装团体军营，其根由是贫穷和绝望。一些武装团体积极招募儿童。在 Al-Haydaria(阿勒颇)采取行动的 Al-Abbas 军营的一名战士解释说，“通常年轻男孩比成年战士更勇敢、更聪明”。

92. 反政府武装团体也使用儿童担任各种非武装角色，包括厨师、线人、急救人员和搬运人员。战斗人员称，担任眼线而被捕的儿童经常被政府军杀死或拘禁。武装团体违反了禁止征募和使用不满 18 岁的儿童作为战斗人员和辅助角色的禁令。《儿童权利公约关于儿童卷入武装冲突问题的任择议定书》禁止武装团体征募或使用 18 岁以下儿童参与直接敌对行动。由于征召或征募不满 15 岁的儿童，包括用于辅助角色，这些团体犯下了战争罪。

93. 武装团体将学校用于军事目的，危害了儿童，导致他们的伤亡。Ahrar Al-Sham 继续占据阿勒颇市 Al-Sukkari 街区的 Al-Thawra 小学，自从该武装团体控制了学校楼房后，学校已经关闭。这剥夺了儿童受教育的机会并危及教育设施。

Ansar Al-Aqida 使用作为 Ain Jalout 学校同一个建筑群的一个建筑，作为 50 名战士的兵营。⁷

94. 一个明显的模式是，以校园为袭击目标。⁸ 3 月 19 日，Al-Thaqafi 学校成为袭击目标；4 月 15 日，Al-Manar Armenian 学校成为袭击目标。大马士革地区儿童不断遭到反政府武装团体的炮击，出现不安、焦虑和明显的紧张和创伤迹象。

(b) 伊拉克和沙姆伊斯兰国

95. 伊斯兰国建立了训练营地，打着教育的幌子，招募儿童承担武装角色。根据一项关于伊斯兰国在 Al-Bab(阿勒颇)的一个训练营地的陈述，伊斯兰国积极招募 14 或 15 岁儿童，他们经历与成年人相同的训练，有金钱奖励。在营地中，被征募的儿童获得武器训练和宗教教育。这种营地的存在似乎表明，伊斯兰国有系统地向儿童提供武器训练。随后，这些儿童被部署在军事行动中参与实战，包括自杀炸弹任务。在拉卡，10 岁儿童被征募并在伊斯兰国营地训练。由于招募和使用 18 岁以下儿童，伊斯兰国违反了国际人道主义和人权法。由于使用 15 岁以下儿童，该团体犯下了战争罪。

96. 伊斯兰国在阿拉伯叙利亚共和国北部的扩张极大影响了人道主义机构和行为方的存在和活动。曾在 Jandaris(阿勒颇)生活的一位母亲解释说，由于伊斯兰国的袭击，疫苗接种活动停止了。由于得不到医疗和担忧子女的健康，她逃离了阿拉伯叙利亚共和国。

(c) 库尔德武装团体

97. A/HRC/25/65 号文件记载了库尔德人民保护组织(保护组织)招募 18 岁以下儿童的案例。根据保护组织在 7 月 5 日作出的取消这种做法的承诺，该组织从队伍中遣散了儿童兵，并保证监督承诺遵守情况。

四、 涉及敌对行动的侵权行为

A. 非法袭击

1. 政府军

98. 政府军有系统地以平民和民用基础设施为袭击目标，表现出谋杀、致伤和致残的意图。袭击目标包括市场、商店、医院、学校、宗教场所和平民大量聚集的公共场所。政府军事行动的显然目标是，使在其控制之外地区的生活无法承受。

⁷ 见附件四

⁸ 见附件四

99. 除逐步扩大对当地和外国非正规部队的使用外，政府依靠具有高度破坏性的火力。在与武装团体作战中，政府军升级了战术、技术和程序，逐步使用重型大炮、空军战斗力量，包括真空和桶装炸弹和弹道导弹。由于缺乏在所有战线进行地面进攻的足够人力和机动性，政府军采取了一项战略，在进攻和防御行动期间，使用最低限度的人力，推行狂轰滥炸。

100. 在 2 月至 4 月进攻卡拉门(大马士革农村省)期间，政府军依靠优势武器装备，对武装团体控制的地区进行了持续的、不加区别的空中和地面轰击，为地面进攻作准备。从卡拉门的城镇逃离的平民，他们的一致陈述称，在他们朝边境逃离时，炮击一直跟随着他们。数以千计的平民开车或徒步逃离，从 Rankus 到 Hawsh Arab, 再到 Ain Al-Jaouza, 再到 Assal al-Ward。对 Yabroud 进攻(最终政府军于 3 月 16 日进入该城)时，由驻扎在 Nabak 的第 18 旅、第 155 导弹团和第 67 旅进行了不分青红皂白的炮击。喷气式战斗机和直升机对该城发射了空对地导弹、真空炸弹和桶装炸弹，通常是连续攻击，以平民大量聚集地点例如丧葬队伍为目标。

101. 2013 年 12 月开始进攻以来，对阿勒颇的军事行动造成了灾难性的人员损失。政府的空袭和地面炮击不以特定武装团体的军事能力和设施为目标，而是大多以武装团体控制的城镇和街区为目标，例如 Al-Mouwassalat、Myasser、Al-Sha'ar、Qadi Askar、Al-Maadi、Al-Sakhour 和东阿勒颇的 Masakin Hanano 以及 Al-Sukkari、Al-Zabedia、Sayf al-Dawala、Jisr al-Haj、Al-Ansari al-Sharqi 和 Al-Kallasa。这些袭击的时机和持续时间、武器选择和目标地点，例如市场、十字路口、学校和医院，都表明造成最大限度平民伤亡的意图。对阿勒颇的不断空袭造成了无法估量的痛苦和生命损失。据医护人员说，桶装炸弹的大多数受害者都有多处创伤，遭受了烧伤，丧失视力和由四肢钝性创伤产生的外周血管损伤，往往导致截肢。

102. 政府军越来越多地依靠桶装炸弹，以减少旷日持久的空袭行动的费用并扩大在袭击行动中使用的机群，派运输直升机参加行动。桶装炸弹精确度极低，影响区域广泛。高空飞行进一步降低了准确性。用这种方式使用桶装炸弹有肆意性。在武装团体战斗人员出没地区，政府军将位于有大量平民的人口稠密地区的显而易见的单独军事目标作为同一单独军事目标。一再出现的情况是，与袭击军事目标预期取得的直接军事优势相比较而言，附带造成的生命损失是过度的。这种过度袭击对居民造成瘫痪性后果，并导致大规模流离失所。在这种背景下使用桶装炸弹等同于区域轰炸，国际人道主义法禁止使用这种在平民人口中散布恐惧的战术。

103. 在防御某些无法部署地面部队的地区时，政府军使用空中轰炸手段加强对主要阵地和通讯线路的控制，从而阻断武装团体的推进。1 月至 7 月，在 Dayr az Zawr 市、拉卡市、Idlib 和达拉乡村，政府军对反对派控制的地点和街区进行不加区别的空袭。政府军明显蓄意以平民、住宅区和有大量境内流离失所者聚集的地区为目标，造成大量平民死亡，数十人致残，数十万人流离失所。

104. 在无法推进前线时，政府采用控制居民的战略，在长期围困的同时，进行连续的空中轰炸和地面炮击。在大马士革周围街区，包括 Yarmouk、Darayya、Babbila 和 Barzah，如果认为平民反对政府，就将其作为袭击目标。仅仅是住在或来自这些街区就会成为袭击目标。政府对阿勒颇平民进行了广泛的和有系统的袭击，对平民支持或接纳武装团体进行惩罚和恐吓，这种策略明显是为了削弱民众对这些团体的支持。

2. 非国家武装团体

反政府武装团体

105. 反政府武装团体使用迫击炮、大炮和坦克向位于居民区的政府阵地轰击，不加区别地使用其有限的火力，造成了平民伤亡。4 月和 5 月，反政府武装团体向阿勒颇西部的 Al-Midan、Saif al-Dawla 和 Al-Sulimaniya 街区发射了迫击炮弹和简易汽油罐爆炸物，造成人员死伤。4 月 17 日至 20 日，在狂轰滥炸中，50 多名平民被杀。

106. 武装团体蓄意以平民地点为袭击目标，这是为报复政府的行动或由于这些地点被视为支持政府。Nubl 和 Zahra(阿勒颇)继续遭到炮击，简易爆炸物使人员伤亡增加，民用基础设施遭到更大破坏。居民称，他们被迫“生活在地下室”。Jermana 和 Sayda Zeinab(大马士革)遭到狂轰滥炸。大马士革市的 Al-Maliki、Sharq Tijara、Bab Tuma 和 Al-Shaghour 街区遭到炮击，这些袭击经常以校园儿童为目标。

107. Jabhat al-Nusra 和下属团体使用了自杀炸弹和大型车载简易爆炸装置。3 月 6 日至 6 月 24 日，霍姆斯省尤其是霍姆斯市的政府控制区遭到多枚汽车炸弹袭击。附件四详细列出了以平民为目标造成四人或更多伤亡的袭击。6 月 24 日，一枚汽车炸弹在霍姆斯市 Wadi al-Dahab 街区的 Beit al-Taweel 街爆炸。2 名平民死亡，20 多人受伤。这种袭击以平民为其主要目标，这表明，其明显意图是在平民居民中散布恐怖。

108. 使用自杀炸弹的仍只有伊斯兰国和 Jabhat al-Nusra，这是基地组织制裁委员会针对与基地组织有关联的个人、团体、机构和其他实体拟定和保持的名单上列为恐怖实体的团体。

B. 受特别保护的人员和物体⁹

1. 政府军

109. 在政府军进行的军事行动中，以及由于对被视作反政府人员进行救治的医

⁹ 见附件五。

务人员受到蓄意和有系统的迫害，医疗系统受到严重影响。切断医疗服务继续被当作一种手段，用来惩罚和威慑在武装团体占领或争夺地区居住的平民。

110. 动乱地区的医护基础设施和医疗设施在敌对行动中遭到损坏并被刻意袭击所摧毁。医护人员担心被捕而逃离以及医务人员的死伤造成武装团体控制地区缺乏足够的医疗服务。人道主义援助物资中的医疗用品仍然不许发放并被移除，再加上该国制药业的崩溃，都使医疗服务的提供进一步恶化。

111. 对医务人员和医疗设施的袭击违反了日内瓦各公约的共同第 3 条和习惯国际人道主义法，等同于战争罪。对阿勒颇市和阿勒颇省反对派控制区内的医疗设施进行的频繁袭击表明，这是一项蓄意政策。政府军以医疗基础设施为袭击目标，其明显意图是，使在政府进攻中受伤的平民和战斗人员得不到医疗，增加生命损失和致残、受伤或被谋杀的人数。人道主义工作者继续成为袭击目标，严重违反了国际人道主义法，阻碍了援助组织的运作。

2. 非国家武装团体

伊拉克和沙姆伊斯兰国

112. 伊斯兰国继续扣留医疗人员，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。该团体还占领了医院，尤其是阿勒颇的医院。将医院用于非人道主义职能妨碍了医疗服务的无偏倚提供，危及患者和医务人员的安全，损害了医疗机构的人道主义职能。这种状况严重影响了共同第 3 条下照料伤病人员义务的履行。不尊重《日内瓦公约》承认的标识破坏了这些标识的保护目的。

113. 驻扎在阿勒颇老城附近的 Jabhat al-Nusra 和伊斯兰阵线作战人员继续向城堡发射简易汽油罐爆炸物，目标是驻扎在内的政府军狙击手。5 月 8 日，Ahrar Al-Sham 作战人员遥控引爆了城堡下挖掘的坑道内放置的炸药，据称该城堡被政府士兵用作基地。5 月 31 日，他们引爆了靠近城堡的一个相似隧道内的炸药。一再的地下高强度冲击波对这座十三世纪城堡造成了结构性破坏，该城堡是联合国教育、科学及文化组织(教科文组织)承认的世界遗产。

114. 2013 年 4 月，在阿勒颇，叙利亚东正教和希腊东正教大主教 Yohanna Ibrahim 和 Paul Yazigi 被绑架，他们以及 1 月在 Ar Raqqa 市被绑架的 Paolo Dall'Oglio 神父仍然下落不明。伊斯兰国继续有系统地以记者为袭击目标。一些记者被处决。数十名外国和叙利亚记者仍被扣押，他们由于职业活动而被拘禁和遭受虐待。宗教人士和平民记者享有国际人道主义法的专门保护，所有各方必须予以尊重和保护。

C. 使用非法武器

政府军

115. 政府军袭击了 Idlib 和 Hama 省的平民居住区：2014 年 4 月 11、12、16 和 18 日袭击了 Kafr Zeita；4 月 12、18 和 29 日袭击了 Al-Tamana'a；4 月 21 日袭击了 Tal Minnis。

116. 证人看到直升机扔下桶装炸弹，在受到冲击后，立刻闻到一股类似于家用液氯的味道。根据受害人和参与治疗的医务人员的陈述，出现的症状与接触化学制剂相符，即呕吐、眼部和皮肤刺激感、窒息和其他呼吸道问题。

117. 氯气是 1992 年《关于禁止发展、生产、储存和使用化学武器及销毁此种武器的公约》所定义的一种化学武器。习惯国际人道主义法禁止在任何情况下使用化学武器，根据《国际刑事法院罗马规约》，使用化学武器是战争罪行。

118. 有合理的理由认为，在 4 月份的 10 天内发生的 8 起事件中，对 Kafr Zeita, Al-Tamana'a 和 Tal Minnis 使用了化学制剂，可能是氯气。也有合理理由认为，这些制剂是政府直升机从空中投掷下的桶装炸弹中携带的。

D. 剥夺经济、社会和文化权利及基本自由

1. 政府军

119. 除了贫困和绝望日益严重之外，冲突进一步加剧，导致各地区分别处于政府和非国家武装集团控制之下。这对平民使用基本服务(包括粮食、水、住所、教育和保健)的能力造成严重影响。在 6 月中旬对 Dael(达拉)的桶装炸弹袭击中，大约有 20 人受伤，政府军阻止他们使用距离最近的达拉市医院。在政府 2 月和 3 月份对 Qatana(大马士革农村省)的行动期间，Beit Saber 周围设置了路障，供电被切断，遭受了强烈炮击。随着包围的加强，政府军切断了粮食和燃气供应。

120. 由于暴力持续不断，通信与运输线路被蓄意阻断，向流离失所者和受冲突影响地区尤其是 Nawa、Inkhil 和 Jasem (达拉)的平民提供的急需人道主义援助不够充分。在 Nawa, 第 61 旅阻碍食品和药品的流动。

121. Qalamoun(大马士革农村省)的一些地带，例如 Yabroud 和 Rankus, 在 3 月份政府袭击前被围困。然后受到了不加区别的炮击和轰炸。由于同时还面临生命必需品的封锁，人们逃往边境。政府军断绝和阻碍平民生存必不可少的食品和其他物品，以此作为一种手段清理动乱地区和推进军事目标。

122. 在耶尔穆克和东古塔(大马士革和大马士革农村省)，政府军继续围困 18 万人，使他们遭受猛烈炮轰，人道主义援助的送达受阻。对耶尔穆克的围困是由政府军包括巴勒斯坦第 235 分局和解放巴勒斯坦人民阵线的人员实施的。在东古塔周围的检查站配备了精锐部队，包括第 4 师、共和国卫队和第 3 师。

123. 各处实施的围困是相互协调的。士兵在检查站经常进行任意逮捕、没收食品和其他基本用品，阻碍伤病员求医。霍姆斯的 Al-Waer、Houlah、Rastan 和 Talbisah 仍被围困，被困人口面临严重后果。长期阻断人道主义援助(包括粮食)导致营养不良和饥饿。利用饥饿作为战争手段是被禁止的。这种行为违反了适足食物权、可达到的最高标准身心健康权和生命权方面的核心义务。

124. 在阿拉伯叙利亚共和国全境，政府军拒不允许运送基本药物和手术用品等援助物资。造成的直接后果是，医院缺乏基本必需品，仅能提供初级医疗。医生和病人称，阿勒颇城、Tafas (达拉)、Kisweh 和 Zabadani(大马士革农村省)的野战医院内条件恶劣，用品和设备不足。3 月份以来遭受政府军炮击的 Beit Jin(大马士革农村省)的唯一医院，仅有一名医生上班。政府当局以医疗可被用来治疗受伤战斗人员为由，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。

125. 暴力严重破坏了平民的行动自由，使许多人限制了户外活动。许多妇女称，由于不安全感和担心被狂轰滥炸致伤，她们被困在室内，感到十分绝望。由于有被拘留和失踪的风险，男子对于通过检查站去上班和寻求医疗救助感到恐惧。农业地区例如 Sahl Al-Ghab(哈马和伊德利卜)和 Houlah(霍姆斯)的妇女和男子，由于断绝生计和食物而遭受苦难。

2. 非国家武装团体

(a) 反政府武装团体

126. 武装团体(包括伊斯兰阵线、Jaish al-Mujahideen 和 Jabhat al-Nusra)继续围困 Nubl 和 Zahra(阿勒颇)并已切断水电供应。

127. 4 月份，阿勒颇市最基本的基础设施在敌对行动中遭到损害。五月 5 日至 14 日，Jabhat al-Nusra 蓄意破坏了电网和供水系统，使平民失去饮用水和卫生设施。国际人道主义法禁止攻击、摧毁、拆除或损毁平民生存所必需的物体。这种行为侵犯了获得安全和清洁饮用水和清洁卫生的权利。

(b) 伊拉克和沙姆伊斯兰国

128. 2 月 28 日，在从 Azaz 撤出时，伊斯兰国战斗人员拆除了阿勒颇北部 Al-Faisal 面粉厂内的设备并引爆了炸药。该厂被摧毁对面粉供应产生了重大影响。根据习惯国际人道主义法，对食品生产基础设施的蓄意破坏是非法的。

129. 在阿勒颇和拉达省，居民报告说，基本权利和自由遭到限制，包括流动和集会。对伊斯兰教法的严格解释在阿拉伯叙利亚共和国前所未见，对生活的各个方面——从食物到流动、就业和宗教礼拜——都作出了规制，限制了基本自由，对妇女而言尤其如此。

(c) 库尔德武装团体

130. 根据 3 月份的陈述，库尔德人民保护组织仅向其支持者分发卡米什利 (哈塞克省) 的人道主义援助。

E. 任意和强迫流离失所

1. 政府军

131. 政府对平民居住区的空中轰炸和炮击造成了广泛、任意的流离失所。由于担心生命安全，人们(主要是妇女和儿童)逃到阿拉伯叙利亚共和国内部日趋缩小的安全地带或越过边界。在阿勒颇市和大马士革农村省和达拉省发生了流离失所。

132. 由于造成这种大规模的流离失所，政府未能履行它在国际人权法下的保护平民义务。它也未能遵守在习惯国际人道主义法下的义务：采取一切可能措施，向流离失所平民提供住房、卫生、保健、安全和营养并确保家庭成员不被分离。

2. 非国家武装团体

伊拉克和沙姆伊斯兰国

133. 3 月 18 日，伊斯兰国战斗人员进入 Tal Akhder 村(拉达)。战斗人员占用清真寺的尖塔向库尔德居民发出最后通牒，在两天内离开村庄，否则就会被杀死。3 月 20 日，伊斯兰国的数百名战斗人员返回并再次发出威胁。平民因恐惧而逃离，随身携带了很少财物。

134. 一些被强迫逃离 Tal Akhder 的库尔德平民，此前在 2013 年 7 月曾被伊斯兰国强迫驱离 Tal Abyad。

135. 伊斯兰国命令平民离开 Tal Akhder，从所涉平民的安全或从军事必要性上，这种命令都找不到正当理由。这种行为等同于“强迫流离失所”战争罪。这种行为是上文第 38 段所述袭击的一部分，也构成危害人类罪。

五、 结论和建议

A. 结论

136. 阿拉伯叙利亚共和国的冲突，曾经在政府与为数有限的反政府武装团体之间进行，现已演变成有无数行为方和战线的多重变化中的冲突。暴力流血蔓延至阿拉伯叙利亚共和国边界以外，极端主义助长了冲突的残暴性。这场区域性灾难——委员会早就对此作出了警告——表明了军事解决办法的谬误。

137. 随着战斗席卷了平民区，正常生活的最低可能性也被摧毁了。对妇女和儿童而言，这种影响尤其严重，他们的最基本权利由于冲突方的行为而遭到侵犯。

138. 由于争夺资源(例如天然气、石油、电力、水和农业土地)所产生的冲突已造成平民死亡。对基础设施和能源供应的破坏危害了整个社区的生活。

139. 有影响力的国家默然无视政治解决方案所需作出的艰难工作。一些国家继续运送武器、火炮和飞机或向该国政府提供后勤和战略援助。其他一些国家、组织和个人用武器和资金向武装团体提供支持。他们向阿拉伯叙利亚共和国交战方移交的武器被用于实施战争罪、危害人类罪和侵犯人权。

140. 最近事件凸显了寻找这场战争的政治解决办法的紧迫性。问责是这一进程的一个关键组成部分。安全理事会在第 2139 号决议(2014 年)和第 2165 号决议(2014 年)中认识到，保护平民是关键，侵权行为的受害者应得到有效赔偿。

B. 建议

141. 调查委员会重申在此前报告中提出的建议。它进一步建议如下。

142. 调查委员会建议所有各方：

(a) 全面遵守人权和国际人道主义法，确保向个人和团体提供的物质支持符合这些法律；

(b) 确保有效执行安全理事会关于人道主义便利和援助问题的第 2139 号决议(2014 年)和第 2165 号决议(2014 年)(以及其他有关主席声明和决议)；

(c) 促进对宗教法的理解并确保宗教法的解释和适用不加歧视地避免暴力和维护人权，尤其是妇女和儿童的权利；

(d) 从引起极端主义的环境入手，打击极端主义团体及其行动；

(e) 确保按照安全理事会第 2139 号决议(2014 年)和第 2165 号决议(2014 年)(和其他有关主席声明和决议)所强调的，将侵犯人权和违反国际人道主义法者或对此负有责任者绳之以法；

(f) 大幅增加保护平民及其行动自由的努力；

(g) 确保保护人权维护者和人道主义工作者。

143. 委员会建议阿拉伯叙利亚共和国政府：

(a) 停止使用非法和滥杀滥伤武器；

(b) 遵照安全理事会第 2139 号决议(2014 年)和第 2165 号决议(2014 年)，允许人道主义援助渠道充分畅通无阻；

(c) 允许委员会访问该国；

(d) 允许人权监察员和团体访问该国并采取必要措施确保对他们的保护。

144. 委员会还建议，非国家武装团体：

(a) 切实遵守安全理事会第 2139 号决议(2014 年)和第 2165 号决议(2014 年)；

(b) 杜绝在适用宗教法时使用暴力手段，对宗教团体和宗教习俗的多样性给予适当尊重。

145. 委员会进一步建议，有影响力的国家协同努力，向各方施加压力以终止暴力并启动包容性谈判，以促进改过的可持续性政治过渡进程。

146. 委员会建议国际社会：

(a) 实行武器禁运，遏制武器扩散和供应；

(b) 坚持提供人道主义活动资金，确保在所有领域都能接触到受害者并为扩大人道主义救济行动提供便利。

147. 委员会还建议人权理事会支持所提出的建议，包括将本报告转达秘书长提请安全理事会注意以便采取适当行动；以及建立一个向大会和安理会正式报告的进程。

148. 委员会建议安理会：

(a) 支持委员会的建议；

(b) 采取适当行动，将有关局势提交司法，一个可能性是提交国际刑事法院，同时应谨记，在阿拉伯叙利亚共和国问题上，只有安全理事会有关局势；

(c) 通过其现有的各种权力和措施加强国际人权和人道主义法的执行和实施，作为必不可少的对所有行为方问责的一部分

附件一

[仅有英文本]

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 25/23

The Independent International Commission of Inquiry on the Syrian Arab Republic presents its compliments to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland, and has the honour to refer to Human Rights Council resolution S-17/1 establishing the Commission "to investigate all alleged violations of international human rights law." It also refers to resolution A/HRC/25/L.7 adopted by the Human Rights Council on 28 March 2014 extending the mandate of the Commission until March 2015.

Under its current mandate, the Commission will provide an update to the Human Rights Council at its 26th session in June 2014. In this context, the Commission reiterates its request to visit the Syrian Arab Republic in order to gather relevant information for its investigations.

The Commission emphasizes the important role that the Government could play in providing information pertinent to its mandate. Currently, the Commission is investigating allegations of the use of weaponised chemical agents, particularly chlorine, on the territory of the Syrian Arab Republic. In line with its principles of impartiality and independence, the Commission requests that the competent organs of the Government of the Syrian Arab Republic provide any relevant information related to these alleged incidents. All information provided will be taken into account during the Commission's investigations and be kept strictly confidential.

The Commission avails itself of this opportunity to extend to the Permanent Mission of the Syrian Arab Republic to the United Nations Office in Geneva and specialized institutions in Switzerland the assurances of its highest considerations.



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17 June 2014

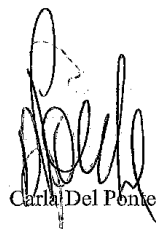
Excellency,

We are writing you on behalf of the Independent International Commission of Inquiry on the Syria Arab Republic. In order to fulfil its mandate and based on Human Rights Council resolution 23/25 of 21 March 2014, we would like to reiterate our request for access to the country to conduct our investigation and gather relevant information, in particular regarding the use of chemical weapons and recently received photos concerning allegations of torture and detention facilities.

In this context, we respectfully seek your assistance in the fulfilment of the Commission's 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 parties in the context of the current crisis.

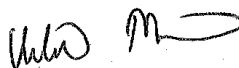
Specifically, we would be highly grateful if a visit could be arranged for us at the earliest convenience by your Government.

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



Carla Del Ponte

Sincerely,



Vitit Muntarbhorn

H.E. Muhammad Muhammad
Chargé d'Affaires
The Permanent Mission of the
Syrian Arab Republic to the
United Nations

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8 July 2014

Excellency,

As the Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, I would like to request a meeting with you either on the afternoon of 24 July 2014 or morning of 25 July 2014, as I will be in New York. My fellow Commissioner, Ms. Karen AbuZayd, would accompany me, and we would very much appreciate an opportunity to discuss our forthcoming briefing to the Security Council, upcoming report to the Human Rights Council and latest developments. From previous experiences, I believe your views could be of great value to the work of our Commission.

I look forward to hearing from you, Excellency. On behalf of the Commission, please accept the assurances of our highest consideration.

Sincerely,

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

His Excellency
Ambassador Extraordinary
and Plenipotentiary
Mr. Bashar Ja'afari
Permanent Representative
of the Syrian Arab Republic
to the United Nations
New York

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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

30 July 2014

Excellency,

As the Chair 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.

In this context, we respectfully seek your assistance in the fulfilment of the 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.

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

Sincerely,

Paulo Sérgio Pinheiro

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

His Excellency
Mr. Muhammad Muhammad
Chargé d'Affaires
The Permanent Mission of the
Syrian Arab Republic to the
United Nations at Geneva
Geneva, Switzerland

附件二

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Political context

1. Despite the efforts of the previous Joint Special Representative (JSR) Lakhdar Brahimi, a political stalemate continued to impede progress towards a negotiated solution. The Geneva 2 talks, which took place between 22 and 31 January 2014, failed to bridge the diametrically opposed positions of the Government and the National Coalition for Revolutionary and Opposition Forces (the Coalition). The Government continued to prioritise the fight against terrorism while the Coalition demanded immediate engagement on modalities for the transitional period. Brahimi's official resignation on 13 May has further complicated the prospect of bringing the parties back to the negotiating table. On 10 July, Secretary-General Ban Ki-Moon appointed Special Envoy Staffan de Mistura in a bid to revive the political process.

2. The likelihood of a political solution was further weakened by the results of the Syrian presidential elections held on 3 June, with President Assad reportedly winning 88% of the vote, and the gradual yet consistent military gains made by Government forces in certain areas. The Government has become politically and militarily entrenched and is, consequently, less likely to engage in a political process. The Coalition had categorically rejected the elections while President Assad portrayed them as a measure of legitimacy. The presidential inauguration on 16 July drew further regional and international criticism, including from the EU and the US. Russia and Iran stressed that the election results have reinforced President Assad's authority and reflected his popular base of support.

3. The Coalition continued to suffer from internal divisions. Against the backdrop of competing interests of regional and international actors which provide military and financial support, divisions were particularly evident in the lead-up to the election of its current president, Hadi al-Bahra, on 9 July. While still representing the largest political umbrella for the Syrian opposition abroad, the Coalition continues to struggle to establish reliable links with local military councils and other, predominantly Islamist, forces inside the Syrian Arab Republic. Recent conflicts within the Coalition's Supreme Military Council – intended to represent various 'moderate' military factions – are symptomatic of this disconnect.

4. Influential states continue to provide financial and military support to the various warring parties in the Syrian Arab Republic, reinforcing the existing political and military impasse. Significant changes in the conflict dynamics, however, have altered the regional and international approach towards the Syrian conflict. The emergence of ISIS as a potent military force, both in the Syrian Arab Republic and Iraq, has increased States' caution, particularly in terms of supplying military aid to armed groups. Fears have arisen that any supplied weapons may be used by ISIS. The continued military and political fragmentation of the opposition has markedly reduced its overall effectiveness and compromised the trust of its regional and international backers.

5. With ISIS representing a regional and international threat, many States have shifted their priorities towards limiting its influence and preventing any potential spillover. Fighting extremism has become a common cause for States with otherwise conflicting interests, potentially signalling further changes in Governments' policies towards the conflict.

6. The Security Council issued resolution 2165 (2014) on humanitarian cross-border aid on 15 July. Despite consensus on the grave violations being committed inside the Syrian Arab Republic, the Security Council was unable to ensure implementation of its own call for accountability in resolution 2139 (2014), failing to refer the situation to the International Criminal Court. This impasse must be replaced by a genuine political will to bring the parties back to the negotiating table with the participation of all Syrian political actors.

附件三

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Humanitarian context

1. With 6.5 million internally displaced persons and 2.9 million registered refugees, Syria has become the world's worst humanitarian catastrophe. According to UN agencies, 10.8 million Syrians are in need of urgent humanitarian assistance inside the country, 241,000 people still live under siege and 4.7 million reside in hard-to-reach areas. Despite the passing of resolution 2139 (2014), insecurity, hostilities and administrative restrictions continue to prevent humanitarian access to a growing number of locations. The level of obstruction to the delivery of aid by all warring parties was qualified as "inhuman" by OCHA's Under-Secretary-General Valerie Amos.
2. Areas considered safe havens by families forced into repeated displacements came under attack. In June, the shelling of a camp of internally displaced persons in Ash-Shajarah, Dara'a, resulted in dozens of casualties.
3. The ever-growing influx of refugees into Lebanon, Turkey, Jordan and Iraq has heightened tensions between Syrians and their host communities, threatening the security of the entire region. Cases of forcible returns and denial of access are on the rise. Palestinian refugees seeking safety in neighbouring countries are particularly affected by these factors.
4. Syrian women and children form the vast majority of refugee and internally displaced communities. The social and economic impact of the conflict has placed them at increased risk of abuse and exploitation. Child marriages and sexual violence emerged as prominent issues in refugee camps, with devastating consequences on the education and health of Syrian girls.
5. Despite immeasurable operational challenges and deliberate attacks against them, humanitarian agencies and NGOs continued to provide life-saving assistance to Syrians in need, including through polio vaccination campaigns, water sanitation programmes and medical items distributions throughout the country.
6. The unanimous adoption of resolution 2165 (2014) authorising the delivery of humanitarian assistance across borders via Turkey, Jordan and Iraq is a very important step forward. The first convoy from Turkey through the Bab Al-Salam crossing took place on 24 July, without any reported incident. The resolution potentially opens up direct routes to approximately three million people caught in the conflict.

附件四

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Specific mandate on massacres

1. Acting upon the request of the Human Rights Council to investigate all massacres,¹⁰ the commission adopted the following working definition of 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 sentencing or execution without due process and the war crime of attacking civilians, perpetrated in the context of and associated with the ongoing non-international armed conflict in the Syrian Arab Republic. 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.
3. While the majority of civilian casualties resulted from indiscriminate or disproportionate attacks, primarily aerial bombardments, these killings do not fall within the definition of a massacre. Where there are reasonable grounds to believe that the shelling, bombardments or bombings intentionally targeted civilians, such attacks fall within the definition and are detailed below.
4. Given the lack of access, special mandate to investigate massacres and delay in reporting, massacres perpetrated outside of the reporting period are also documented.

1. Government forces*Damascus governorate***Beit Saham, Rif Damascus, 14 and 18 December 2013**

5. In December 2013, a negotiation aimed at opening roads for food and medicine and to allow civilians to leave took place between Government forces and the local committee of Beit Saham. On the understanding that the negotiation had been successful, civilians attempted to leave on 14 December. Government forces opened fire on the civilians, killing approximately 15 and forcing survivors back into the besieged area. On 18 December, several hundred civilians from Beit Saham and other towns in eastern Ghouta, in desperate need of food and understanding that an agreement had been reached, again attempted to leave. While there are reasonable grounds to believe that some armed fighters were accompanying them, the convoy was overwhelmingly civilian. Government forces again opened fire, killing at least 30 civilians and wounding many others.

Hay Al-Qaa, Rif Damascus, early March 2014

6. During the Government offensive in Yabroud, a house was hit by a barrel bomb killing an entire family of four, including two children. A man who helped retrieve their

¹⁰ HRC resolution 21/26, para. 19.

bodies from the rubble stated that all the victims were civilians and that there was no presence of armed fighters in the area. A resident stated that “if they wanted to hit a house, they would destroy the whole neighbourhood,” suggesting a punitive element to the attacks.

Hawsh Arab, Rif Damascus, late March 2014

7. In late March, a helicopter dropped a barrel bomb on a house in Hawsh Arab, causing its total destruction and killing two women and four children. According to surviving relatives, there were no armed group fighters present in the house or its vicinity as armed groups were positioned in the hills and mountains around the village. Former residents of Hawsh Arab stated that the aerial bombardment of civilians was intended to cause their displacement as part of a scorched earth policy to prepare the area for a ground assault.

Aleppo governorate

Al-Sukkari district, Aleppo city, 18 January 2014

8. At approximately 3pm, a Government helicopter dropped three consecutive barrel bombs on a street intersection in Al-Sukkari district. An alley of 20 residential buildings was affected by the attack, sustaining extensive damage. A victim of the attack, a 15-year-old boy, described how he was with his brother, three of his cousins and a friend in front of his house when they heard a hovering helicopter. His 15-year-old cousin was killed in the attack, in addition to a reported 30 civilians including women and children.

Qadi Askar, Aleppo city, 30 January 2014

9. A barrel bomb was dropped on a residential neighbourhood in Qadi Askar, landing 50 metres away from the Sa’ad Alla al Jabry School, killing 16 civilians including women and children, and maiming dozens more. The attack caused extensive destruction of residential and commercial buildings. Armed groups stationed in Qadi Askar were located over 300 metres from the site of the attack.

Tariq Al-Bab, Aleppo city, 2 February 2014

10. At 9am, a Government helicopter dropped two barrel bombs near a mosque in Tariq Al-Bab next to Al-Halwaneya roundabout. Another barrel bomb was dropped shortly thereafter, killing 10 people including women and children. A victim of such attacks stated, “the attacks happen at prayer time on Friday because they know that is where people go at that time.” A doctor who treated victims of the attack at a field hospital in Aleppo stated that he saw no armed group fighters among the killed or injured. According to residents of Tariq Al-Bab, there are no armed group bases or checkpoints located near the Al-Halwaneya roundabout.

Al-Sukkari district, Aleppo city, 4 February 2014

11. On 4 February, two barrel bombs were dropped on civilian objects in Al-Sukkari district. The first barrel bomb hit a five-storey residential building, causing its collapse. At the same time, a barrel bomb hit a vegetable market. The attacks killed at least 5 people, all civilians and wounded countless others. This attack was part of an intensive period of bombardment on Aleppo from 1 to 5 February, which resulted in hundreds of civilians killed, including dozens of children. A mass exodus of civilians from Al-Sukkari and other eastern districts of Aleppo followed.

Masakin Hanano, Aleppo city, 4 February 2014

12. On 4 February, a Government helicopter dropped a barrel bomb on Masakin Hanano, hitting two residential buildings and a mosque. The attack killed 12 people, most of whom were children attending religious classes at the mosque. The attack followed a pattern of barrel bombs hitting soft targets in Masakin Hanano in early February, including two

primary schools, a mosque and a field hospital. Each attack resulted in the deaths of dozens of children, many of whom were internally displaced persons from Rif Aleppo.

Al-Haydaria, Rif Aleppo, 9 February 2014

13. As civilians were fleeing Aleppo following an intensive period of bombardment from 1 to 5 February, at 8am on 9 February a Government helicopter dropped a barrel bomb on Al-Haydaria roundabout, a transport hub and gathering point for vehicles transporting internally displaced persons. A victim of the attack, a mother whose three children were severely injured, stated that there were over 200 people gathered around the area, all civilians waiting for buses. She described seeing “dead bodies, some charred and others with severed limbs, scattered all over the place, people screaming in pain and others burning inside minibuses.” Another barrel bomb was fired at minibuses heading from Al-Haydaria toward the border. The attacks hit approximately 10 vehicles, killing at least 20 civilians, including women and children, and injuring many more.

Al-Sakhour, Aleppo city, 11 February 2014

14. On 11 February, a Government helicopter dropped three barrel bombs on residential buildings and a vegetable market in Al-Sakhour. At least 7 civilians were killed and over 14 others severely injured by the attacks, which caused extensive damage to civilian infrastructure. As a result of this and other barrel bomb attacks on Al-Sakhour, one resident described the district as “flattened.” Victims of the attack fled Aleppo city, as part of a mass displacement toward the border.

Masakin Hanano, Aleppo city, 17 February 2014

15. On 17 February, a Government helicopter dropped a barrel bomb on a densely populated roundabout. The area was a well-known and crowded bus station and transport hub. A witness of the attack described seeing victim’s bodies and limbs strewn about a large area, with many bodies torn to pieces. This made it “impossible to make a body count”. Available information indicates that over 15 people, all civilians, were killed in the attack. There were no military targets in the immediate vicinity of the targeted area.

Ain Al-Tal (Handarat) Palestinian Camp, Rif Aleppo, 21 and 22 February 2014

16. Palestinian refugees living in Ain Al-Tal camp described how a Government helicopter dropped two barrel bombs on the camp, killing a woman and a child and injuring at least 8 others on 21 February. Following the attack, approximately 100 people fled the camp toward the border. While travelling on the road from Al-Jandoul Handarat to Azaz on 22 February, a Government helicopter dropped bombs on their cars, indicating a deliberate attempt to target those fleeing the camp.

Fafeen, Rif Aleppo, 22 February 2014

17. After a barrel bomb was dropped near Fafeen on 22 February, a family living nearby rushed to collect their belongings and flee the area. Surviving family members described how they were about to leave their house, when a Government helicopter dropped a barrel bomb in their yard, killing their relatives: three young women, a female child and a female adult.

Al-Sukkari, Aleppo city, 23 March 2014

18. On 23 March at 10am, a Government fighter jet fired a missile at Al-Wadi street, a crowded thoroughfare in Al-Sukkari. A victim who was in his workshop on the street described how his 13-year-old nephew was killed immediately as a result of severe shrapnel injuries. At least 20 people were killed in the attack, including 5 children. As a result of the attack, residential buildings in the area sustained heavy damage. Victims stated that there were no military targets or armed group presence on Al-Wadi street.

Al-Shaar, Aleppo city, 4 and 6 April 2014

19. A Government helicopter dropped barrel bombs on a residential neighbourhood in Al-Shaar district, just prior to Friday prayers. The attack killed 20 people, among them women and children. Dozens more were injured in the attack, which caused significant destruction of residential infrastructure in Al-Shaar. On 6 April, a helicopter targeted the same area with two consecutive barrel bombs, killing at least 20 civilians. The attacks appeared to target shops, residential buildings and crowded streets.

Tel Jabin, Aleppo, 5 April 2014

20. On 5 April, a Government helicopter dropped two barrel bombs on Tel Jabin, killing 10 people, including a woman and her three children. Tel Jabin is a hub for IDPs.

Tel Jabin, Aleppo, 20 April 2014

21. On 20 April, a Government helicopter hit Tel Jabin with two consecutive barrel bombs which killed 8 people, including a woman and 4 children. At least 20 other people were severely injured in the attack.

Biideen, Aleppo city, 20 April 2014

22. A Government helicopter dropped four barrel bombs in close sequence on Biideen neighbourhood. The attack was accompanied by artillery and mortar shelling, leading to the deaths of 30 people and injury of dozens more. The victims of the attack were civilians buried under the rubble of collapsed buildings hit by barrel bombs. The area appeared to be targeted due to the large number of internally displaced persons seeking shelter from hostilities in nearby areas.

Al-Fardous, Aleppo city, 20 April 2014

23. On 20 April, a Government helicopter consecutively dropped two barrel bombs on Al-Fardous neighbourhood, a densely populated area. The first barrel bomb hit a crowded commercial street. The second bomb fell 400 metres away, on residential buildings. At least 40 people were killed, among them women and children. The bombs were dropped around 5pm, when the street was most crowded with people shopping for basic goods. The frontline in Aleppo city is three kilometres away from the site of the attack. Victims of the attack stated that there was no armed group presence in the vicinity.

Ain Jalout School, Al-Ansari al-Sharqi, Aleppo city, 30 April

24. On the morning of 30 April, Ain Jalout School in Al-Ansari al-Sharqi, Aleppo city, was hit by two consecutive missiles. The attacks killed 35 people, including 33 children, and severely injured approximately 40 more. The school was targeted at a time when parents and children gathered in large numbers for an exhibition of children's artwork depicting their experiences of war. Ansar Al-Aqida uses a building that is part of the same school complex as a barracks for approximately 50 fighters. However, the timing of the attacks and their repetitive nature indicates that the attacks had the intention of wounding and killing as many people as possible. Ain Jalout School had previously been attacked in 2013. The character and context of the attacks on the school make it apparent that Government forces could not consistently mistaken their target to be the school building rather than the adjacent barracks of Ansar Al-Aqida. In addition to wounding and killing children, attacks on schools damage educational infrastructure and militarise civilian areas.

Al-Halak, Aleppo city, 1 May 2014

25. At 4pm on 1 May, a Government fighter jet fired three consecutive missiles on Al-Halak market, killing at least 40 and wounding over 100 people. A victim of the attack described that at the time of the attack the market was crowded with people, all of whom were civilians buying basic goods such as fuel for generators.

Armanaz, Aleppo, 5 May 2014

26. On 5 May around 12pm, Armanaz was hit with two rockets fired from a fighter jet. The two rockets consecutively hit the same residential building, which was inhabited by civilians. Residents of the building and victims of the attacks stated that there were neither military activities nor armed group fighters in the area. A man who witnessed the attack and helped pull bodies from under the rubble described seeing the dead bodies of three children and a woman. Nearby buildings were severely damaged. Residents whose homes were destroyed were forced to leave Armanaz.

Al-Sukkari, Aleppo city, 10 May 2014

27. A construction site in Al-Sukkari was attacked on the morning of 10 May with a barrel bomb, killing 16 men. The area, under the control of Liwa al-Tawhid at the time of the attack contained no military targets in the immediate vicinity of the attack. According to victims, there was an armed group checkpoint 300 metres away from the site. The attack appeared to target clear evidence of civilian life.

Bustan Al-Qasr, Aleppo city, 30 May 2014

28. At 1pm on 30 May, a Government helicopter dropped two barrel bombs on Karraj Al-Hajz street. A man described how he rushed to the site of the attack and witnessed many women and children among the dead and wounded. While first responders were collecting the dead and wounded, the site was targeted a second time. At least 10 people were killed in the attack and 22 others injured. According to doctors who treated the victims at Al-Zarzour hospital, most of the casualties were civilians.

Al-Sakhour, Aleppo city, 10 June 2014

29. On 10 June, two consecutive barrel bombs targeted a site in Al-Sakhour located 250 metres from an armed group base. The bombs hit residential buildings, adjacent to a mosque and Al-Sakhour hospital. The bombs caused serious damage to houses and resulted in the deaths of 10 children, among other civilians. Residents who helped collect their bodies described how without proper tools and machinery, many of the victims were trapped under the rubble of their homes until days following the attack.

Al-Sukkari, Aleppo city, 16 June 2014

30. On 16 June, a Government helicopter dropped two barrel bombs on Al-Sukkari district. The first bomb hit a residential building. The second bomb, fired less than 10 minutes after the first, hit a main intersection close to the Al-Sukkari Local Council located less than 50 metres away from the site of the first attack. The intersection was deliberately targeted. Victims described that the local council office was conducting two days of aid distribution, with hundreds of families gathering to collect assistance at the time of the attack. It is unlikely that Government forces could have mistaken the crowded intersection with nearby Ahrar Al-Sham bases in Al-Sukkari, stationed in the Al-Thawra Elementary School and Al-Rabi'ee wedding hall. The timing and deliberate nature of the attack indicates that civilians were its object.

*Dara'a***Jasem, Dara'a, 12 February 2014**

31. On 12 February, people shopping at a market in Jasem heard the sound of a helicopter flying overhead and started running to hide. Moments later, a barrel bomb dropped on the market, killing 16 persons. Shops and buildings in the marketplace were destroyed. The marketplace and the people shopping appeared to be the object of the attack.

Dara'a city, 16 May 2014

32. At 2pm, Government forces aurally bombarded a residential neighbourhood in Dara'a city, killing 6 civilians, including a woman and a 5-year-old child and injuring many others. First responders and nearby residents that rushed to their assistance were targeted 15 minutes after the initial attack, killing many of them.

Dael, Dara'a, mid-June 2014

33. A barrel bomb was dropped on a residential neighbourhood in Dael in mid-June, killing five people including a woman and a child. The closest armed group position was located 1.5 kilometres away. The victims of the attack could not access the nearest hospital as it was in a Government-controlled area and wounded persons were not allowed to pass through checkpoints.

Al-Shajara, Dara'a, 18 June 2014

34. On 18 June, a camp for internally displaced persons located in and around a school in Al-Shajara was hit by a barrel bomb. Twelve people were killed in the attack and two others died of severe injuries before reaching medical treatment. According to doctors who treated victims of the attack, all those injured were civilians. They bore multiple injuries, many resulting in amputations due to severe wounds to their limbs, consistent with the damage caused by barrel bombs.

2. Non-State armed groups

Anti-Government armed groups

Rif Damascus

Adra, Rif Damascus, 11 and 12 December 2013

35. On 11 December 2013, armed groups – including Jabhat al-Nusra and Jaysh al-Islam – entered Adra. They entered civilian houses and, in some instances, screened and removed men on sectarian grounds. At least 15 men were shot and killed after being removed from their houses.

Badr al-Din al-Husseini Institute, Damascus Old City, 29 April 2014

36. Badr al-Din al-Husseini Institute in Shaghur, Old City of Damascus on 29 April was shelled by anti-Government armed groups stationed in Jobar, resulting in the deaths of 17 and injury of over 86 children and adults. It followed a clear pattern of armed groups using their artillery and mortar shelling capabilities to target soft targets, in particular school yards in the Old City of Damascus, where numerous children congregate. Anti-Government armed groups have intentionally targeted civilian localities due to their perceived support of the Government, occasionally along sectarian lines. The shelling of schools in Damascus is calculated and deliberate.

Hama

Ma'an, Hama, 24 December 2013

37. On 24 December 2013, an anti-Government armed group entered Ma'an, a village 30 kilometres north of Hama city. While some local men attempted to defend the village, they were quickly overrun. Armed group fighters killed between 10 and 15 civilians, including women and children, inside the village. All of those killed were Alawite. Later, Liwa al-Islam, Jabhat al-Nusra and Jund Al-Aqsa posted videos of the attack. The majority of Ma'an's residents fled following this attack. Most of those who remained were too poor, elderly or disabled to leave.

Ma'an, Hama, 9 February 2014

38. In the early hours of 9 February, residents woke to the sound of gunfire and mortar shelling. Armed groups, including Jabhat al-Nusra and Liwa al-Qasa attacked Ma'an. Again, some men in the village attempted to defend it but they were quickly overrun. Approximately nine of them were shot and killed while fleeing. At least 20 civilians were shot and killed in the attack.

Al-Salamiya, Hama, 11 April 2014

39. On 11 April, a group affiliated to Jabhat al-Nusra attacked Al-Majbal checkpoint, 20 kilometres from Al-Salamiya. The checkpoint, run by approximately 22 Syrian army and members of the National Defence Force, was intended to cut the rebel supply lines to Ar Raqqah governorate. The checkpoint had been the object of attack previously but on this occasion, was overrun. Some were killed in the initial attack while others managed to escape. Approximately 13 were captured alive and immediately executed. Three bodies were burnt beyond recognition and ten had been reportedly, though it is unclear whether they were beheaded while still alive.

*Aleppo***Al-Kindi hospital, Aleppo city, Aleppo, 4 January 2014**

40. Al-Kindi hospital, in northern Aleppo city, occupied a strategic area close to a front line and overlooking several opposition-controlled neighbourhood. It had not been used as a hospital since 2012 when it was captured by the FSA. In December 2012, it was turned into a military base by the Syrian army. Aside from being briefly held by the FSA in May 2013, it remained under the control of the Government under 20 December 2013. On that date, Jabhat al-Nusra took control of the hospital, after targeting it with two suicide bombings. While most of the Syrian army soldiers escaped, between 10 and 15 were captured by Jabhat al-Nusra. The group later released a video showing its fighters shooting the captured soldiers in the head.

*Homs***Arman Street, Homs city, 6 March 2014**

41. Arman street is a main commercial thoroughfare in Homs city. Residents in that area are mainly Christian and Alawite. There are no military targets in the area, considered to be one of the safer places in the city. At approximately 3pm on 6 March, a car bomb exploded on the entrance of the street, killing at least nine people, including women and children. It also injured several dozen people.

Al-Zahra, Homs city, 17 March 2014

42. On 17 March, an armed group detonated a car bomb in the Al-Zahra neighbourhood of Homs city. Al-Zahra is a residential area with a mixed population of Sunni, Shia and Alawite. There are no checkpoints or other military targets in the area. The bomb exploded on a crowded, narrow, commercial street. As the explosion occurred at approximately 4.30pm, the area was crowded with civilians. At least six people died instantly with two more dying later in hospital. More than a dozen were injured.

Karm Al-Louz, Homs city, 9 April 2014

43. Within a period of 20 minutes on 9 April 2014, two car bombs exploded in the Karm Al-Louz neighbourhood of Homs city. The neighbourhood is a middle-class residential area, populated mainly by Alawites. There were no soldiers based in the area nor were there any other military objectives.

44. The first car was parked near to a centre which distributed gas cylinders, which exploded along with the car on detonation. As paramedics, firefighters and civilians rushed to the scene of the bombing to assist the injured and douse the flames, a second car bomb exploded. The second car was parked on the road between the Al-Eiyadat Al-Shamila Hospital and the site of the first attack and appears to have deliberately targeted first responders carrying the injured to hospital. Jabhat al-Nusra has claimed responsibility for the double bombings.

Oshak street, Homs city, 14 April 2014

45. In the early afternoon of 14 April, a car bomb exploded in Oshak street in Homs city. The car had been parked in front of shops in a commercial area. There were no military checkpoints or installations in the area surrounding the explosion. The dead and injured were taken to the Al-Za'eem hospital. Six civilians were killed instantly. Scores more were injured.

Akrama, Homs city, 18 April 2014

46. On Friday 18 April 2014 a car bomb exploded near Bilal Al-Habashi Mosque, at the edge of Akrama neighbourhood. Friday prayers had just finished and the area was crowded as worshippers exited the mosque. The explosions did not target any military objectives. Fourteen civilians were killed instantly, including a 13-year-old boy.

Al-Abassiya, Homs city, 29 April 2014

47. Al-Abassiya neighbourhood in Homs city is a crowded lower-class neighbourhood, populated primarily by members of the Alawite community. The ground floors of buildings are filled with clothes and food shops, which residents live in apartments above. There was no military presence in the area affected by the bombing.

48. On 29 April, the neighbourhood was hit with a double car bombing. The first car bomb exploded at approximately 1pm. After the first explosion, concerned residents ran to the scene to assist the injured. Ten minutes later, another car, parked 30-40 metres away, exploded. The second explosion was far more powerful than the first and deliberately targeted people who had rushed to the area to assist victims of the first bombing. The second bombing also caused a large fire. The impact site was a scene of horror with bodies of those killed on fire or torn apart by shrapnel.

49. At least 45 people were killed instantly in the two bombings, many of them below the age of 18. Some victims were killed by shrapnel while others had burned to death. Scores more were injured. Many of the injured suffered severe burns and died later in hospital. Jabhat al-Nusra claimed responsibility for these attacks.

Al-Hiraqe village, eastern Homs countryside, 2 June 2014

50. Al-Hiraqe village is part of the district of Al-Mukharam city in the eastern Homs countryside. It is home to approximately 4,000 residents, mainly Alawites. A car bomb was detonated in the village at 1pm on 2 June, the day before Syria's Presidential elections. The explosion killed at least 15 civilians, including women and children. Three of the children killed were under 6. One of the female casualties was 70 years old. There were no military targets in the area. Many of the bodies were dismembered by shrapnel. Jabhat al-Nusra has claimed responsibility for this attack.

Wadi el-Dahab Square, Homs city, 13 June 2014

51. Wadi el-Dahab is a residential middle-class neighbourhood in Homs city. There are no military targets present in it. On 13 June, an armed group exploded a car bomb in the main square, killing seven civilians.

Wadi el-Dahab Square, Homs city, 19 June 2014

52. On 19 June, an armed group exploded a car bomb on the main square of Wadi el-Dahab. Nineteen civilians were killed.

Islamic State of Iraq and Al-Sham

Aleppo

Qadi Askar neighbourhood, Aleppo city, early January 2014

53. By late 2013, ISIS had taken over a former Ophthalmology Hospital in Qadi Askar neighbourhood of Aleppo city. It used the building as its headquarters and set up a makeshift detention centre in its basement. Previously the building had been held by the Islamic Front and contained its Sharia court. With ISIS refusing to accept the court's authority, relations between the groups deteriorated. ISIS was abducting people who had been critical of it or who had worked with foreigners, such as journalists. In early January, fighting erupted between ISIS and Liwa al-Tawhid, eventually forcing ISIS to negotiate a withdrawal eastwards, out of the city. On Liwa al-Tawhid's entering the premises, several dozen bodies were found. There were all men, bound and blindfolded, who had recently been shot at close range.

Ar Raqqa

Ar- Raqqa city, Ar Raqqa, 29 April 2014

54. On 29 April, as detailed in paragraph 32 of the present report, ISIS publicly executed seven males, five of them under the age of 17 years in Ar Raqqa city.

Al-Hasakah

Al-Talaliyah, Al-Hasakah, 29 May 2014

55. Al-Talaliyah is a Yazidi village in western Al-Hasakah governorate. When ISIS began to assert itself in the area, the village's population fled. The village was occupied by Sunni Arabs, most of who had been displaced from Safira by Government bombardments. In late May, ISIS and the YPG, the Kurdish armed group, were engaged in violent clashes around Al-Talaliyah.

56. On 29 May, ISIS fighters entered the village. There they began to execute villagers, including women and young children, believing them to be Yazidis. According to survivors, the villagers, desperate to show that they were Muslims, began to recite the verses of the Quran. Bar one fighter from Iraq, none of the ISIS fighters spoke Arabic. The Iraqi fighter intervened, preventing further killings. Approximately 15 people were killed before the Iraqi fighter could translate to the other ISIS fighters that the residents were Sunni Arabs.

3. Unknown Perpetrators

57. In the incidents detailed below, while there are reasonable grounds to believe the killing occurred as described, it has not yet been possible to determine the identity of the perpetrators to the commission's standard of proof.

Aleppo

Khanat Assan, Aleppo, December 2013

58. In December 2013, a mass grave containing the bodies of at least four adult men and one boy was found on the ground of the El-Beifat poultry farm outside of Khanat Assan. The bodies were said to belong to El-Abdullah family, who had been abducted from Khanat Assan on 2 December. A video, released later by an armed group, showed foreign fighters in army uniforms, speaking Chechnyan. They displayed no flags or insignia and did not state whether they belonged to ISIS or another armed group.

Hreitan, Aleppo, a date prior to 14 February 2014

59. Several mass graves were found on the grounds of the Secondary Institute of Electricity, which also served as ISIS's headquarters until it was forced out by anti-Government armed groups on 14 February. The dead were adult men. It is not clear how they were killed. Further, it has not been possible to determine the length of time that the bodies had been buried or the approximate date of death.

60. Another mass grave, containing the bodies of nine fighters from anti-Government armed groups, was found at Al-Malah farms, near Hreitan. The bodies were dumped in a well on the property.

4. Findings

Government forces

61. Government forces stationed around eastern Ghouta, namely elite units including the 4th Division, Republican Guard and 3rd Division, committed the war crime of attacking civilians on 14 and 18 of December 2013. The victims of the attacks were easy targets to the perpetrators who were positioned in checkpoints blocking all routes out of eastern Ghouta. The sequence of events around the efforts to negotiate the opening of roads demonstrates that the civilians attempting to leave the besieged area were the object of the attack.

62. The war crime of attacking civilians was committed by Government forces in the context of the offensive on Qalamoun (Rif Damascus) during March 2014. During the documented barrel bomb attacks on civilians in Hay Al-Qaa and Hawsh Arab, there was no military equipment or personnel near the victims' homes at the time and place of the incident.

63. The war crime of attacking civilians was committed by Government forces throughout the military campaign on Aleppo city and Rif Aleppo. Between 18 January and 16 June, 23 documented instances of aerial bombardment amounted to the war crime of attacking civilians. In addition to reckless disregard to the possibility that the barrel bombs would hit, kill and maim civilians, the collected information shows that the Syrian armed forces attacked civilians, men and women, children and elderly in particular while engaged in typical civilian activities. In all the incidents documented, the information reveals that civilians or civilian objects were directly targeted, resulting in substantial civilian casualties and that the fire was not aimed at any possibly military target. Where military targets were present, they were located at a substantial distance or confined to an easily identifiable position.

64. In most incidents, multiple barrel bombs were dropped consecutively, ensuring maximum damage to their targets. Several attacks demonstrated that the Syrian air forces deliberately targeted civilian rescuers who rushed to help the victims of the first strikes. Such follow-up attacks clearly indicate that civilians were the object of the bombardments. The documented attacks constitute examples of a campaign of attacks against civilians in Aleppo. The gravity of the attacks, established by their scale, pattern and virtually continuous repetition over a six-month period indicates that the war crimes of attacking civilians were committed as part of a plan or policy. The attacks amounted to area bombardment and constituted a large-scale attack on the civilian population of non-State armed group-controlled districts of Aleppo city and Rif Aleppo.

65. The war crime of attacking civilians was committed by Government forces in Dara'a governorate in the course of its aerial bombardment campaign in incidents occurring between 12 February and 18 June 2014. The pervasive and consistent nature of the barrel bomb attacks and their perpetration resulted in the terrorization of the inhabitants of Dara'a. The documented incidents are examples of the aerial campaign on non-State armed group-

controlled areas of Dara'a governorate, which have killed and wounded countless civilians during daily activities or while in their homes. Follow-up attacks targeting civilian rescuers and first responders and attacks targeting internally displaced persons demonstrate the deliberate nature of the bombardment.

Non-State armed groups

66. The war crime of murder was committed in massacres perpetrated by anti-Government armed groups, namely by Jabhat al-Nusra and Jaysh al-Islam in Adra (Rif Damascus) in December 2013, by Jaysh al-Islam, Jabhat al-Nusra and Jund al-Aqsa in Ma'an (Hama) in December 2013, Jabhat al-Nusra in Aleppo in January 2014, Jabhat al-Nusra and Liwa al-Qasa in Ma'an (Hama) in February 2014, and by a group affiliated by Jabhat al-Nusra in Al-Salamiya (Hama) in April 2014. In all documented incidents, anti-Government armed groups killed civilians or persons *hors de combat* in close quarters.

67. The war crime of attacking civilians was perpetrated by armed groups stationed in Jobar (Rif Damascus) on 29 April 2014 in their attack on Badr al-Din al-Husseini Institute in the Old City of Damascus. The institute is located in a civilian neighbourhood with no military targets in its vicinity. Civilians, in particular children attending the institute, were the object of the attack. The attack followed a pattern of shelling of schoolyards in Damascus demonstrating the deliberate and calculated nature of the attack.

68. The war crime of attacking civilians was committed by Jabhat al-Nusra and other unidentified armed groups in their car bomb attacks on Government-controlled neighbourhoods of Homs city between 6 March and 19 June 2014. The attacks did not target any military objectives, nor was there any military equipment or personnel near the sites of the attacks. The double car bombings in Karm Al-Louz on 9 April and in Al-Abassiya on 29 April were clearly intended to cause mass civilian casualties with the second car bombs targeting the civilian rescuers and first responders helping the victims of the first attacks. The nine documented attacks formed part of single campaign of spreading terror among the civilian population of Homs city by Jabhat al-Nusra.

69. The war crime of murder and the war crime of execution without due process were committed by ISIS in Aleppo in early January, in Ar Raqqah city (Ar Raqqah) in April and in Al-Talaliyah (Al-Hasakah) in May 2014. The execution of the victims, usually accused of affiliation with other armed groups, was linked to the ongoing non-international armed conflict in Syria. In its public display of bodies and failure to honourably inter the bodies in accordance with the rites of the religion of the deceased, ISIS has violated customary international humanitarian law. ISIS carried out public executions to instil terror among the population, ensuring submission to its authority.

70. ISIS has committed acts of violence against the civilian population under its control in Al-Raqqah and eastern Aleppo governorates. This is a continuation – and a geographic expansion – of the widespread and systematic attack on the civilian population identified in A/HRC/25/65. ISIS, a structured group, directs and organises these acts of violence against civilians, evincing an organisational policy. While the victims appear to be largely *hors de combat* fighters, the unlawful killings in Al-Raqqah and identified localities in Aleppo governorates, detailed above, form part of this attack. In perpetrating these killings, ISIS has committed the crime against humanity of murder.

Unknown perpetrator

71. Where neither the perpetrator nor the circumstances of the deaths could be determined, incidents remain under investigation.

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Specifically protected persons and objects**1. Government forces**

1. The healthcare system has been severely affected in the course of military operations carried out by Government forces, as well as through a deliberate and systematic campaign to persecute medical staff treating anyone perceived to be opposing the Government. The prevention of access to healthcare continues to be used to punish and subdue civilians residing in armed group-held or contested areas, or persons perceived to be affiliated with armed opposition groups.

2. Healthcare infrastructure and medical facilities in contested areas have been damaged in hostilities and destroyed by targeted attacks. The flight of healthcare professionals owing to fear of arrest, and the death and injury of medical staff has left armed group-controlled areas without adequate medical care. The continued denial and removal of medical supplies from humanitarian aid deliveries and the collapse of the country's pharmaceutical industry have further worsened the provision of medical care.

3. Medical functions continue to be targeted as part of a broader assault on civilians. During the Government's offensive on Yabroud (Rif Damascus) in early February, a hospital in which internally displaced persons were seeking shelter was shelled, killing three and injuring seven people. As the military operation escalated, medical clinics were targeted and destroyed on 15 and 16 March. On 15 May, Government forces dropped two consecutive vacuum bombs on Radwan field hospital in Jasem (Dara'a), destroying the facility. Four medical personnel and two children were killed, and more than 15 were critically injured. This facility was the sole source of medical care in Jasem. Residents described how the hospital's destruction and resulting lack of medical care led to an increase in infant mortality.

4. During the military campaign on Aleppo, Government forces attacked medical facilities to achieve military advantage. In eight documented attacks between early February and 24 June, Government forces dropped barrel bombs on M10 Trauma Field Hospital in Masakin Hanano, Aleppo city. Doctors and patients were killed in the attacks, which damaged crucial infrastructure such as operating rooms and the intensive care unit, as well as life-saving equipment. These attacks have severely limited access to medical care in Masakin Hanano during the barrel bombing campaign on northeastern Aleppo, depriving those injured in Government attacks on Sheikh Najjar Industrial Area and around Aleppo Central Prison of medical treatment.

5. On 12 April, Al-Zarzour Hospital, which provides medical treatment for opposition forces based in Al-Ramoussa, Al-Azizia and Al-Layramoun, was targeted by two consecutive barrel bombs. The hospital serves the most heavily bombarded opposition-held districts in Aleppo city, including Al-Ansari al-Sharqi, Al-Sukkari, Bustan Al-Qasr, Salah Al-Din and Al-Mashahed. It was further damaged on 7 May and 18 June, when helicopters dropped a barrel bomb 200-400 metres away.

6. Al-Sakhour Hospital, one of the few remaining medical facilities in eastern Aleppo, was hit by a barrel bomb on 7 February, killing two and injuring 16 people, including four medical staff. In June, Al-Sakhour Hospital suffered seven barrel bomb and missile attacks, causing significant damage to medical equipment and the partial destruction of the facility. Four medical staff were injured in the attacks. Following an attack on 23 June, the hospital

was temporarily closed. The attacks severely limited access to medical care in opposition-controlled areas of Aleppo.

7. On the morning of 13 April, a barrel bomb hit the M1 Trauma Hospital in Aleppo, destroying its top floor. The same day, a barrel bomb hit Al-Daqqaq Hospital in Al-Shaar, causing significant damage to its operating rooms, water and sewage infrastructure. On 24 June, Bab Al-Hadid field hospital was attacked by missiles, injuring two patients and damaging equipment. Omar bin Abdulaziz Hospital in central Aleppo city was severely damaged on 5 July by a barrel bomb dropped in its vicinity. In Idlib, Bab Al-Hawa field hospital was hit by two consecutive missiles on 7 June, damaging the facility infrastructure.

8. Across the country, field hospitals and makeshift clinics are concealed in underground cellars and basements. Medical staff at a field hospital in Quneitra noted they do not mark the location with a red cross or red crescent emblem since “once the regime learns where the hospital is, they will attack it.”

9. Government forces and authorities acted in disrespect for medical ethics and the duty of health workers to treat the sick and wounded regardless of affiliation. Doctors, nurses, pharmacists and paramedics arrested and disappeared in 2011 and 2012 continued to be detained or their whereabouts remain unknown. A field hospital doctor detained in Damascus in spring 2013 for aiding the opposition continues to be imprisoned in the Air Force Intelligence Branch at Mezzeh Airport. A nurse working in Douma Hospital, arrested in October 2013 for treating wounded members of the armed opposition, died in the custody of Syrian authorities. In May, his parents were informed of his death and burial in Najha cemetery (Rif Damascus) and instructed to retrieve his identification and belongings from a hospital in Damascus.

10. Attacks on medical personnel and facilities violate common article 3 of the Geneva Conventions and customary international humanitarian law and amount to war crimes. The frequency of attacks on medical facilities in opposition-controlled areas of Aleppo city and governorate is indicative of a deliberate policy. Government forces target healthcare infrastructure with the apparent intention of depriving civilians and fighters injured in Government offensives of medical treatment, increasing the loss of life and the number of persons maimed, wounded or killed. Humanitarian workers continue to be targeted in grave violation of international humanitarian law, hampering the operations of aid organizations.

2. Non-State armed groups

Islamic State of Iraq and Al-Sham

11. In January, a nurse working at a hospital in Byanoon (Aleppo) was abducted by ISIS while transporting a wounded patient. In late January, ISIS detained a pediatrician working for an international NGO in Jarabulus (Aleppo). In early February, three medical staff from a field hospital in Al-Bab (Aleppo) were detained by ISIS and brought in front of a shari’a court before being released. These incidents fit a previously documented pattern of ISIS detaining doctors in contravention of the customary international humanitarian law rule that under no circumstances shall any person be punished for carrying out medical activities.

12. ISIS fighters occupied Al-Jabal Hospital in Al-Bab in January, and have converted the operation rooms to a detention facility. Using hospitals outside their humanitarian function prevents the impartial provision of medical treatment, endangers patients and medical professionals, and compromises the humanitarian function of medical facilities. This has a grave impact on the fulfilment of the obligation under common article 3 to care for the sick and wounded. Failing to respect the emblems of the Geneva Conventions undermines their protective purpose.

13. Journalists continue to be systematically targeted by ISIS. Two foreign journalists were detained by ISIS in Tal Abyad, (Ar Raqqa) after they explained that they were reporting on the ongoing conflict. They were subsequently interrogated and ill-treated in various ISIS detention facilities until late March 2014. On 29 April, ISIS executed a journalist in Tal Abyad. The detention and killing of journalists violates international humanitarian law and may amount to war crimes.

14. Jabhat al-Nusra and Islamic Front fighters stationed near the Old City of Aleppo continue to fire improvised gas-canister explosives at the Citadel, targeting Government snipers stationed within. On 8 May, Ahrar al-Sham fighters remotely detonated explosives packed into a tunnel dug underneath the Citadel, allegedly used as a base for Government soldiers. On 31 May, they detonated a similar tunnel bomb near the Zahrawi market next to the Citadel. Repeated underground high-magnitude shockwaves have caused structural damage to the thirteenth century Citadel, a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site.

15. The whereabouts of the Syriac Orthodox and Greek Orthodox Archbishops of Aleppo, Yohanna Ibrahim and Paul Yazigi, abducted in Aleppo in April 2013, and of Father Paolo Dall'Oglio, abducted in Ar Raqqa city in January 2014, remain unknown. Dozens of journalists, both foreign and Syrian, remain in captivity, detained incommunicado because of their professional activities. Religious personnel and civilian journalists enjoy specific protection under international humanitarian law and must be respected and protected by all parties.

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Map of the Syrian Arab Republic

